

**CITY OF INDEPENDENCE
REGULAR COUNCIL MEETING MINUTES
APRIL 8, 2008 7:00 P.M.
COUNCIL CHAMBERS**

CAUCUS:

Vice Mayor Vern Blaze called the meeting to order at 5:40 p.m. Present were Mayor Gregory Kurtz (arrived 6:45 p.m.), Council Members Jim Crooks, Dave Grendel, George Klepacz, Tom Narduzzi, Jim Riley and Anthony Togliatti. Also present were Finance Director John M. Veres, Engineering Coordinator Don Ramm, Law Director Greg O'Brien, Engineer Don Elewski.

Moved by Blaze, seconded by Grendel, to recess the Council Caucus for an Executive Session to discuss pending litigation and labor negotiations. Council polled: 7 yes/0 no; motion carried.

The Council Caucus was recessed at 5:41 p.m.

The Executive Session was convened at 5:42 p.m. Present were Council Members Blaze, Crooks, Grendel, Klepacz, Narduzzi, Riley and Togliatti. Also present were Law Director O'Brien and Finance Director Veres.

Moved by Blaze, seconded by Riley, to adjourn the Executive Session and reconvene the Council Caucus. Council polled: 7 yes/0 no; motion carried.

The Executive Session was adjourned at 6:35 p.m.

The Council Caucus was reconvened at 6:36 p.m.

Vice Mayor Blaze stated first is Ordinance 2008-20 the amended annual appropriation ordinance. Finance Director Veres is indicating that the bulk of that is transferring over leftover unencumbered funds from Rockside Road Central and Frontage Road E projects. Are there any questions?

Councilman Klepacz asked, can I infer that we have another \$700,000 that we can spend?

Mayor Kurtz replied no. One reason is there is still the \$300,000 bonus.

Finance Director Veres replied, that's already been factored into it. If it comes in at \$300,000, we're still saving \$700,000.

Councilman Riley asked if it could be used for road projects.

Finance Director Veres replied you'd have to appropriate it.

Mayor Kurtz stated you'll see by legislation on the agenda tonight that we're going to want to take some of it right away for the 205 study.

Vice Mayor Blaze stated next is Ordinance 2008-21 regarding soliciting hours.

Councilman Grendel responded this came out of the Safety Committee.

Councilman Klepacz commented that the wording doesn't make sense, doesn't flow right.

Moved by Klepacz, seconded by Grendel, to amend Ordinance 2008-21 to read, between 9:00 a.m. and 6:00 p.m. Monday through Saturday. Council polled: 7 yes/0 no; motion carried.

Vice Mayor Blaze stated Ordinance 2008-22 is regarding the cemetery. We failed to include the \$25 administrative fee. This is to just include that in there.

There were no objections noted to passing Ordinance 2008-22.

Vice Mayor Blaze stated Ordinance 2008-23 is a new section of the Codified Ordinance regarding animals running at large.

Councilman Grendel commented that people were getting cited for cats running at large under the dangerous/vicious dog ordinance. It made no sense so we're cleaning it up and creating a new section for animals running at large. The citation they'll receive will now pertain to that particular subject. Ordinance 2008-24 is taking animals at large out of the vicious/dangerous dog ordinance.

There were no objections noted to passing Ordinance 2008-23 or 2008-24.

Vice Mayor Blaze stated next is Resolution 2008-50 regarding the Planned Capital Purchase Program. The attachment summarizes the current five major items.

There were no objections noted to passing Resolution 2008-50.

Vice Mayor Blaze stated Resolution 2008-51 is authorizing some fees in 2008 for services from the City Planner Jeff Markley.

Councilman Klepacz asked if they were not to exceed amounts.

Law Director O'Brien replied in an amount not to exceed \$97,500 should be added.

Councilman Riley asked, we don't have him on an hourly rate?

Councilman Crooks replied we do at \$100 per hour.

Mayor Kurtz added, we have to appropriate money into different slots so he can continue to work.

Finance Director Veres commented these are his high estimates.

Vice Mayor Blaze commented, I would hope that most of the \$10,000 for Mapleshade Cemetery is done, unless we start preparing plans for future phases or work there.

Moved by Grendel, seconded by Riley to amend Resolution 2008-51 to read, in a total amount not to exceed \$97,500. Council polled: 7 yes/0 no; motion carried.

Vice Mayor Blaze stated Resolution 2008-52 is the engineering for lower Brookside. Is this for work that we need to do to enter onto some property down on lower Brookside to affect some drainage or creek repair that's undermining Brookside Road?

Director Snyderburn replied correct. It's National Park property.

Councilman Crooks asked if this would bring some relief to residents in that area?

Director Snyderburn replied it's going to help certainly. It will bring relief to Vicky Willard and Heidi Miller. It crosses the road in that area and it goes right into their yards. It also affects Brookside Road itself.

There were no objections noted to passing Resolution 2008-52.

Vice Mayor Blaze stated Resolution 2008-53 is Change Order No. 1 to the Signal Service regarding the Brookside light in the amount of \$12,500. We talked about this at the Safety Committee meeting. This would be for the crosswalk signals.

Councilman Grendel added that this will help the timing of the lights.

Vice Mayor Blaze responded that the timing was bad there. The cycling assumes that somebody is crossing Route 21 and it holds traffic for a full 30 seconds or a minute even if there is nobody crossing at that light.

Don Ramm added and they can't set up the demand system for Brookside either. You will sit there and it won't activate because something is missing.

Mayor Kurtz asked did we look at modifying it in terms of the bases?

Ron White replied I don't think that is included in this legislation.

Director Snyderburn stated this is for ornamental bases. There are ornamental bases that I installed at Rockside and Route 21. It really dresses up the pole. I would like to continue doing this when we put in new poles. There are eight others in the center of town that we never did

anything with. If you're going to pass this legislation I would at least like to have \$3,600 included to put the two on Brookside Road.

Councilman Grendel asked if the walk signals would be on separate poles.

Mayor Kurtz replied no. They'll go on the existing poles and two where there isn't.

Don Ramm commented I think there are three because they need to be within 5-10 feet of the ramp itself to be ADA compliant.

Ron White asked so there will be three additional poles?

Don Ramm replied yes.

Councilman Grendel stated we're going to have another meeting this month to keep moving on the Hillside intersection.

Mayor Kurtz asked why don't we buy them all at once? We're going to eventually do them anyway. There are ten total.

Finance Director Veres responded I'm proposing to adjust the appropriation for Pleasant Valley which this is coming out of by \$15,000 already. This change order was \$11,400. We rounded it up to \$12,500. We can almost pay the \$3,600.

The other poles on Route 21 are also eligible for TIFs but we already have some encumbered funds from last year on various TIFs so let's see what we can do from a purchasing standpoint.

Councilman Riley stated I'm saying if we order ten rather than two we may get a better price.

Finance Director Veres responded, they're not all eligible out of the Pleasant Valley TIF but if we use different TIFs along the route we can do that.

Mayor Kurtz responded so nobody is objecting to buying them. We're just trying to figure out the correct vehicle for buying them. We'll report back to Council on how we need to buy them. If we need some legislative action we can take that at that time.

Finance Director Veres asked, are we buying them from Signal Service?

Director Snyderburn replied no. We're buying them from Union (inaudible) who supplies them.

Finance Director Veres responded so you don't even need to amend this. I'll work on it with Director Snyderburn. It's under \$7,500.

Mayor Kurtz stated we'll get it done and report back on how we did it.

Vice Mayor Blaze stated Resolution 2008-54 is approving the dedication plat for Ben Franklin Way and West Liberty Way. Is this just a formality?

Law Director O'Brien replied yes.

Vice Mayor Blaze stated Resolution 2008-55 is the preliminary plan for Phase 2 of the Meadows Subdivision. This has been before the Planning Commission since the fall of 2007. A big issue for this phase was the drainage – the retention pond that was going to be constructed to manage the storm water from the additional seven parcels. We attempted to try and engineer it so that it would be able to solve some downstream flooding problems. We weren't quite as successful to get it big enough to solve all of our downstream problems but this detention pond and the drainage there we have agreed to should be enough to make it no worse going to the east.

Mayor Kurtz added it's not any worse. We were trying to take a comprehensive approach to dealing with one of the hot spots for drain water. We tried to incorporate three other property owners, a more comprehensive approach to water management. But when we did that we ended up realizing that the cost of doing that was going to exceed possible alternatives for the downstream. We never resolved the actual cost to the property that we were going to need so economically it didn't make sense at that point. We didn't feel it was fair to further stop the process. The developer was very accommodating for several months in order to give us a chance to look at our alternatives. We just determined at that point that the cost would far exceed our expectation in order to participate.

Vice Mayor Blaze commented that Item No. 5 is one of their conditions. This is the first time I can recall that we've gotten a subdivision to agree to a \$500 annual special assessment that would go into a fund. The way it's worded it's for future maintenance of the detention pond but I'd like to make a motion if possible to include in there any infrastructure. We'll have to do roadway repairs and sidewalk repairs.

Mayor Kurtz replied you make a good point. Another concern came to light after our meeting relative to the pipe that was being installed on the north side to accommodate the water on the north of the property. What assurances do we have that the discharge from that pipe won't cause further erosion or problems beyond that discharge pipe? If we can use this money for something like that, or you have to make sure between the preliminary plan and the final plan that you've addressed that issue. It was brought to my attention after the meeting. If you can do that and we can have more flexibility for the use of that money, I'd be more comfortable.

Law Director O'Brien replied simultaneous with Lenny getting the final plat we will present to Council requests for assessments. The Mayor will have to appoint an assessment board. At that time he'll own all that property. We'll have to draft it at that time and we can tailor it to be more encompassing.

Mayor Kurtz stated this is only the seven. We're not going to go back and grandfather it to anyone else. It won't affect anybody else.

Councilman Klepacz asked what the Planning Commission vote was on this.

Mayor Kurtz replied it was unanimous.

Vice Mayor Blaze stated it helps us out financially because we bear the cost of all our maintenance, repairs and replacement of sanitary, storms, roadways and sidewalks. It's unheard of for a community to shoulder that much of an infrastructure burden financially. We're late in the game. Most of the City is built out but it's a small step. If we can do this going forward – with those seven lots there it's \$3,500. If you go ten years, we have \$35,000 built up. It helps us to do some of the repairs that you know are going to come to the infrastructure in that area. It will help to ease the financial burden on the City by having something like this in place.

Law Director O'Brien responded if you remove the words "detention pond" and replace it with the word "subdivision" (inaudible). Again, we're going to have to come back.

Mayor Kurtz added this is just preliminary anyway.

Councilman Narduzzi asked, would that take place with their Homeowners Association fees?

Mayor Kurtz replied, no. This would be an assessment.

Several people speaking at once.

Vice Mayor Blaze stated that's for their common areas for things such as grass cutting.

Councilman Grendel asked, is that pond on his property?

Mayor Kurtz replied, it's on his property. It would be part of that one subplot.

Several people speaking at once.

Councilman Narduzzi asked about a drainage pipe going under a house.

Don Ramm replied that's the old one. They're rerouting it.

Councilman Narduzzi pointed out several properties that he was worried about. Right now that's just grass. You know what's going to happen. In a four year period there is to be a four foot creek there. That was my concern.

Mayor Kurtz commented that this is only preliminary approval. This is time to put those issues on the table.

Councilman Riley asked if Mark Massey and the Sarleys were okay with this.

Mayor Kurtz replied in the approval process we paid special attention to that area with respect to grading and landscaping. The City Planner obviously has to weigh in but we specifically addressed that as a primary issue.

Vice Mayor Blaze added Mark and Greg Sarley were involved in this whole process.

Mayor Kurtz added we're making sure that the landscaping addresses erosion control as well as addressing the view.

Vice Mayor Blaze stated Masseys are mentioned only because on their subplot there is a little pipe that is 10 foot by 10 foot. They're going to either have to get an easement from Massey to (inaudible) it there or they're going to have to get it moved to their property.

Councilman Narduzzi asked how do they get to the pond to clean it out?

Mayor Kurtz replied there is an easement through there. We also talked to Massey and Sarley that during construction if there are broken trees or other issues that they'd like to have cleaned up on their property while the contractor is there, the developer has indicated that he will attempt to accommodate any requests they have on their properties. We can take down old trees or clean up their property.

Councilman Narduzzi asked, what are these cells?

Don Ramm replied those are water quality treatment areas.

Councilman Narduzzi asked, do those also have to be maintained?

Don Ramm replied yes. They're going to be in water quality easements through the Homeowners Association. Shown between Sublots 17 and 18 is a 20-foot access easement for the detention areas. There is another one located behind Sublot 1. Most likely that same easement will be utilized for the storm sewer.

Vice Mayor Blaze asked, those cells are going to need maintenance going forward?

Don Ramm replied yes.

Vice Mayor Blaze asked, that will be the City's responsibility to maintain them?

Don Ramm replied no. That should be in the covenants and restrictions in the Homeowners Association.

Law Director O'Brien commented, we talked about taking an easement for that whole creek since we're going to have the \$500 funding. We were going to take an easement for the detention pond. There was discussion but I should say that it was determined.

Mayor Kurtz stated however we formally agree to it, it's not going to affect the physical improvement, just how they maintain the physical improvements.

Moved by Blaze, seconded by Klepacz, to amend No. 5 in Resolution 2008-55 by removing "detention pond" and replacing it with "subdivision."

Discussion: Don Ramm commented, their engineers forwarded me an Adobe attachment that they did reconfigure the pond, the outlet, to get it off the Massey property. They reconfigured it and are showing it discharging at the same place (inaudible) spillway, riprap discharges. They already had an easement there at that location.

Councilman Riley asked, this \$500 is only in here if the City down the road passes it? Right now they won't be paying this \$500?

Law Director O'Brien replied there is nothing now encumbering the property. We'll have to do a special assessment simultaneous with us giving them final approval.

Councilman Riley responded, I would say to put that in now.

Law Director O'Brien replied he hasn't subdivided it yet.

Mayor Kurtz responded this is the right path to take to achieve that.

Councilman Riley stated I'd rather (inaudible) before anyone builds there, not after everyone has been there.

Mayor Kurtz replied it will be done with the final.

Council polled: 7 yes/0 no; motion carried.

Vice Mayor Blaze stated next is Resolution 2008-56, the money for the Section 205 study that we briefly talked about. Ron has been intimately involved with this along with Don Ramm and the engineer's office. There have been many meetings here and at Congressman Kucinich's office.

Mayor Kurtz commented that it's almost getting to be a monthly event. It's 32 people who are involved. We had 32 people at the fire station – congressman, senator's representatives, mayors, county. It's getting traction. There is a several prong approach to this. One is the 205 study which this is about. We just received this yesterday. This came from the Army Corps yesterday. Valley View has already taken action so they're preparing that. The county is coming up with \$150,000 match money. Originally they were talking about \$300,000 and now we've cut that in half and it could be more. We're also looking at a potential funding of \$50,000 for a potential emergency ramp. We're trying to quantify all these things. I told them that we just received it and we can't react that fast.

Councilman Klepacz responded I'm looking at this thing and it says we're going to share the cost of anything over \$100,000. That's not going to happen.

Mayor Kurtz replied no. We can put our exposure in the way that was outlined to us. It was originally \$300,000. I'll delineate it in the spreadsheet.

Ron White stated, \$206,000 is the cost analysis that is in the legislation. We can deduct \$150,000 that the county commissioners are willing to give us. So our exposure in cash if we are able to achieve all of the in kind of \$159,000 is \$56,000. So our range is \$56,000 to \$216,000.

Mayor Kurtz responded, that's the range of our exposure monetarily to have the 205 study started with Independence being the first to go.

Law Director O'Brien asked would it be proposed to us to put that specific language in there so that we have a cap on it?

Ron White replied, I suppose we could but it's actually (several people speaking at once) but we have to add that \$150,000 county. That's not a part of this.

Mayor Kurtz responded that's right. They have confirmed in writing that that money is good. It's part of our deal. We're not going to do the deal if they're not going to participate. I'm not saying we won't. If Council wants to do it we can, but it's highly unlikely. The way they've outlined this they're ready to move. It's interesting to sit in these meetings. By the congressman being present it has definitely gotten some attention. He's onboard with this. He's the one that's helped. The county is onboard. We put this together to give you a flavor. The sooner we can pass this the better off we're going to be because then we have latitude to go back and say at the next meeting that we're onboard. Independence is ready to go. Think about it.

Vice Mayor Blaze asked, with the not to exceed number in there?

Mayor Kurtz replied, I wouldn't have any problem putting that in there. Do you see any downside to that?

Ron White replied no, if those projections are accurate.

Mayor Kurtz stated we can always do it that way. If we need any other authorization, it needs to go back to Council.

Ron White responded, that wouldn't hurt.

Mayor Kurtz responded I think that protects us.

Ron White added, it protects Council and the Administration.

Mayor Kurtz stated if you're inclined to want to give us latitude to get this, that's how I would do it. That way we're framed but we're not saying they have a change order for \$50,000 and the City of Independence has to do it – no, we've agreed to this much. If you're comfortable we could do it tonight. If not, we'll have to call a special meeting.

Several people speaking at once.

Councilman Klepacz asked, you're not suggesting we pass this tonight?

Mayor Kurtz replied, no. If you're comfortable we could do it tonight. If not, we may have to call a special meeting. It's not a problem.

Several people speaking at once.

Mayor Kurtz stated it was never intended to be passed tonight. We'll get the information to Council.

Several people speaking at once.

Mayor Kurtz stated, look it over. We may have a special meeting and it will be on the agenda.

Councilman Klepacz asked, can you delineate what you just said in a memo. The county has told us \$150,000. Our maximum exposure is what we need.

Mayor Kurtz replied we'll put that together for you and call a special meeting to get it approved.

Councilman Riley commented, I think when we last talked about it we were looking at \$300,000.

Councilman Klepacz replied I wouldn't vote for that.

Mayor Kurtz commented there has been a lot of support in the last couple of weeks.

Ron White commented, it is unlikely we will not get some in kind of services along the way so that \$159,000 projection – it's going to be less.

Mayor Kurtz responded we need the range because we just don't know. We'll put this on first reading and we'll put a summary together for Council. Meanwhile we'll quantify exactly what the other entities are going to contribute and get that back to you maybe even this weekend so we're in a position to take action.

Finance Director Veres stated the Regional Income Tax Agency would like us to appoint the Mayor as a delegate. I would serve as an alternate delegate to attend any of the Regional Council of Governments meetings on behalf of the City. We just need to make a motion.

Moved by Klepacz, seconded by Blaze, to appoint Mayor Gregory P. Kurtz as the City of Independence delegate to R.I.T.A. and Finance Director John M. Veres as alternate. Council polled: 7 yes/0 no; motion carried.

Don Ramm passed out a memo regarding the Forestwood retention basin needing immediate repairs in the amount of \$37,670 (lowest quote of three quotes obtained).

Don Ramm stated that this would be a change order to the contract with Geotech. There is not enough money left under the 2007 contract to complete these repairs.

It was decided to wait until the 2008 Creek Maintenance bids were opened on April 9th. If Geotech was awarded the contract it would be covered under the 2008 Creek Maintenance and Repair contract and a change order would not be necessary.

COUNCIL MEETING:

Mayor Gregory Kurtz called the meeting to order at 7:35 p.m. Present were Council Members Vern Blaze, Jim Crooks, Dave Grendel, George Klepacz, Tom Narduzzi, Jim Riley and Anthony Togliatti. Also present were Finance Director John M. Veres, Law Director Greg O'Brien, Engineer Don Elewski, Community Services Director Natalie Buc, Technical Services Director Tom Avsec, Service Director Dave Snyderburn, Recreation Director Ed Kostyack, Building Commissioner Carl Opatrny, Fire Chief Peter Nelson and Police Chief John Nicastro.

In the absence of Reverend Robert Hendrix, Councilman Jim Crooks said the prayer.

The Pledge of Allegiance followed.

APPROVAL OF MINUTES:

Moved by Riley, seconded by Grendel, to approve the minutes of the March 11, 2008 Regular Council meeting. Council polled: 7 yes/0 no; motion carried.

Moved by Riley, seconded by Narduzzi, to approve the minutes of the March 25, 2008 Council Planning Session. Council polled: 7 yes/0 no; motion carried.

MAYOR'S REPORT:

Mayor Kurtz stated we're looking forward to spring and summer as a community. We're fortunate to have such a great community. It's time to begin spring cleanup and fixing up to care for your community.

We've managed a number of different issues over the past few months, and one of those is flooding. To that end, we've had flood meetings with various representatives, including Congressman Kucinich, a representative of Senator Voinovich's office, county officials, state officials and local officials. We're securing a matching grant from the county for \$150,000 to be used as seed money for the Army Corps of Engineers 205 study. We're very fortunate to have a number of different entities participating and paying attention to our problem we've had for a long time.

We will also be focusing on technology and making the access to some of our departments more user friendly, specifically Community Services and the Recreation Department. You'll be seeing various program upgrades in the future.

April is Building Safety Month and, with spring here, we're working on cleaning up our community. We are also upgrading our buildings and providing a more comprehensive exterior maintenance program.

We're also focusing on upgrades to the Lifeline Program, which affects our seniors, and looking at a more comprehensive approach to all the various dimensions of our seniors, including senior needs and senior housing. We will be working comprehensively on this.

Last but not least, I'd be remiss if I didn't wish all mothers a Happy Mothers Day. I personally am extremely blessed to have what I consider one of the greatest moms in the world. Anybody who knows my mom knows that she is one of a kind.

OFFICIALS' REPORTS:

ENGINEER:

Engineer Elewski reported, we're working with Don Ramm on finishing up Wisnieski Parkway regarding water quality and costs. We're also working on preparing the final plans for lower Brookside to submit to the Army Corps of Engineers.

FINANCE DIRECTOR:

Finance Director Veres reported we received information from the county that six of our ten TIF's will be bringing in \$358,000 this month. The second collection for the year typically doubles so we'll receive over \$700,000 this year from six of the ten TIF's that are active. It's important to note that this money would not have come to the City had these TIF's not been in place. This money will be going toward helping to pay down debt for Rockside Road and the improvements you see along Route 21.

SERVICE DIRECTOR:

Director Snyderburn reported that we have a bumper crop of compost/mulch this year. Please call in to place your order. We'll be happy to deliver it to you. It's an excellent product this year.

May 2nd is Arbor Day. The trees we remove and turn into mulch will be replaced with new trees. We will be planting an abundance of trees this year. Be cognizant that the ash borer is out there. We haven't seen it in Cuyahoga County yet, but they do expect them to get here. If you see any infections on your tree, including treelawn trees, please call. We'll come out and inspect the tree. We want to make sure that we keep our treelawn trees healthy.

Just a reminder that Mothers' Day is in May. I have the best mom in the world.

COMMUNITY SERVICES DIRECTOR:

Director Buc stated I want to express thanks from the staff at the Field House and the After School Program for their new oven. They are very excited and have been using it a lot.

Older Americans Month is in May. We have a lot of activities planned, including a Health Fair on May 9th. Everyone of any age is welcome to attend.

We will be ending the month with the Mayor's State of the City Breakfast.

The Senior Citizens of Independence will be celebrating their 50th anniversary this year. Their party will be on Friday, May 9th as well.

The May/June Spotlight has a lot of new programs lined up and you should be receiving your copy prior to May 1st.

RECREATION DIRECTOR:

Director Kostyack reported that last weekend was the Swim for Diabetes at the Civic Center pool. We also had the Renee Roach Run on Saturday. This weekend we have the Kiwanis Volleyball Tournament at the Field House. Our baseball diamonds are ready and the kids are out there playing. We're draining the pool in preparation for the opening day on Memorial Day.

TECHNICAL SERVICES DIRECTOR:

Director Avsec reported that we've begun the installation of the new AC unit in the outdoor pool concession stands. Soon to follow that will be the Service Department HVAC upgrade, which was in the capital budget and also the press box concession AC.

We're looking at different areas in the City that do not currently have irrigation. We're looking at different way to get irrigation at the gazebo area for example.

This time of year we're working on baseball fields, brightening up the comfort stations and dealing with various irrigation issues throughout the City.

BUILDING COMMISSIONER:

Commissioner Opatrny reported that we have two new housing starts. One is in Chestnut Woods and the other is in Lake Charles.

The dialysis building is in its final stages. We expect them to take occupancy within the next two months.

Beginning May 5th we will be celebrating Building Safety Week. We'll have handouts for children – hard hats and brochures on safety. Kids can stop by and take advantage of that.

FIRE CHIEF:

Chief Nelson reported the National Emergency Medical Services week is May 18th through the 24th this year. I encourage all residents to stop in at the fire station and learn a little bit more about the services that we have as well as taking a look at our state-of-the-art equipment that we've been procuring for our units. Stop in anytime. We offer free blood pressure checks as well as blood glucose checks.

We will also be available on May 9th at the Civic Center during the Health Fair and you can see all the equipment that we have as well.

POLICE CHIEF:

Chief Nicastro reported the Civil Service Commission has posted a notice for the next police officers exam for the City of Independence. Applications and detailed information are available at the Civic Center Monday through Friday between 9:00 a.m. and 4:00 p.m. Those applications will only be available Monday, April 7th through Friday, April 18th. If you know of anyone interested in becoming a police officer, it will be a great opportunity.

STANDING COMMITTEE REPORTS:

COMMUNITY SERVICES – (TOGLIATTI):

Councilman Togliatti reported I'm proud to announce that the City of Independence has been named a Tree City U.S.A. community by the Arbor Day Foundation. This is the seventh year the City has received this recognition. As we all know, trees are a vital component to the infrastructure of our community. They provide both environmental and economic benefits. Spring is the time to plan new trees. I encourage all residents to plant trees this year.

On the agenda this evening we have a couple of ordinances pertaining to our household pets. We are separating out a section under the Dangerous Dogs ordinance that pertains to animals running at large. In the past if an animal was running loose about the City the owner would have been found in violation of the Dangerous/Vicious Dog ordinance and classified as such. Tonight we are creating Ordinance 2008-23 which deals specifically with animals running at large. So in the future if your family pet gets loose, it will no longer be in violation of the Dangerous/Vicious Dog ordinance. It will fall under the new ordinance regarding animal running at large.

The Cuyahoga Regional Council of Governments will be holding a meeting to discuss the challenges of storm water management on April 30th. The objective of this meeting is to discuss ways in which the communities that border the Cuyahoga Valley can work together to contribute to the effectiveness and efficiency of storm water management solutions. As the City's representative to this organization, I will be attending this meeting to determine how the City can gain knowledge or information from surrounding communities with regard to storm water management.

May is Older Americans Month. The City and Community Services Department are helping to celebrate by holding special activities at the Civic Center. Please refer to the Spotlight for the agenda and join in on the fun.

UTILITIES COMMITTEE – (NARDUZZI):

Councilman Narduzzi reported, I attended the Independence Homeowners Association meeting on March 19th. There was a speaker there from the Cuyahoga County Auditor's office who talked about the Homestead Exemption for seniors. There has been a change to the

qualifications since 2007. Now, if you are at least 65 years old, disabled or a surviving spouse you are eligible regardless of income. I would encourage all residents that qualify to take advantage of this tax relief plan. It could save you around \$400 per year in taxes. To see if you qualify, contact the county auditors' office via the web at www.auditor.cuyahogacounty.us and click on Homestead Exemption link.

I also met with Don Ramm and Dave Snyderburn to draft a list of the 2008 Creek Maintenance and Sanitary Sewer Maintenance schedules. We will prioritize them at our next Utilities Committee meeting.

I must also congratulate my daughter Alexa, age 13, who attends St. Michael's School for coming in first place in the Power of the Pen Contest held last Saturday. Alexa won the Best of Round Award for short story and will now compete at the States Competition on Memorial Day weekend. Congratulations to Alexa and good luck at States.

PUBLIC LANDS & BUILDINGS – (CROOKS):

Chairman Crooks reported that the Public Lands & Buildings Committee will hold its third meeting of the year later this month. I looked at the agendas from the past year and thought maybe this would be the first Public Lands & Buildings meeting that would not have a cemetery issue on the agenda. We have belabored that issue for some time. But then I received a memo from the Mayor and Mr. Stoika had come to him regarding some creative brickwork potentially for the new section of the cemetery so that will be one agenda item. We're also going to discuss the Old Rec building with Tom Avsec. The meeting is set for April 22nd.

We had a Streets & Sidewalks Committee meeting last month on March 4th. At that meeting we discussed the potential of putting sidewalks on Sprague Road. I want to thank Chairman Riley, the Mayor and other Council Members who were there for putting this issue on the radar screen. It has become clear that pedestrians with their families are in danger when they walk on Sprague Road. It is a highly traveled road and there are no sidewalks. I think this is an issue that needs serious consideration. It might take some time but for it to be on the radar screen is a good idea. Vice Mayor Blaze also mentioned that Sprague Road may tie into a greater master plan for sidewalks in the southern area of town. Thank you to the Committee for bringing that to light.

City Council met for its second Planning Session on March 25th. I just want to say that I thought it was a great session. I support planning. I think all successful organizations plan. I have said this before and believe it today. I hope that we continue planning in the future.

On Sunday, March 30th, I had the opportunity to attend an Eagle Scout Ceremony that took place in these Council Chambers. It was a fantastic ceremony to honor a senior at the High School, Eric Sarley. He is a wonderful representation of all that's good about our future generation. You so often read negative stories in the newspaper about our future generations. To see his lifelong commitment, not only from Eric but from other scouts, was fantastic. It gives you a sense of optimism for the future. I would like to congratulate Eric.

Finally, I want to mention that the Historical Society will have its annual Spring Banquet on Thursday, May 8th at 6:30 p.m. at the Civic Center. Dinner will be served along with Mr. Hasselbusch's famous punch. We will have a speaker, Mr. Lee, and he will be talking about the history of Tricker's. I encourage all residents to attend.

FINANCE COMMITTEE – (BLAZE):

Vice Mayor Blaze stated Councilman Crooks just mentioned the Planning Session that Council had on March 25th. I commend all of my colleagues here for committing to embarking on a strategic planning process in trying to think long-term. That was a great meeting. The result of that meeting was a Mission Statement that we agreed on for the City of Independence. That statement is, *To be the best community in which to live, work and raise a family.* We were trying to answer the question of why the City of Independence exists. That's what we came up with. We hope that the Mission Statement provides us the focus as we continue on in that strategic planning process through this year as we develop a 5-Year Capital Improvement Plan. It will benefit the Administration and each department as a guide, a focus. We discussed a few mission statements and I hope I'm not slighting any other department that has a mission statement, but I would like to send kudos out to Chief Nelson on his department's Mission Statement. I noticed on their meeting room wall is the Mission Statement for the Independence Fire Department. I think they're ahead of the curve there and commend you for bringing a strategic focus to the management and leadership of the Independence Fire Department.

Reporting from the Planning Commission, there is one major piece of legislation on tonight's agenda, Resolution 2008-55, approving the preliminary plan for the Meadows, Phase 2, a seven lot single family residential subdivision. What makes this unique is the developer has agreed to approximately six conditions. One of the conditions is a special assessment that will initially not exceed \$500 annually per subplot. That is to be used for the subdivision infrastructure maintenance, repairs and replacement. This is a huge step even though it's only a small seven lot subdivision. It is going to help alleviate some of the financial burden on the City going forward in future years. It won't cover the full cost of repairing or replacing sewer lines, waterlines, sidewalks or streets but will help defray the cost. I commend the Planning Commission for the foresight in adopting this. Every residential lot buyer and builder there will know that initially up to a \$500 per year special assessment exists so they won't have any right to complain about it.

STREETS AND SIDEWALKS COMMITTEE – (RILEY):

Chairman Riley reported, as mentioned earlier, in the Streets Committee meeting we had discussion of Wisnieski Parkway. I understand that the Engineering Coordinator Don Ramm has sent a letter to the contractor informing them to proceed with the project. We'll be installing a large pipe underneath to handle drainage concerns in the park. I personally called the contractor and he feels they'll be able to meet the timeframe and complete the work before the pool opens.

As Councilman Crooks mentioned we discussed various streets in the City that are dangerous to walk down. He mentioned Sprague but we also have Brookside, Stone and parts of Hillside. Riding a bike or walking can be dangerous in all of those areas. We're going to prioritize those and eventually install sidewalks in those areas.

The Mayor has mentioned meetings he has had with the county engineer and possibly there could be some assistance there.

SAFETY COMMITTEE – (GRENDDEL):

Chairman Grendel reported that on Tuesday, March 18th, there was a Safety Committee meeting held. We had quite a lengthy agenda.

We reviewed the deer culling program, and Cuyahoga County Wildlife Officer Jason Hadsell was there. A number of issues and potential modifications were discussed after the first year of the program. We'll look at modifying a few things administratively. The season will not begin until October of this year. All in all Jason Hadsell was very pleased with the first year of the program.

Also as a result of this meeting there are four pieces of legislation on the agenda tonight. We're cleaning up some of the language in the Vicious/Dangerous Dog Ordinance and creating a new ordinance that will take care of animals running at large.

The Committee discussed coyote issues and how to deal with them.

We also discussed the traffic signalization at Brookside and Route 21. We're going to be adding pedestrian signals which will truly make the intersection pedestrian and traffic responsive resulting in more efficient signalization there.

This year we are looking at and hoping to approve an upgrade to signalization at the Hillside and Route 21 intersection. We want to make sure that if there are any changes to that intersection in the future that we take that into consideration while planning for the upgrade. We hope to have that move forward next month. With this upgrade we will have complete modernization of signalization from Selig all the way to the southern border of the City.

Our current ordinance relating to curfew was discussed. Work will be continuing on that this month and we hope to have a revision to the ordinance on the agenda for May.

Regarding our sports teams at the high school, the baseball team has gotten off to a pretty good start at 3-1. The softball team is 3-2. The girls track team is doing very well. The boys' team is not doing quite as well.

The most valuable players for the winter sports teams are as follows:

- Boys' Basketball – Matt Grendel
 - Girls' Basketball – Hannah Stretar
 - Boys' Swimming – Cody George
 - Girls' Swimming – Elizabeth Juran
 - Wrestling – Dan Dulik
-

All in all it was a successful winter season and we hope to have an equally successful spring season.

RULES AND ORDINANCES COMMITTEE – (KLEPACZ):

Councilman Klepacz reported that May is going to be a busy month. The Kiwanis Club of Independence is sponsoring several events. The first event in May will be the Fishing Derby on May 3rd at Elmwood Lake. May 18th is the Chicken BBQ at the Kiwanis Pavilion.

In the May/June issue of the Spotlight there will be an entry form for the Eighth Annual Kiwanis Flag Contest. This year's historical flag will be the original Navy Jack which will be awarded to the first 40 people who answer the challenging questions correctly. The flags will be presented to the winners at the second Band Concert on June 12th. Flag Day is June 14th.

Finally, the Quad City CERT program is alive and well. The focus this year will be on continuing education and training. Check out the CERT link on the City of Independence website for information.

LEGISLATION:

FIRST READING

ORDINANCE 2008-20 2008 AMENDED ANNUAL APPROPRIATION ORDINANCE AND DECLARING AN EMERGENCY

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

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

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

ORDINANCE 2008-21 AN ORDINANCE AMENDING SECTION 711.03 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO HOURS AND DECLARING AN EMERGENCY

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

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

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

ORDINANCE 2008-22 AN ORDINANCE AMENDING SECTIONS 953.01 AND 953.04 OF THE CODIFIED ORDINANCES RELATING TO FEES FOR GRAVES AND FEE FOR PLACING HEADSTONE AND DECLARING AN EMERGENCY

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

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

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

ORDINANCE 2008-23 AN ORDINANCE ENACTING NEW SECTION 618.011 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO ANIMALS RUNNING AT LARGE AND DECLARING AN EMERGENCY

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

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

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

ORDINANCE 2008-24 AN ORDINANCE AMENDING SECTION 618.01 OF THE CODIFIED ORDINANCE OF THE CITY OF INDEPENDENCE RELATING TO DANGEROUS OR VICIOUS DOGS/CONTROL OF DOGS AND OTHER ANIMALS AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2008-50 A RESOLUTION SUMMARIZING THE 2008 PLANNED CAPITAL PURCHASE PROGRAM AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2008-51 A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS TO THE CITY'S PLANNER FOR VARIOUS PROFESSIONAL CITY PLANNING SERVICES AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2008-52 A RESOLUTION AUTHORIZING THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR LOWER BROOKSIDE AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2008-53 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE SIGNAL SERVICE COMPANY FOR THE TRAFFIC SIGNALIZATION AT THE INTERSECTION OF BROOKSIDE ROAD AND ROUTE 21 AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2008-54 A RESOLUTION APPROVING THE DEDICATION PLAT FOR BEN FRANKLIN WAY AND WEST LIBERTY WAY AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2008-55 A RESOLUTION APPROVING THE PRELIMINARY PLAN BY LENNY DOUBRAVA FOR THE MEADOWS, PHASE 2, A SEVEN (7) LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION AND DECLARING AN EMERGENCY

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

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

Moved by Riley, seconded by Grendel, to adopt.

Discussion: Councilman Riley commented, possibly after the street improvement is put in maybe we'll keep an eye on the water flow to see how it affects that area before any houses go in.

Mayor Kurtz replied as part of our final approval we'll make sure that that's part of our regulations.

Councilman Riley stated, it should also be clear on the \$500 assessment so that everyone is aware ahead of time and is not surprised after they move in.

Mayor Kurtz replied that will be part of the planning process.

Council polled: 7 yes/0 no; motion carried.

RESOLUTION 2008-56 A RESOLUTION AUTHORIZING THE HIRING OF THE ARMY FOR PROFESSIONAL SERVICES TO PERFORM A FLOOD DAMAGE REDUCTION STUDY AND DECLARING AN EMERGENCY

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

Resolution 2008-56 was placed on First Reading without objection.

Discussion: Mayor Kurtz commented that Ron White will secure the necessary information and work with the Law Department on a summary sheet so that once we quantify Council will be in a position to make a permanent final decision.

EXECUTIVE SESSION:

Moved by Riley, seconded by Grendel, to recess the Regular Council meeting for an Executive Session to discuss litigation and property acquisition. Council polled: 7 yes/0 no; motion carried.

The Regular Council meeting was recessed at 8:08 p.m.

The Executive Session was convened at 8:10 p.m. Present were Mayor Gregory Kurtz, Council Members Blaze, Crooks, Grendel, Klepacz, Narduzzi, Riley and Togliatti. Also present were Law Director O'Brien, Finance Director Veres and Economic Development Director Ron White.

Moved by Riley, seconded by Blaze, to adjourn the Executive Session and reconvene the Regular Council meeting. Council polled: 7 yes/0 no; motion carried.

The Executive Session was adjourned at 9:10 p.m.

The Regular Council meeting was reconvened at 9:11 p.m.

Moved by Riley, seconded by Grendel, 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 9:12 p.m.

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Susan E. Kurshuk, Clerk of Council
