

**CITY OF INDEPENDENCE  
SPECIAL COUNCIL MEETING MINUTES  
APRIL 22, 2008 5:00 P.M.  
COUNCIL CONFERENCE ROOM**

Mayor Kurtz called the meeting to order at 5:06 p.m. Present were Mayor Kurtz, Council Members Crooks, Grendel, Klepacz, Narduzzi, Riley and Togliatti. Also present were Finance Director Veres, Law Director O'Brien and Tara Quinn of the Sun Newspaper.

**MISCELLANEOUS BUSINESS:**

Mayor Kurtz stated before we get into the purpose of this meeting let me just share with everyone the status of the Wisnieski Parkway Project. They did some proof rolling. They were getting ready to prepare for paving and there were some undercuts. We have authorized them to get the undercuts taken care of so there is pavement on solid ground. As soon as Don Ramm has information I'll submit it to Council. We're still moving forward but there was some ground to be undercut.

Councilman Klepacz stated for those of us who aren't construction people, what are undercuts?

Mayor Kurtz replied, when they dig out the existing pavement to get to the final grade. They take a heavy machine and roll it across the sub base. If there is a certain deflection in that sub base, then they have to go in and dig out that section, dig down deeper, put a premium material in, compact it and then they go through and make sure the sub base is in place. If they don't have a good sub base and you pave on it, it's just a waste of money. You don't know what the sub base is on any construction project until you actually remove what is there, get to your final elevation and proof roll it. When they proof roll it, they find these spots, dig out the spots, put in premium fill, pack it back in and then it meets the proof roll requirement.

They're at the point now where they're getting ready for paving. I would anticipate if they go through the proof rolling in the one lane they'll prepare that for paving and just keep moving. If Mother Nature cooperates, they should be all set.

Councilman Grendel asked, is the sewer work all done?

Mayor Kurtz replied the sewer work is done. The only thing that needs to be completed is you'll recall I stated we need credits for Rockside Road water quality deficiencies. When we built Rockside Road we didn't add the water quality in the new code under that pavement. Soil Conservation and the EPA have agreed to let us take credits against that if we agree to put water quality measures into all the drains in some of the areas in the park. I think we need 40 acres credits to accomplish that. We're trying to put additional water quality measures in as many as possible now. When this project is done we'll pick up so many credits. Then we'll go through the rest of the park. There's a potential that we can pick up more credits in the park using our creek maintenance contract. We put a provision in there for water quality. Yes, we've added some additional features for water quality to pick up some credits for Rockside and everything is a go.

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Councilman Riley asked why didn't we do it on Rockside?

Mayor Kurtz replied it was in overlap. I met with Beth Fulton and Ron White to understand more fully. Beth has put together a position paper on it. Basically, it was between the code changes. It was timing. We were already in paving. In order to accommodate the water quality issues on a small project you have to put them underneath the pavement. The price would have been increased and it wouldn't have been the best solution for the area.

Councilman Riley asked, there is no way to get it grandfathered because that project was going?

Mayor Kurtz replied no, and we're not going to be penalized. As long as we meet soil conservation requirements and they have cooperated fully with us on this project. As long as there is cooperation there is no reason to go back and do anything differently with the City. We've been in full compliance.

We're trying to use these projects to pick up those credits. My understanding of it is that they will then submit these credits and we'll then be in compliance with the EPA's regulations. There are about 40 acres of credit we have to pick up sometime. The way it's working here we'll pick up eight in the roadway and there is a possibility we can go throughout the park, install these water quality measures and we'll pick up more. We may even pick some more up on Brookside but then we want to bank some of those for the future.

Councilman Klepacz asked, what is being done on Hillside between the freeway going east?

Mayor Kurtz replied I think it's a gas line.

Councilman Klepacz stated there is no indication on the trucks.

Mayor Kurtz responded I think that's a private contractor.

Councilman Narduzzi stated there is yellow pipe there and yellow pipe is usually gas.

Councilman Klepacz stated I saw black pipe.

Councilman Riley stated I saw gray.

Mayor Kurtz stated it could be relocation of all utilities because of the widening of I-77. That contract has been let.

Councilman Klepacz asked, can we have Don Ramm let me know what is going on over there – who is doing what and why?

Mayor Kurtz replied if we don't have it to you beforehand, we'll have it in the packet.

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The gas company is also working going north to Schaaf Road. They're going to be open cutting sections of Schaaf Road to install a gas line in through that area. I'm not sure the two are related but I'll find out and forward that information to Council.

Councilman Togliatti stated along Wisnieski Parkway there is a fence that borders the lake. Have we talked about some new fencing? As discussed with the cemetery, are we going to try for continuity of design? Are we going to try and pull that into this?

Mayor Kurtz replied yes. That would be a good discussion for Public Lands & Buildings. That might be the perfect time. We can tear that old chain link out and do something more creative. It's a good point because we have a question as to where the property line is. There is a discrepancy as to if it's on the line, behind the fence or this side of the fence. The first thing we're going to do is find out where the actual property line is. It doesn't affect the project at all but it would affect where to place a new fence. We're going to survey it and then the service department will know exactly where it's at.

Councilman Togliatti responded I'm talking about the fence that wraps around the lake.

Mayor Kurtz responded, I thought you were talking about the property line fence because we're talking about replacing that.

Councilman Togliatti asked, the eastern border?

Mayor Kurtz replied the eastern border of our property. That's where the property line discrepancy is. You're talking about the small section of fence by the lake. I'd have to ask Dave Snyderburn what we're doing with that. I know we are putting a different type of trash trap on top of the grate to be able to clean it up, but I'm not sure if there is any proposed modification to that fence.

Councilman Klepacz asked, so the fence that borders to the east is the City's fence?

Mayor Kurtz replied yes. I'll check on the lake fence.

Councilman Riley added I think that would be a good idea while we're doing this. That fence is pretty unsightly.

Mayor Kurtz responded maybe we could do something like that to be consistent with the entrance to the park. Eventually we could do something at this end with the pillars. I'm not sure if there is any proposed modification to that fence. I'll check on the lake fence. I'll ask Dave Snyderburn to look at that and get a cost together.

Councilman Narduzzi commented and then tie in the welcome signs to the City with pillars.

Councilman Grendel commented, like Brecksville did.

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Councilman Crooks stated the pillars that we're talking about for the cemetery are designed to match the welcome sign at Rockside.

Councilman Narduzzi asked which fence was owned by Londrico? He said he owns one of them.

Mayor Kurtz replied we're not sure. We're going to find that out.

The primary purpose of this evening is to take steps to fill the vacancy on City Council. At the last meeting we talked about existing Council Members submitting names for consideration. Years ago we did it by everyone submitting a name. If everybody has got a name to submit, submit the name.

Councilman Klepacz stated I am going to make a proposal here. As I said in our last meeting, I thought it would be better if we waited a week or so to think about it and see some other ideas. Again, that's why I requested that we have this as an open meeting because public business should be done in the open, and everyone agreed to that.

I would like to offer a proposal. I'm going to ask the Clerk if she would contact all of the other members who ran for Council this pass election to see if they are still interested in pursuing a seat. We know that Mr. Piteo is because he has expressed that interest. Other people may not know what the process is. I think it would behoove us to at least inquire to see if the remaining four candidates who ran are still interested. I think it behooves us to get the best candidate, whoever that may be. I would make that proposal.

Councilman Riley responded, from talking with people in the City, I don't want to say everyone in the City is aware of Vern resigning, but I would say that the majority of people are. I'm going to stick with my nomination of the next person in line from the last election. My name submittal is Jim Piteo.

I don't want to see this process drawing on and on and on. I wouldn't want to invite in the four other candidates and ask if they are still interested and then we go with the eighth candidate anyhow.

Councilman Togliatti commented, I happened to run into Jackie Haddad who ran in the last election. She wasn't aware of the procedures being outlined. I asked her if she was interested. She indicated that she was. This opened my eyes to the fact that she didn't know that she should come to us. I didn't really contact her. I would have to agree with Councilman Klepacz that it's not a bad idea to at least get in touch with these people. After I spoke with Jackie I did try to get in touch with Mike Osysko and he was out of town.

Finance Director Veres responded he's back now.

Councilman Narduzzi stated I thought that the last time we met we were all going to bring a name to the table. That was the rules of the game that we had laid down. Now it's the following meeting and we're changing everything. I don't understand.

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Councilman Crooks stated before we go any further I want to make a motion to go into Executive Session.

**Moved by Crooks, seconded by Narduzzi, to convene the Special Council meeting for an Executive Session to discuss personnel.**

Councilman Klepacz asked why.

Councilman Crooks replied because we are now discussing matters that we had talked about in Executive Session that we have not gone public with under the auspice of personnel last week. That's my justification.

Councilman Klepacz replied and I would argue that clearly what we talked about in Executive Session is public business and we were establishing a procedure.

Councilman Crooks replied I have no problem coming back out into public meeting afterwards, but my motion stands.

Councilman Klepacz replied I'm not arguing with you. I'm not clear what your point is here.

Councilman Crooks replied let me restate. Last week in Executive Session under the matter of personnel we discussed matters then that I believe ought to remain in Executive Session until we, as a body, determine that they're going to be public. I don't think we've made that determination yet.

Councilman Klepacz asked the procedures that we established?

Councilman Crooks replied correct. It could take 30 seconds or it could take three minutes.

Councilman Klepacz replied I would much prefer to have these discussions in the public, including the procedures that we talked about last week because as I stated last week in the Executive Session, I made the comment – again, many of us were surprised by the speed in which the actions took place last week. And I stated in the Executive Session at that time, and this is not revealing anything that is confidential, I thought that we should consider what we had decided last week, that we needed at least a week to consider procedures because there were other issues that perhaps we would think about. In fact, my exact comment was that once we think about things in the future we see other ideas that we didn't see at that moment. I think this is where I'm making my proposal that I made earlier. That's where this is coming from.

Councilman Crooks replied I'm not disputing that, but my motion stands.

**Council polled: 3 yes/3 no (Grendel, Klepacz, Togliatti). Mayor Kurtz voted yes to break the tie; motion carried.**

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Councilman Klepacz asked Councilman Crooks, we are not going to discuss personnel. We're discussing the procedure?

Law Director O'Brien responded, I think he wants to discuss what was discussed, if I understand it correctly, he wants to discuss what was discussed in Executive Session, which was personnel and whether or not those confidential communications should be disclosed externally in a public meeting.

Councilman Crooks responded that's precisely it. I just want to clearly state for the public record because I appeared to be confusing in my language, that I made the motion to go into Executive Session because I feared that we were talking about matters that were previously discussed in executive session last week.

Councilman Grendel stated, as far as the procedure goes each member of Council has until Friday to submit a name to the Clerk for the open position. If there is more than one name then she will contact them for interviews next Tuesday at 4 p.m., depending on how many interviews we have to conduct. We're not sure at this point but by Friday we'll know how many names have been submitted for consideration. Each Council Member will have one submission.

Councilman Riley asked so we are setting a special council meeting for next Tuesday for this?

Mayor Kurtz replied yes. Councilman Grendel has outlined the procedure.

Reporter Tara Quinn asked what is the application procedure? Is it only the names (inaudible) or if anyone wants to submit, can they?

Councilman Narduzzi replied every member of Council is going to solicit their own candidate to bring to the table.

Tara Quinn asked what if someone else wants to submit their own name?

Mayor Kurtz replied they can solicit Council then.

Councilman Klepacz replied each councilperson will nominate one person.

Mayor Kurtz stated but people are soliciting every member of Council. That's the procedure. Next Tuesday will be the interview.

Councilman Klepacz commented let's make it later rather than earlier. What time does Councilman Riley have to leave?

Councilman Riley replied by 6:15 p.m.

Mayor Kurtz responded so we want it earlier, rather than later.

Councilman Riley replied it depends on how many names are submitted. Depending on how many names you can change the time. They're 15 minute interviews.

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Councilman Grendel stated if there are only two names we can start more like 5 p.m. The Clerk commented she'll have a better idea on Friday when all the names are submitted. She'll schedule for 15 minute intervals.

Councilman Klepacz asked, is 15 minute intervals what we want to do?

Councilman Grendel replied I think so. You can know pretty much in 15 minutes.

Tara Quinn asked will the interviews be in Executive Session?

Councilman Grendel replied the actual interview.

Tara Quinn asked and each Councilperson is only submitting one name?

Councilman Grendel replied that's correct, one name.

Tara Quinn asked and you're only interviewing Tuesday? Once Friday comes no more names are going to be submitted?

Mayor Kurtz replied everyone has the rest of this week to (inaudible) their proposed candidates.

Just to recap, on Friday Council Members will submit names of possible replacement candidates to the Clerk. The Clerk will then set up an interview time. Interviews will begin after we convene the council meeting at 4 o'clock. The interviews will be set at 15-20 minute intervals.

Law Director O'Brien commented after interviews if it's Council's intention to take a vote (inaudible) need to send a letter out to all members of Council here just to provide notice to Council of the date, time and location of the vote. If Council wants to waive that provision, they can do so through a motion.

Councilman Klepacz asked for the motion to be repeated.

Law Director O'Brien replied once you do your interviewing at some point you're going to take a vote. It's limited by anything but 38 days from today, assuming after the interviews are completed there is no reason to wait for that vote and you're going to have that vote next Tuesday, the Clerk has to send a letter tomorrow. Procedurally that is what the Revised Code says. Since you're all here and it's to provide notice obviously so there are no surprises as to a vote being taken unbeknownst to one or more Council Members.

Mayor Kurtz asked Council, do you want a letter sent out?

Councilman Riley replied I don't need to get a letter. I'm here and I know what is going on.

**Moved by Riley, seconded by Crooks, to waive the letter of notice to Council from the Clerk of Council. Council polled: 6 yes/0 no; motion carried.**

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Tara Quinn asked will you be deciding who will fill the position next Tuesday?  
Mayor Kurtz replied they won't know until after the interviews.

Tara Quinn asked after the interviews are they planning on selecting someone?

Mayor Kurtz replied that's up to Council.

Councilman Crooks added I would say for sure there will be discussion after the interviews. I think that's all anybody can say right now.

Mayor Kurtz stated so that's the procedure. Next Tuesday we'll convene the public meeting at 4 o'clock.

The Special Council meeting was recessed at 5:28 p.m.

The Executive Session was convened at 5:29 p.m. Present were Mayor Gregory Kurtz, Council Members Crooks, Grendel, Klepacz, Narduzzi, Riley and Togliatti. Also present was Law Director O'Brien and Finance Director John M. Veres (left 6:29 p.m.).

**Moved by Grendel, seconded by Riley, to adjourn the Executive Session and reconvene the Special Council meeting. Council polled: 6 yes/0 no; motion carried.**

The Executive Session was adjourned at 6:20 p.m.

The Special Council meeting was reconvened at 6:21 p.m.

Tara Quinn asked, the discussion will take place in Executive Session?

Mayor Kurtz replied the reason for the interviews to be in Executive Session is that something personal could come up. You don't want to embarrass anyone. The interview process isn't necessarily something you want to do in public. I think that makes sense. There has been discussion publicly but some issues such as interviews meet the requirement of Executive Session and should be in Executive Session.

**Moved by Grendel, seconded by Riley, to adjourn the Special Council Meeting. Council polled: 6 yes/0 no; motion carried.**

There being no further business to discuss, the Special Council Meeting was adjourned at 6:28 p.m.