

**CITY OF INDEPENDENCE
REGULAR COUNCIL MEETING MINUTES
NOVEMBER 11, 2008 7:00 P.M.
COUNCIL CHAMBERS**

CAUCUS:

Vice Mayor Jim Riley called the meeting to order at 5:30 p.m. Present were Mayor Gregory Kurtz, Council Members Jim Crooks, Dave Grendel, George Klepacz, Tom Narduzzi, Jim Piteo and Anthony Togliatti. Also present were Finance Director John M. Veres and Law Director Greg O'Brien, Service Director Dave Snyderburn and Engineering Coordinator Don Ramm.

Vice Mayor Riley stated, I believe we have to reject the first bid for the Mack truck.

Moved by Riley, seconded by Grendel, to reject all bids for a 2009 Mack Cab and Chassis, which were opened on August 19th, 2008. Council polled: 7 yes/0 no; motion carried.

Vice Mayor Riley stated we have Ordinance 2008-57, relating to storage of recreational vehicles. This is on Second Reading. Are there any comments? A few of the ordinances on second reading are those that came from the Board of Zoning Appeals. I believe that Councilman Crooks and Councilman Narduzzi can answer any questions.

Councilman Narduzzi stated we discussed these in the Workshop.

There were no objections noted to Ordinance 2008-57.

Vice Mayor Riley stated next is Ordinance 2008-58 relating to air conditioning and air handling equipment. Are there any questions?

There were none noted.

Vice Mayor Riley stated Ordinance 2008-59, height limitations, are there any questions?

There were none noted.

Vice Mayor Riley stated Ordinance 2008-60 relating to exceptions, are there any questions?

There were none noted.

Vice Mayor Riley stated Ordinance 2008-61 is relating to the method of constructing a fence. Are there any questions?

There were none noted.

Vice Mayor Riley stated Ordinance 2008-63 is relating to pool houses. Are there any questions?

There were none noted.

Vice Mayor Riley stated next is Ordinance 2008-64 which is relating to accessory uses and buildings in residential districts. Are there any questions?

There were none noted.

Vice Mayor Riley stated Ordinance 2008-65 is relating to the OBOA Ohio Residential Code. Are there any questions?

There were none noted.

Vice Mayor Riley stated we have Resolutions 2008-124, the hiring of Michael Baker, Jr. and Chagrin Valley Engineering for professional services for the Hemlock Trail. Are there any questions or concerns?

Councilman Narduzzi asked, is this the one we took the phone poll on?

Economic Development Director Ron White replied yes.

Councilman Grendel asked Ron White, we don't need all that engineering money this year?

Ron White replied no, \$12,500 should get us through. I discussed that with the Finance Director. That is fine. The balance would be pushed into 2009.

Councilman Grendel asked and that would fit within our budget?

Finance Director Veres replied my gut feeling is yes, it would fit. It will be tight – just the \$12,500.

Councilman Narduzzi stated here is my problem with this. That's why I voted no on the phone poll. Now there is a safety problem where this path is coming out – the bottom of Stone Road, correct?

Community/Economic Development Director Ron White replied yes. It has probably always been there.

Councilman Narduzzi asked why wasn't it done in the first go-around or money put in there to resolve it at that time?

Economic Development Director Ron White replied it was only after public comments that it became apparent.

Councilman Narduzzi commented it just seems like the City always puts up the money for someone else's mistake or for not doing their job so we're going to pay for it now.

Director White replied I don't know. I'm not trying to defend somebody for not doing their job or doing their job. The original concept was to run it down the right-of-way and the concern about the entrance to the mine was always there. It was discussed but the mine ownership may have changed. In between the new owners registered a concern.

Mayor Kurtz added, they sent a letter to the City requesting a change of location of the trail from a safety perspective. They requested it be changed.

Director White stated I say this because the Park runs through its own formula of what they see as an acceptable level of impact on their land. Even though we look at this alternative, it still has to be accepted by the Park. We have to look at it and run these tests so they can assess what the impact is. If they assess that impact as too great to accept this alternative, that's something that we'll have to look at.

Vice Mayor Riley asked, then it would go back to the original location?

Director White replied that's possible. Then we'd have to resolve the conflicts with the mine and try to address those safety concerns with them.

Vice Mayor Riley stated this is one of those instances where we got into this years ago. Is there a way we can cap our costs? How much are we going to spend?

Director White replied as much as our frontend costs that the City has to underwrite, the only thing I can say is between the city engineer and our coordinating engineer, if we can keep those costs under control as far as design, I don't know if we'll do it in-house or if we'll go outside to do that. We've done some already so I'm hopeful that a lot of that work has already been performed and we won't have to do a lot more.

Councilman Crooks stated if we weigh in on this, I'm not inclined to support this. It's not to undermine any of the effort that Ron White puts forth. I know he spends a lot of time on this.

Director White responded my effort is wherever the City's opportunities take us. I perform and do what I need to do. I don't favor or disfavor any opportunity.

Councilman Crooks responded I know that you've spent a lot of time working on this and you've reported back to us over the past couple of years. But I see this as a \$2 million grant for this trail. Then we find out it's a little less than that. Now we've used the number \$500,000 on our end. There are too many conditions so I'm not going to support this.

Councilman Grendel stated I'm going to support this. I'm looking at the overall. This is an asset that we're going to have long after we're dead and gone and it's going to be something that will tie in our Elmwood Park with the National Park. It's not going to get cheaper. Nothing that we've ever done, Rockside Road or any other project, there are always extra costs. I think this is an asset that is going to be beneficial to our children and grandchildren. We talked about the downtown area uniting with this path. I think this is too good of an opportunity to pass up and I

hate to see it passed up. I don't think we'll see any other opportunities down the road where we can get federal money for the construction.

Mayor Kurtz added, for some time. Is this money guaranteed?

Director White replied I don't know if I'd want to put those words on anything today regarding federal grants.

Councilman Grendel responded if the federal money isn't coming in, that's another thing.

Councilman Crooks stated, Councilman Grendel, I agree with you but it's the way this is unfolding – the stipulations on it. I agree that it could be an asset if we had the money and planned for it.

Mayor Kurtz responded keep in mind that it was only after public comment that additional information was generated. The City did not control the direction of the project entirely. The other entities are involved – the federal government, the National Park Service, private property owners. This is a combination of a lot of people. That was the purpose of public comment. It was at the public comment, I believe, that this proposed change came into being. It was a safety issue. Originally, it had people going down Hemlock Road right where Stone and Hemlock come together and truck traffic. So it was proposed by the Haydite people that it be changed from where the mouth was located from a safety perspective. That was last December that I believe I saw a letter that the mine sent out. It's a multistep process to go back and unbundle and rebundle and there are additional monies involved. The bigger question is, if we commit, will they commit? I'm not sure what the federal financial situation is.

Director White replied I can always retest it. The money is there, the appropriation is there.

Mayor Kurtz asked is that through ODOT?

Director White replied it's being administered through ODOT but it's an appropriation from the federal government.

Law Director O'Brien asked wasn't that in a transportation bill?

Director White replied yes, part of that. But the \$360,000 was a commitment by ODOT.

Councilman Grendel stated if the money is there from federal and state, fine. If it's not, I wouldn't want to do it alone. I think it's too good to pass up.

Mayor Kurtz stated maybe we can approve it subject to confirming that the money is available.

Director White responded I have had no indication that it isn't there or won't be there.

Councilman Narduzzi asked what is the dollar amount that the City could be at risk for?

Community/Economic Development Director Ron White replied we projected it could be upwards to \$500,000 total, from dollar one to the end of the project.

Mayor Kurtz stated I think originally the minimum was \$260,000 or \$270,000, somewhere in that area. There are changes that could escalate the costs or exposure to the City.

Director White stated \$500,000 that's total. That could be overestimating but it's the best that we can do at this point.

Vice Mayor Riley asked Director White, who is running this project?

Community/Economic Development Director Ron White replied the specific people are people at ODOT who are administrating it. The people that we've hired to help us do the portion that we're talking about now, the environmental and ecological, are just two engineering firms.

Vice Mayor Riley asked Michael Baker and Chagrin Valley?

Director White replied yes. They're helping us through this process. As a City, it's a locally managed project.

Vice Mayor Riley asked who recommended these people?

Mayor Kurtz replied they were recommended.

Vice Mayor Riley asked, could we have them come in and give us an update?

Director White replied absolutely.

Several people speaking at once.

Vice Mayor Riley commented I've never met them and there are other new people on Council.

Councilman Crooks asked is this time sensitive at all?

Community/Economic Development Director Ron White replied only this piece, the ecological piece, the \$12,500. If we have to wait past November 15th, the ODNR (Ohio Dept. of Natural Resources) says they won't accept the results. That means we have to wait until April or May.

Mayor Kurtz stated why don't we pass this, confirm the funding is on track and then get Baker in to get the new members of Council? They can answer some questions.

Councilman Togliatti stated from my experience with the Downtown Redevelopment Committee last year and the three developers that proposed development plans for the downtown area, they said one of our greatest assets was our link to the National Park and Towpath Trail. Refusing \$1.8 million of federal funding to build that trail is something I think we shouldn't do.

Mayor Kurtz responded I don't think that's an issue really. In all fairness, you know a little of the situation because you were on the Downtown Committee, but for those who weren't on Council and weren't exposed, we met with Baker and Chagrin Valley. There was a comfort level established at the time that it was value added. Subsequent to that, people have changed, things have changed and maybe it would be appropriate to bring them in and maybe pass this in the interim so we can keep traction. If there is a problem that develops with funding, we'll revisit the issue.

Councilman Grendel agreed.

Community/Economic Development Director Ron White stated I think that's a good idea. We'll ask them to come in.

Mayor Kurtz asked Council to consider that then we'll go from there.

Councilman Piteo stated I have a point regarding the process of the phone poll. I didn't have any legislation to review when I was asked to vote. I think we need to control that a little better. I may not have voted the way I did if I had more information. I'm bringing this up for consideration.

Vice Mayor Riley replied we did talk about this at the Workshop. Ron White didn't want to move forward without knowing. That's why I requested the poll.

Vice Mayor Riley stated on first reading is Ordinance 2008-66, the amended annual appropriation ordinance. Are there any questions?

Finance Director Veres stated this amendment was for two small items – creating the Handicapped Parking Fund and then because we haven't received the grant money yet for the Confluence Project, I had to advance money until we receive the grant money. Then it will be paid back.

Councilman Grendel asked will that grant money come in before the end of the year?

Finance Director Veres replied the guy was on vacation for two weeks.

Community/Economic Development Director RonWhite added he'll be in tomorrow so I will check where we are in the process and when that money will be wired to us.

Vice Mayor Riley stated next is Ordinance 2008-67 relating to compensation of exempt positions.

Councilman Togliatti stated this is legislation that I've introduced to eliminate the Chief Administrative Officer position and the Financial Management Analyst position – two full time positions that have not been filled full time up to this point. As we all know, the economy is not the best right now. If you look around at our neighboring communities, they're all making cuts. The Mayor stated in previous meetings that we need to tighten our belt and cut back. By

eliminating these two full time positions that have not been filled full time, we reduce our future operating budget by close to \$200,000 per year.

Looking at what the City has accomplished this year thus far without these positions, we've completed a Comprehensive Annual Financial Review for the first time ever. We've completed the Five Year Capital Improvement Plan for the first time ever, completed a senior survey, a public opinion survey. We've negotiated five contracts and completed a major street project on time and under budget. I think that says a lot for the administration and what the City has done with its current composition.

It's a cost saving approach that could help us tighten our belt here for at least the next year and I'd really like all of Council to consider this as an option.

Mayor Kurtz asked, Councilman Togliatti, did you not get enough information on a weekly update that I give out to Council? Have these not helped in terms of my ability to communicate with Council?

Councilman Togliatti asked, as far as?

Mayor Kurtz replied as far as information sharing from the administration. I don't think in history we've had as much information shared with Council. Secondly, tell me, have you ever called me on administrative matters? Have you ever called me and asked me, hey, what do you think about this, what about this position, or what are you doing about this, or what is the long-term approach, what is your goal? I've shared my goals with everybody. That's probably why no one has a lot of questions about that. We've not only had our established goals long-term. We have a strategic plan in place. I am really confused. You talk about not needing the positions. What you don't understand and if you had called and asked me, I would have explained that we have had people filling in for these positions, helping out, doing extra duty as good effective managers do, as team players do. So I think this is a little premature and it's not really the right time. I did fill the position of CAO. It was filled, appropriately filled and, unfortunately, I couldn't maintain that. But, to suggest that there are other ways to do this, I'll just say this, I will stand on my record with respect – I appreciate your comments about us being efficient. I appreciate the comment about establishing goals and long-term strategy because that's important to running the City. We don't run the City by one little building block. It's a combination of building blocks before you see the mosaic, before you see the final product. To suggest that you can just arbitrarily pull one out and it won't impact, I think it's wrong. I think it's not smart. It's not good for future and it's premature.

Councilman Togliatti replied in essence I'm not pulling any building blocks out because these are building blocks that exist on paper but are not currently utilized.

Mayor Kurtz replied but they may be.

Councilman Togliatti responded they may be and they'll be at a cost. What I'm trying to do is ask the City to do more with less, as most other cities around us are doing at this point in time.

Mayor Kurtz responded without a good understanding, and you've been to some of the Finance Committee meetings, but without a good understanding of the big picture you can't pull one slot out and say, I'm going to save \$100,000 plus. First of all, you don't even know what we would put in for a number.

Councilman Togliatti replied (inaudible) maximum.

Mayor Kurtz replied say the minimum then. Why wouldn't you say the minimum? What difference does that make? The point is, you're not giving the administration enough credit. You're saying we're doing the right thing and then you're pulling out potential tools that we can use in the toolbox. By the way, there is another tool that you have. You have the ultimate tool eventually. When you pass an appropriation ordinance that funds these positions. All the positions that we have that we utilize during the course of a year are funded by Council. So that is the checks and balances that we have. That is what I would suggest that you utilize, and not just arbitrarily say we don't need a service director or we don't need this position or that position because it wasn't filled. That's my perspective. Thank you.

Councilman Togliatti replied right, and I'm just proposing this as a cost saving benefit. They are positions that haven't been filled and positions that we've not had in the past. When I sit in Finance meetings and hear that we're going to try and cut ten percent across the board in all of our departments, we're cutting back on overtime hours, we're pushing back street, sewer and utility projects because of flat revenues, and then I see that there is a possibility to save \$150,000 to \$200,000 in the coming years, I look at that as an opportunity.

Mayor Kurtz replied for the record, I will continually strive to find people to develop efficiencies and accountability. I will hire people with that mindset and I am bringing the people that are onboard as part of the administration up to speed in terms of exactly what we talked about a year ago. A year ago I talked about this. Unfortunately, we were more right than wrong about the economy. Unfortunately, we're in a position where we have to watch our dollars, but one or two positions don't make the difference. It's the big overall cost that we look at. To take away the possibility of having people in the right positions to do the right job, to help us with efficiency, effectiveness and accountability is wrong. You have a vehicle in place. We have a number of unfunded positions in the City, or multiple positions of funding but we don't fill them all because ultimately, as a Councilman you have the ability to participate in that debate. You have the ability to make a decision on who we should have and how many of what. Just like additional police or firemen, ultimately you as Council Members make that call for the budget.

Councilman Togliatti replied once a position is created by Council our hands are off.

Mayor Kurtz replied not true. In that case it's multiple positions. It's multiple people in one position. I can't just hire five more policemen because you set the parameters of the budget.

Councilman Togliatti asked is there a reason these positions have not been filled?

Mayor Kurtz replied we've been working hard. Again, I appreciate your comments about how we have become more efficient, how we have put a strategic plan in place, how we have

established long-term goals. We've had people working double duty. We've had people doing a lot of extra work. I applaud the members of the administration who have worked hard to put us in a position where we are today. But, I caution you again. This is one step of a multistep process. And I would ask you to withdraw or understand that you have a mechanism in place to manage your concerns.

This is the first time we've had a chance to talk about it. We'll do it in an open forum rather than like everyone else here who called me and asked me questions and debated issues. Or, they come in and talk to me about them. My door is always open.

Councilman Togliatti asked would you rather see \$200,000 go toward salaries, PERS and healthcare for two individuals or would you rather see that go toward road improvements, infrastructure and sanitary sewer maintenance – things like that?

Mayor Kurtz replied again, that's not the debate. That's not the issue. You'll have a chance to fully vet the issues at the budget hearings. Then we'll see what positions we need and what positions we don't need, how much we're going to allocate for road maintenance. That's all part of the budget process. The beauty of it all is, that's coming up soon.

I am just suggesting that you have other vehicles, other tools in your toolbox to accomplish what you feel is your priority. I'm suggesting that it's premature to do this when we have a vehicle in place to manage it. You're not on the Finance Committee, but they fully vet every issue and everyone, to my knowledge, usually comes to the Finance Committee meetings.

Councilman Togliatti replied I've been there for meetings.

Mayor Kurtz replied then you should be able to ask.

Councilman Grendel asked, once we have a position created like these, once you appoint somebody, it is the only recourse Council has to vote five votes against it?

Mayor Kurtz replied no. You have the vote on the position or the vote on the budget because we have to appropriate money. There are two parts to this – the position and then there is the funding of the position – either one and the administration can't do it. So we have a number of positions like that. We have a maximum number of police or firemen that we have established by Ordinance and we don't necessarily fill all of those because of the budget situation or different circumstances. There is a lot of different ways to approach this. I think this is one that can probably be done through different means.

Councilman Togliatti replied on February 11th you said, "I don't fill every position that I'm able to fill because it's a business. I fill them if there is a need." I guess if these positions have not been filled, based on this logic there is not a need. You've been very successful as a City accomplishing the objectives that I stated earlier.

Mayor Kurtz replied you're an athlete. You can't run as hard for a mile as you do 100 yard dash, can you? But you've had employees, or you yourself have been able to do more with less at

times. But you cannot tell me that you can run at a sprinter pace for a mile. I've had people who have worked extra hard to accomplish what you have already acknowledged as the benefits to the City this year. But I can't expect them to run at sprinter pace for a marathon. And I said at the onset, this is a marathon we're in. It's a long-term situation we're trying to make decisions for, not sprinter type caliber situations. Again, I'm not in for a sprint. I'm in for the long haul and I try to make decisions based what is best for the City long-term.

Councilman Togliatti asked does anyone on Council have any input on this?

Councilman Klepacz replied as you know, I voted against the positions. I was surprised to see this legislation but actually, I support this. And Mayor, I think your analogies have been wrong here. We have agreed, and it has been stated that we are cutting back on all sorts of programs. We are delaying this project and that project. We're asking employees to work less hours. You've asked the department heads to cut back overtime etc, etc, etc. Again, I applaud what the administration has done. In fact, it was my original argument back on February 11th, that these positions are unneeded because we already have the people in place to do what they are supposed to do. You and the administration have done what you are supposed to do. You've acted like the Mayor. The Finance Director has acted like the Finance Director. Department heads have acted like department heads and we have moved the City forward. Even on this last survey, again, we have City services. The services are done. The survey that Kerezy did, 90% of the residents think we have the best services in the county. I totally agree with that, which was my original argument way back in February that we shouldn't even have these positions. We're asking everybody else, everybody within the City, we're asking residents to cut. You're saying we can't do x, y and z. We're asking employees to make sacrifices. I would argue that this is a symbolic thing to begin with. We can say, okay, we're going to eliminate these positions for now and maybe in the future we'll put them in again.

Mayor Kurtz replied I don't look symbolically. I look functionally. And I appreciate your comments on how hard working the administration has been. It's a lot of people. It's not a one man band as you know. It's a lot of people that make this animal work. But I'll say this again. These positions were created on the concept of efficiency, effectiveness, accountability. If you talk to my department heads and they know the genesis of staff meetings. They revolve around the need to be more efficient. We need to be more effective. We need to be more accountable. We have a strategic plan in place. What is it? It's accountability. We have a CAFR now. What is it? As was stated at the meeting, it's more accountability. And all I've asked the department heads to do, and I'm glad the message is resonating throughout at least the elected officials, accountability. We need to have people work smarter. No one is trying to take jobs away from our people. And I've shared that with various department heads. We're going to still maintain our excellent rating with the services. You're right, George, 90% of the people think we have excellent services. I applaud all of Council for funding programs. But, no one can sit here and say that we are the most effective and most efficient with your programs. My department heads tell me, we can do better. In the weekly updates I get they tell me, what about this? They are applauded for new ideas, innovative ideas. So we need to continue to incentivize our people to work hard, work smart and to maintain the level of services. Actually, the 10% or so that didn't say we had excellent services was because they were new residents and they don't know that we have excellent services. That being said, I appreciate the opportunity to discuss the issue, but I

still think it's premature. I would appreciate that we not consider this at this time. Let's get through budget hearings and we'll outline in more detail exactly where we're going as we establish the blueprint for 2009.

Councilman Grendel stated I tend to support this legislation. We've proven this year that by everyone working harder that we can accomplish a lot of goals with the staffing we have. I guess I go back to maybe an older Republican thing – less government is more efficient and better. I think that with the staff that you've had, we've accomplished quite a bit. A lot of it has to do with the Council Members working on it too – working as a team, working together. I think we've done that this year. I supported this earlier this year, but now with the projections of flat revenue, I just can't see increasing payroll when we've proven that we can.

Mayor Kurtz replied we haven't increased payroll. What I'm suggesting is let's go through budget hearings and then we can discuss and debate positions. My whole point is that it's premature.

Councilman Grendel replied it's possible. I was surprised to see it on the agenda too.

Mayor Kurtz responded wait until after budget hearings and then if I haven't made a convincing or compelling argument, then we can readdress the issue. It's just premature in my opinion.

Councilman Grendel responded I think it's fine to say we're going to cut 10% or 15%, but by the way, we're going to hire two more people in the front office.

Mayor Kurtz responded, we established goals, goals. I asked the 19 people who sit in the staff meeting to do. Everyone knows the mission. And it takes continuity and energy to create a good team. It's all about teamwork. But I can't expect some people to commit to a sprinter pace when they do it when there's a critical situation. Everyone steps up when there is a critical situation or we have a major event we're planning. But that's not a daily occurrence. I've had people who have really been realizing the sensitive nature of a number of different metrics and they've stepped up way up, over and above. My whole issue is that we'll debate this at the Finance Committee and I think that's the proper forum to fully vet the issue, and any other issue that comes up during Finance, because there will be a lot of them. We are asking our department heads to look at it differently. I want to have people in positions to help make us more efficient, effective and accountable. Then I will continue to hire the right people for the right jobs because that's what important long-term. Thank you.

There were no further comments.

Vice Mayor Riley stated next is Ordinance 2008-68, wind turbines. What is the purpose of this?

Law Director O'Brien replied, I've been working on a wind turbine ordinance myself. It's going to be involved. I didn't get it done by Friday, even though I promised Council I would get it done by Friday.

Councilman Piteo stated this opens the door.

Vice Mayor Riley asked in case somebody comes in?

Engineering Coordinator Don Ramm replied yes. There have already been inquiries.

Councilman Piteo added this is a way to make sure that we're on record. We can take this to committee and hammer out individual details.

Vice Mayor Riley asked, so we're saying that we're creating this?

Law Director O'Brien replied we're sending it to the Utilities Committee. I would say we'd just put it on first reading. I would add that it sets our goals. It's to hold off anybody on wind turbines. We can make an amendment to that and add a clause for a 60 day moratorium on any application for any wind turbine. That will make it very clear. I would like to do that. Councilman Piteo has been very involved with this.

Vice Mayor Riley replied you said 60 days. Can we make it longer?

Law Director O'Brien replied it's up to Councilman Piteo.

Councilman Piteo replied a minimum of 60 days because there are various degrees to this legislation.

Vice Mayor Riley responded if we have a moratorium on it and somebody walks in, 60 days goes very quickly.

Law Director O'Brien stated when we touched upon this you mentioned that you wanted to have it even more involved.

Councilman Piteo responded there are different facets.

Vice Mayor Riley stated we have the holidays coming up also. Do you want to do six months?

Councilman Klepacz stated that's what I'm saying.

Mayor Kurtz stated we've had people approach us to various degrees who have asked serious questions. Maybe six months would be appropriate so that we can further define it. As they approach the City, we can engage them in the process too.

Councilman Piteo responded six months would be very prudent.

Law Director O'Brien stated you can do a motion to amend the ordinance to include a moratorium precluding the acceptance of any applications for any wind turbine facilities for residential and community by the building department for a period not to exceed 180 days. That's what I would put in there.

Moved by Klepacz,

Discussion:

Councilman Piteo asked residential and commercial?

Law Director O'Brien replied yes.

Vice Mayor Riley asked but then we need to pass this tonight?

Mayor Kurtz added, we can pass it next month.

Law Director O'Brien stated let's amend that ordinance to be a moratorium for wind turbines and not be the addition of any new chapter.

Councilman Klepacz asked so this ordinance will only be for the motion?

Law Director O'Brien replied right. It will be a motion.

Councilman Klepacz stated a moratorium for 180 days?

Law Director O'Brien replied correct. That will be the new title.

Councilman Piteo stated, so it will not be a new chapter to the Codified Ordinances.

Councilman Grendel asked wouldn't that be a resolution?

Mayor Kurtz stated a moratorium to allow the City to develop the regulations.

Several people speaking at once.

Mayor Kurtz stated, we have to add to it because if people read it they'll say the City is blocking them.

I think Councilman Klepacz's motion has to include that last portion of it or people will misunderstand.

Councilman Klepacz responded this is certainly an attempt to block.

Law Director O'Brien I'm comfortable with removing that ordinance and just placing a verbal moratorium into the record here. We don't need an official act because these records are public record.

seconded by Riley, to approve a moratorium precluding the acceptance by the Building Department of any applications for any wind turbine facilities for residential and commercial areas of the City, for a period not to exceed 180 days to protect the public

health, welfare and safety of the residents of the City of Independence. Council polled: 7 yes/0 no; motion carried.

Councilman Piteo asked so we're going to remove the ordinance?

Vice Mayor Riley replied it's removed completely.

Next is Resolution 2008-133, accepting the proposal of Creative Information Services for maintenance and support for the dispatch system.

Finance Director Veres responded this is actually CIS Co. That was my mistake. This is not for CRIS. It's another software program. It's the same price as last year.

There were no objections noted.

Vice Mayor Riley stated we have Resolution 2008-134, the appointment by the Mayor of Mark Kwiatkowski as Citizen Member of the Civil Service Commission. Just as an FYI, this is not Mark the dispatcher. It's his father who is assistant chief in Bedford.

Mayor Kurtz commented, I would appreciate the unanimous support of Council.

There were no objections noted.

Vice Mayor Riley stated Resolution 2008-155 regarding payment of unused sick time to Asst. Fire Chief Frank Kruszewski.

Councilman Narduzzi stated the way this is written, we're paying him for one third of what he has accumulated?

Mayor Kurtz replied yes. This is consistent with previous practice. It's consistent with what the lieutenants would get if they retire. So we're not going beyond what we have in some form of a contract or a past practice.

Finance Director Veres replied, but you are going by what was passed by ordinance two years ago.

Mayor Kurtz asked was that before we had the labor contracts?

Finance Director Veres replied I'm not sure.

Mayor Kurtz responded that's the debate. I think the former police chief was given the same consideration when he retired. It would also have that same revision in our lieutenants' contract. It's kind of like we're not being consistent. We have a chief, we have an assistant chief and then we have lieutenants. We have a situation where when the police chief retired, we I believe, we voted on providing him the same consideration. That's all we're asking.

Vice Mayor Riley responded John Veres wrote in his Legislative Review that we already paid 320 hours.

Finance Director Veres replied we did, based upon the ordinance.

Vice Mayor Riley asked how much more is this?

Finance Director Veres replied another 160 hours.

Councilman Klepacz asked so we need to revise that ordinance?

Finance Director Veres replied I don't know why you have the ordinance if you don't follow it. I don't agree with it. I don't even know if it fits within the budget.

Vice Mayor Riley asked, it doesn't?

Finance Director Veres replied I wouldn't think it would.

Mayor Kurtz responded well if it comes out of the pot of money for wages.

Finance Director Veres replied but the pot didn't know that this assistant chief was retiring at the end of the year.

Councilman Grendel commented it's over \$80,000.

Several people speaking at once.

Vice Mayor Riley asked so you're saying the former administration did this with Chief Dugan when he retired?

Finance Director Veres replied I'm saying there is an ordinance in place and we pay the 320 hours based upon the ordinance.

Mayor Kurtz commented, the only one that can modify that is City Council.

Finance Director Veres responded I'm saying he's not a lieutenant. He's an assistant chief and the ordinance was created because of this issue of the fire chief and the assistant fire chief. If you looked at the copies I provided, they will confirm it. The positions are in capitals.

Councilman Grendel asked what is the dollar amount?

Finance Director Veres replied I don't know. I didn't look into it because I don't agree with it.

Vice Mayor Riley asked so how can you say it won't fit into the budget if you don't even know the amount?

Councilman Crooks stated you have to give us the amount.

Vice Mayor Riley added, you are so detailed.

Several people speaking at once.

Councilman Crooks asked can we just do this next month?

Mayor Kurtz stated we can remove it from the agenda and I'll get the amount. I think it was \$87,000 or less.

Vice Mayor Riley asked Finance Director Veres, can you give us a definite number?

Finance Director Veres replied I will.

Councilman Grendel added if we're going to go against our own ordinance, we should probably revise the ordinance too.

Councilman Klepacz asked were we aware of this ordinance when this came up before?

Councilman Grendel replied this only covers the chief and assistant chief of fire.

Councilman Klepacz stated it must have come up before because we passed it back in 2006.

Councilman Grendel commented this doesn't pertain to police chiefs.

Mayor Kurtz replied no, but we did the same thing with the police chief.

Finance Director Veres responded maybe that's when the ordinance was created.

Councilman Grendel stated we need a little more research on it.

Mayor Kurtz stated to Vice Mayor Riley, if you don't mind, why don't you remove that from the agenda? We'll get the facts and get them to you.

There were no objections noted to removing Resolution 2008-135 from the agenda.

Vice Mayor Riley stated next is Resolution 2008-136 regarding Mary Dolansky and the Spotlight. She's been doing this for years. I don't think she's ever come close to what we've budgeted.

Finance Director Veres replied actual to date for this year is about \$5,800. Her hourly rate would change from \$18 to \$19.

Vice Mayor Riley asked are there any questions or problems?

Law Director O'Brien stated this is the first change in a long time.

Vice Mayor Riley stated Resolution 2008-136, a temporary accessory use permit in a U-6A District.

Councilman Grendel responded this came out of the Planning Commission. This is at the Residence Inn. MetroHealth is going to have two rooms to do sleep studies. I think this is the first time Metro has done anything in Independence. We'll have some income tax revenue because we'll have technicians and physicians.

Mayor Kurtz stated I think this is a great opportunity.

Councilman Grendel added a pilot program, a great opportunity for us, yes.

Law Director O'Brien commented one year income tax.

Councilman Grendel stated a one year pilot and we'll see how it works out. They gave a real nice presentation.

Vice Mayor Riley stated next is Resolution 2008-138, Change Order 1 to the contract of United Survey for the sanitary sewer maintenance and repair contract.

Mayor Kurtz stated that is as a result of, as delineated by the engineer or service director that we have several sanitary sewer lines that have bellies in them under the road. We have to remove those because of buildup and backups. We've gotten reduced pricing.

Director Snyderburn replied that's correct.

Vice Mayor Riley commented Dave Snyderburn had mentioned these earlier in the year. We wouldn't know the extent until they dug up and looked more closely at these. The Finance Director said that it fits within Street Resurfacing Fund.

There were no objections noted.

Vice Mayor Riley stated Resolution 2008-139, approving a settlement agreement.

Councilman Narduzzi asked what is this all about?

Councilman Crooks replied this came from the Zoning Board of Appeals when I was on two years ago. Don Reis had come forward, this is not the fireman, this is a different gentleman.

Mayor Kurtz added this Don Reis passed away. He used to live on Bramley and owned Stein. He moved. He bought that lot years ago. He came to the City with the intention to build and the City obviously had a number of questions and concerns. Subsequently, he passed away and so now we're in a position to get the property and end the situation.

Councilman Crooks added for \$400.

Mayor Kurtz stated for \$400. This is the property off of the paper street by Hillside and Dora. If you took Elmerge and kept going right through Dora all the way to Hillside, it's in that area.

Councilman Klepacz asked it's the paper street from Brecksville Road to Elmerge?

Mayor Kurtz replied that's the other part of it. This one is Hillside and Dora.

Several people speaking at once.

Councilman Crooks stated when I was on the Zoning Board of Appeals two years ago we denied the variance. I think the Board unanimously denied it. They subsequently filed a lawsuit against the City. Is that right?

Law Director O'Brien replied correct.

Councilman Klepacz stated the only way he could do it was to build the paper street all the way out.

Mayor Kurtz replied right.

Councilman Klepacz asked once we do this will this be the first step to take care of the driveway?

Councilman Crooks asked Herasimuk?

Several people speaking at once.

Law Director O'Brien stated if someone later on who has rights to what we'll call a "lot" because it's kind of gray, a lot who wants to build a house, assuming the City took the same position, that person will be asked to put all the improvements in whether it's grass or not.

Councilman Klepacz asked did we just want to let Herasimuk sit or did we want to move ahead with that?

Law Director O'Brien asked as far as the seeding of that area? It makes no difference from a legal standpoint to me. Our argument is still going to be the same. If someone comes in, they're going to have to put the improvements all the way up.

Councilman Klepacz responded I just thought that might solve another issue that has come before this Council. This would be a good opportunity to do that.

Councilman Crooks asked how have we left that issue with Herasimuk? I thought that we left it that the City would pay half and they would pay half for any improvements there. Am I wrong?

Law Director O'Brien replied I don't think there was that many (inaudible).

Councilman Klepacz stated all I know is if we have this part, maybe we could take care of the part so it doesn't come up before Council.

Law Director O'Brien stated for the record, in the settlement agreement they took the position that it was a buildable lot I assume to capture some donation credit. We specifically put in the settlement agreement that we don't agree with that.

Several people speaking at once.

Vice Mayor Riley stated we're getting a piece of land for \$400, maybe we could even use it for wetland mitigation.

Councilman Grendel responded maybe we can do that.

There were no objections noted.

Vice Mayor Riley stated Resolution 2008-140, this is accepting the bids for plowing services for the municipal lots and the senior citizen driveways. I know some of you have concerns on this. I believe when we talked about this with the Law Director his statement was that he was uncomfortable with Council allowing any City employee to do this? Is that correct?

Law Director O'Brien replied I'm uncomfortable with that, yes. By the way, I don't believe I had the bids at the time.

Councilman Grendel stated we had two scenarios – with and without City employees.

Law Director O'Brien stated I'm still uncomfortable with it. As mentioned publicly, there is an exception to that statute and I would ask that although it's not a requirement of the statute, I would ask for the City's protection to have them sign an affidavit basically mirroring what the statute exceptions (inaudible). I went over this with Dave Snyderburn and briefly with the Mayor. If any of the employee bidders were equal to a private bidder, then they're not within the exception. They have to be lower and in these cases they are lower by at least \$1.00.

Councilman Grendel asked did you put them on notice that this is the last year they'll be able to do this?

Mayor Kurtz replied yes. One of the things we discussed was the fact that we didn't give them enough advance to buy equipment to do the things you anticipate with your workload. This will be the last year that we do this from my perspective.

Councilman Crooks stated I have a challenge with it.

Vice Mayor Riley stated I have a couple of questions for the Law Director. If I am a City employee and I get one of these bids, can I take a vacation day and then plow snow? Is there a conflict getting paid twice?

Law Director O'Brien replied no.

Vice Mayor Riley asked even though it's the purpose of vacation days to give people time away from employment?

Law Director O'Brien replied yes.

Vice Mayor Riley asked, one of the bidders, Mary Fabich, does not work for the City.

Law Director O'Brien replied yes. She is co-owner.

Vice Mayor Riley asked if we reject it on the principal that we're not letting City employees do this, do we risk a lawsuit from her?

Law Director O'Brien replied no. The statute, and I have become very familiar with it this year, it applies to family members as well if the family member is clearly at his house. Technically, the way that contact has been let with Ms. Fabich has been in violation of the statute. I may have to look at past years to make sure that Ms. Fabich was the lowest bidder because she has never provided the City with an affidavit. As I said before, an affidavit is not specifically required under the statute. I guess there wouldn't be a violation if her bids were lower and we were applying the exception in years past. She has called my office. It's the first time I haven't returned a resident's phone call in ten years, only because of the manner in which she contacted our office several times. I did talk to her while she was in Heather Glaze's office and explained the situation.

Vice Mayor Riley stated I've asked a couple people who have plowed snow and I've gotten different answers. I would say that in an hour's time you could plow somewhere between five to six driveways?

Director Snyderburn replied that is correct.

Vice Mayor Riley asked is there somewhere in our specs where it says that they have to tell you how many drivers they are using.

Director Snyderburn replied if they're using drivers, yes.

Vice Mayor Riley stated there is one person on this list who I believe plowed by himself and has 79 driveways. They have to do these in 12 hours or 16 hours?

Director Snyderburn replied 16 hours.

Vice Mayor Riley stated so at six per hour in 16 hours that's 96 driveways. So technically, no one should be allowed to have more than 96 driveways if they drive themselves. Do we want somebody out there plowing for 16 hours? Do you know what I'm saying? Is that the reason they're driving off the driveway and damaging yards and hitting sprinkler heads, because they're so tired? That's what I'm asking.

Director Snyderburn replied I've been through it every year. We've gone through this. I've talked to Greg O'Brien about it and the Mayor about it.

Law Director O'Brien commented, over many years.

Director Snyderburn continued I have no problem. We have a situation right now where we have three employees and I have no problem with it being said no employees. Right now we have an employee that I'd like to give a route to but he's going to have a part time job here that's going to involve a lot of night hours. A lot of times this happens at night. To me, it's tough for these guys to go out and do plowing and work here. One gentleman is here and he has no problem. I talked to him about it already. I have no problem not giving these to employees. I'll stand right here and say it.

Mayor Kurtz commented it will cost us more money.

Vice Mayor Riley responded a few hundred dollars each push. But does it open us up to any other improprieties?

Law Director O'Brien replied if you're asking me for a legal conclusion, I'd rather go into Executive Session. It's a little more involved and I think you should be aware of it.

Vice Mayor Riley stated if I'm hearing that you're uncomfortable with it, and the Service Director says he has no problem if we excluded employees.

Councilman Narduzzi stated I'm not going to support it. Last time we went around this room and everybody said they were uncomfortable with it.

Councilman Grendel commented I just thought of the fact that they prepared. These people made the bids in preparation. They had expenditures.

Mayor Kurtz replied that's the logic I used to try and put together a plan that deals with the situation today and next year. I was trying to find some way of mitigating the situation and transitioning from our historical situation to the future.

Vice Mayor Riley stated if you look on this bid the three people we're talking about are Fabich, New Heights and Varga, correct?

Director Snyderburn replied correct.

Vice Mayor Riley stated Fabich was low bidder on only one route with one person.

Director Snyderburn replied that is correct.

Vice Mayor Riley stated New Heights was low bidder on only one route with one quantity. I believe it's one of the parking lots.

Director Snyderburn replied that is correct.

Vice Mayor Riley stated Varga is one that is on four.

Director Snyderburn replied, you're correct. He is low bidder on four routes. I could never give him four routes. He could never do it and right now I don't want to speak for Mr. Varga. I've been informed that he has taken a part-time position with the City. I've been informed that the hours could be quite a bit of hours each week. I don't want to speak for him. With his duties as a part-time employee I don't know. I could never give him that many. There's no way he could do them. There is no way Russ Varga could do that many driveways. Bob Williams did three spreadsheets.

Councilman Grendel replied but it's in our resolution that he's getting them.

Vice Mayor Riley asked what are we doing then? We have a resolution where we're not going to award to the low bidder?

Director Snyderburn replied we have a spreadsheet.

Vice Mayor Riley stated if Varga can't get 156 and it says in this resolution that he's getting 156, then I'm voting no on this.

Director Snyderburn replied okay. I apologize. I didn't know why you don't have the other two spreadsheets.

Councilman Grendel replied we had them originally.

Mayor Kurtz asked which one was the one you wanted in the resolution?

Director Snyderburn replied the one that is in the resolution now is the wrong one. I apologize.

Councilman Grendel commented this is time sensitive. We need to have something approved in case a snowstorm hits.

Several people speaking at once.

Councilman Grendel stated we were given three and I thought we agreed to another scenario at our last Workshop.

Director Snyderburn stated I thought I signed two pieces requesting legislation. One was with employee drivers and the other was without employee drivers. That's what I thought was going forward.

Finance Director Veres commented that's the way I suggested it be done.

Director Snyderburn stated I guess somebody pulled it and I didn't realize it.

Vice Mayor Riley stated I guess we're going to have to vote no on this and have a Special Council Meeting to vote with the correct information.

Councilman Grendel stated the Mayor is going to get the other spreadsheet. We can adopt this with the other spreadsheet.

Vice Mayor Riley asked does the other spreadsheet eliminate the City employees?

Director Snyderburn replied yes.

Councilman Grendel added yes, there was a spreadsheet without City employees.

Director Snyderburn replied I apologize. I thought you had the correct spreadsheet in the legislation.

Councilman Grendel stated I didn't bring it with me because I thought this was the correct one.

Several people speaking at once.

Director Snyderburn stated to Mayor Kurtz, I signed it for legislation for two. I signed two reports. I don't know what happened.

Vice Mayor Riley stated we can move on.

Councilman Crooks stated we're going to have to vote this one down. From my perspective I'm hearing from the Law Director and Service Director, and without breaching what I know we discussed in Executive Session, because I know that we talked about it in that forum, it hints at impropriety if we have employees. That's why I'm not going to support it.

Vice Mayor Riley asked is there anyone that is strongly for this?

There was no one strongly for passing Resolution 2008-140 noted.

Councilman Narduzzi asked what was the dollar difference between the two spreadsheets?

Finance Director Veres replied around \$400.

Councilman Grendel stated we agreed to the one without the employees. I think we could use the same resolution with the correct spreadsheet that we agreed to.

Vice Mayor Riley asked is that what Council wants to do – adopt the resolution removing the City employees?

Councilman Crooks asked have we seen this spreadsheet?

Law Director O'Brien stated let's be very, very clear on which schedule we are adopting.

Vice Mayor Riley replied that's my point. We vote no on this and we'll have a Special Council meeting on Tuesday or a Workshop. We will vote on a new piece of legislation so there is no misunderstanding.

Director Snyderburn replied that's fine.

Mayor Kurtz asked which one does Council want.

Everyone speaking at once.

Vice Mayor Riley asked, remove it, correct? I'm asking the Law Director.

Law Director O'Brien stated I'd like to think about how I want to do it. If you reject it, then all those bids are rejected and thrown out.

Vice Mayor Riley replied we don't want to reject it.

Law Director O'Brien stated I think what we need to do is remove it because I don't want to reject a public bid and rebid it.

Moved by Riley, seconded by Crooks, to remove Resolution 2008-140 from the November 11, 2008 Regular Council Meeting agenda. Council polled: 7 yes/0 no; motion carried.

Mayor Kurtz stated we're good to the end of the year anyway.

Councilman Narduzzi asked, we're covered until the end of the year?

Everyone speaking at once.

Mayor Kurtz stated we want to get it done in December.

Councilman Klepacz stated we have a contract where we're covered through December 31st.

Mayor Kurtz stated we're covered. This isn't time sensitive for tonight.

Director Snyderburn replied but I would like it passed at a Special Council Meeting.

Vice Mayor Riley replied we can. It's one week. We removed it from the agenda.

Law Director O'Brien asked, you have snowplowing contracts that go to the end of the year?

Finance Director Veres replied I don't think so. These go through April.

Councilman Grendel stated just through April, through the snow season.

Law Director O'Brien stated that would be very confusing to bring them in.

Director Snyderburn asked can we remove this from the agenda tonight and pass it at a Special Council Meeting?

Vice Mayor Riley replied we did that. We'll schedule a meeting for Tuesday.

Mayor Kurtz stated I can assure you that if it snows, the existing contractors will do their thing.

What do you want the City to do in terms of next week? Do you have a decision?

Vice Mayor Riley replied no one wants the City employees to be plowing.

Mayor Kurtz stated so then the Law Director is going to make sure that we're legal in how we administer this contract, correct?

Law Director O'Brien replied right.

Mayor Kurtz stated to Director Snyderburn, so you have direction right so you're covered?

Director Snyderburn replied right.

Vice Mayor Riley stated next is Resolution 2008-141, authorizing the Mayor to enter into an agreement with Lenwood Property Development. Don Ramm, do you want to explain this?

Engineering Coordinator Don Ramm replied this is in regards to Meadows Phase 2, the subdivision that Lenny Doubrava has been pushing through for approvals. We're trying to dot all the i's on the approval process with the EPA. This is one step in the development agreement. The funding mechanisms in there are right out of code requirements for percentages of set costs for construction and bonding requirements. That development agreement is coming from the Law Department.

Vice Mayor Riley asked are there any questions on that?

There were none noted.

Vice Mayor Riley stated next is Resolution 2008-142, authorizing the purchase from Sidley for a Mack cab and chassis for the Service Department. We rejected the original bids. This is authorizing the purchase. Are there any questions?

There were none noted.

Vice Mayor Riley stated Resolution 2008-143, Change Order No. 5 to the road maintenance and repair contract. This is for the cemetery and the marginal road on Valleybelt and Granger. I want to say as Chair of the Streets Committee I appreciate everyone agreeing to that, and to Don Ramm, a great job. From my phone poll and when I called Don Ramm I was driving home and I saw the cemetery was done. The contractor did a great job. If you get a chance, take a ride through the cemetery. It really came out nice. Are there any questions or comments on this?

There were none noted.

Vice Mayor Riley stated, lastly, Resolution 2008-144, accepting the bid of Marathon Engineering Corporation for the padded jail cell. I think we talked about this in the Safety meeting and Finance meeting. Are there any questions?

Councilman Grendel replied we only had one bid.

Finance Director Veres asked why did the amount change?

Councilman Grendel's response inaudible.

Finance Director Veres responded okay.

There were no other questions or concerns noted.

Mayor Kurtz stated one other item. We've talked about Bass Energy and the gas well over by Sharton's property and by using the City's portion we will receive some of the royalty by the Square as part of the 20-acre minimum for the gas well that is proposed behind Sharton's. I believe everyone received a copy of that. Are there any objections to that gas well.

Vice Mayor Riley asked didn't someone point out that on one print it wasn't showing on Sharton's property?

Councilman Crooks replied I couldn't find anything although that's my parents' contention.

Mayor Kurtz asked it shows up on the wrong property?

Councilman Crooks replied they thought the well was going to be on Karaffa's (sp?) property, not Sharton's.

Mayor Kurtz replied that is where it has to go because they GPS this. When the Ohio Department of Natural Resources (ODNR) comes out, they actually GPS that location. That has to be where it is.

Councilman Klepacz asked what is the minimum acreage?

Mayor Kurtz replied 20 acres and it incorporates our property. That's why we're involved.

Councilman Narduzzi asked are there any water wells in that area?

Economic Development Director White replied everyone is on city water there.

Vice Mayor Riley stated what you're thinking of is you have to be so many feet from the boundary line. That's probably why they're putting it in the middle of Sharton's property.

Mayor Kurtz stated to Councilman Crooks so that has to be the location.

Everyone speaking at once.

Mayor Kurtz stated if there are no objections, we'll prepare legislation.

Councilman Klepacz asked are you going to notify all the neighbors?

Mayor Kurtz replied most of them are participating.

Councilman Crooks added they already know.

Councilman Klepacz asked when they start drilling will everyone in the neighborhood be aware of the 24/7 straight drilling. It's going to drive them crazy.

Mayor Kurtz replied everybody that is near that well is already on the contract.

Vice Mayor Riley asked can, for example, ten people in a row on Hillside Road get together and have a well drilled?

Mayor Kurtz replied if they have 20 acres.

Law Director O'Brien stated if they meet the minimum acreage.

Councilman Narduzzi commented they tried doing it by Herasimuk's house on Hillside.

Law Director O'Brien commented apparently Independence is rich in natural gas.

Vice Mayor Riley stated with all these people putting these wells in, they've got to be hitting each other sooner or later.

Several people speaking at once.

Councilman Piteo commented if we had a GIS we would know all this information. We could put it up on a screen and know exactly where that well needs to be. We wouldn't have to second guess with a GIS. It will show you all your gas reserves, your water reserves, your watersheds, your contours, everything. It's a matter of getting it up and running.

Councilman Crooks asked is it going to be screened in?

Mayor Kurtz replied they usually do. They will notify them.

Councilman Narduzzi asked is there a contract written up showing what our royalties would be?

Mayor Kurtz replied we get our standard.

Councilman Klepacz asked is it the price at the time?

Mayor Kurtz replied no, as it goes up and down, it fluctuates – market price.

Vice Mayor Riley commented Dave Laurenzi said the past couple of weeks their well hasn't even been running.

Mayor Kurtz stated if there are no objections I'll have the Law Director prepare legislation so we can get that thing moving.

There were no objections noted.

Vice Mayor Riley stated I asked Kelly to send a memo to all the department heads to prepare their reports for the Newsletter, both written and e-mailed, since due to the holiday today they won't be attending the Council Meeting. The Mayor's office needs our minutes for the Newsletter by this Friday.

Councilman Klepacz stated I'm unclear as to what we're doing with Mr. Togliatti's ordinance.

Mayor Kurtz replied I believe we're voting on it.

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

The Council Caucus was recessed at 6:44 p.m.

The Executive Session was convened at 6:45 p.m.

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

The Executive Session was adjourned at 6:59 p.m.

The Council Caucus was reconvened at 7:00 p.m.

Moved by Klepacz, seconded by Riley, to adjourn the Council Caucus. Council polled: 7 yes/0 no; motion carried.

The Council Caucus was adjourned at 7:00 p.m.

COUNCIL MEETING:

Mayor Gregory Kurtz called the meeting to order at 7:07 p.m. Present were Council Members Jim Crooks, Dave Grendel, George Klepacz, Tom Narduzzi, Jim Piteo, Jim Riley and Anthony Togliatti. Also present were Finance Director John M. Veres, Law Director Greg O'Brien and Economic Development Director Ron White. Absent due to the Veterans Day Holiday and City Hall being closed was, 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.

Pastor Dan Smith of Momentum Christian Church said the prayer.

The Pledge of Allegiance followed.

PRESENTATIONS:

Mayor Kurtz asked Tyler Kerezy to step forward to speak.

Tyler stated today is the day to honor our veterans.

Mayor Kurtz stated Tyler is with the Fifth Ohio Independent Sharpshooters Civil War Reenactment Unit.

I would like to acknowledge Ed Marzec. He did a great job this morning on our Veterans Program. Speaking to Mr. Marzec he said, you do us justice and make us proud by your comments and commitment to this community. We appreciate it and I appreciated the comments you made this morning. The entire community can be very proud of what you have done for our community over the years, and I want to publicly acknowledge that. Thank you very much, and thank you to all those who have served our country.

MAYOR'S REPORT:

Mayor Kurtz stated to the residents of Independence, I'd like to take this opportunity to wish all of you the best for a Happy and Blessed Holiday season. Please join us at Tree Lighting on December 6th and we will light up the Square. I am sure we will hear many compliments on the

lighting display, as we have in the past. I thank our City employees and staff for their hard work and creativity in making what is sure to be a wonderful display.

By way of my Mayor's Report, I am excited to communicate that the telephone survey of Independence residents was completed in the last month and preliminary analysis has been presented to the City. If you were surveyed, we say "thank you" for taking time to assist in our effort to make Independence a better place to live. If you were not polled, then I'll tell you that for a two week period in November, approximately 400 residents from Independence were surveyed over the telephone on topics of City services, City finances, our Downtown Redevelopment Project, senior housing and senior needs, and how the City communicates with its residents. Our goal is to obtain useful information that the City can transform into future improvements.

By and large, nearly 90% of those surveyed claimed our City services to be "excellent." We are very happy to have these results. Please keep an eye out in the papers, in this newsletter, and for word about public forums as we prepare to share all of this information with the public. Thank you, once again, to all of those who participated in the survey.

Back in the summer, we presented a plan to the community to obtain meaningful information in several waves. First, we began with the senior survey; then, senior citizen focus groups. From there, we conducted this most recent telephone poll. The final step is to conduct another series of focus groups and then we are complete with this process.

Another topic that was revealed in the survey was residents' interest in City finances. As we complete our tasks for the current year and prepare for 2009, the residents should know that the City is planning and doing what is necessary to make certain that we are living within our means without compromising our excellent level of service. Because our finance team tells us that our revenues may be flattening, the City has to be prepared to do more with less.

We've asked our department heads to take a close look at each of their budgets. The City has just completed a capital improvement plan that accounts for our major purchases for 5 years into the future. Please know that your City leaders are doing what they must do to prepare for these times of economic uncertainty.

One thing that cannot be compromised, however, is the quality of people who help us perform necessary City functions. When we asked our department heads to think critically about their departmental budgets, it is those people who we rely on to do a good job. The quality of the human resources of our City must never be sacrificed.

That is why I completely reject the notion of eliminating positions in the name of "cost savings," particularly when certain positions aren't yet filled. You can't save on matters where you are currently spending no money.

As we look to 2009, I am confident. The hope and happiness of one of the finest communities that I know will continue to grow, because of the hard work of the people at our City and the cooperation that we always receive from all of you. Thank you.

OFFICIALS' REPORTS:

ENGINEER:

Engineer Elewski reported we have an inspector working with the Perk Company on the Rockside Road (east section) punch list. He was one of the inspectors that worked with TranSystems during the original construction of Rockside Road.

We are continuing to work with Don Ramm on various projects.

FINANCE DIRECTOR:

Finance Director Veres reported, last year Council created the requirement to prepare a Five Year Capital Plan annually beginning in 2008.

I am happy to report that the Five Year Capital Improvement Plan for 2009-2013 was presented to Council and the Mayor on October 31, 2008. The process was very beneficial and encouraged those involved to think strategically and long-term. I look forward to continuing this process next year.

I would like to congratulate Councilman Jim Crooks and his wife Jessie on the birth of their 2nd child David Caleb Crooks. The birth occurred Wednesday November 5th and I am happy to report everyone is doing fine.

I am also very happy to report that two Independence residents became State Champions this past weekend in Dayton as integral parts of the Padua Volleyball team. They are starting junior libero Lauren Goebel and starting Senior outside hitter Jaklyn Veres. Yes, she is my daughter. They are part of the first ever girls sports program at Padua to go to the State tournament. They not only went to State's but defeated Dayton Kettering Alter. A program that had won three of the last six championships and had never lost in the Finals.

For those interested in maybe watching the match it was shown live on SportsTime Ohio and is being replayed by them. Please check their programming schedule online at Sportstimeohio.com.

On tonight's Agenda is Ordinance 2008-66, an amendment to this year's appropriations. This amendment was necessary to include the Handicap Parking Fund that was recently created by Council and to adjust the NW Quadrant TIF Fund because grants promised for 2008 have not been received yet.

SERVICE DIRECTOR:

Service Director Snyderburn reported that the Service Department is working on Tree Lighting city-wide. I hope to see everyone on December 6th at the Old Town Hall.

We will continue to pick up leaves until the last one has fallen and raked to the road.

Snowplow season is upon us. When driving, please use caution as the plow drivers do their job.

COMMUNITY SERVICES DIRECTOR:

Community Services Director Natalie Buc gave an update on flu shots. We had 233 residents receive flu shots. Thank you to our Senior volunteers and to the CERT Team for helping us out with the program again this year! We couldn't have done it without you.

Holiday Fest will take place on Sunday, December 7th from noon to 4 p.m. at the Civic Center. Bring your family for a day of fun activities for everyone!

Thank you to ALL Veterans who attended our celebration this morning at the Civic Center. I want to thank every Veteran for giving their time in the service for our country!

RECREATION DIRECTOR:

Director Kostyack reported youth basketball is getting underway; we have 89 children participating in the program this year. We will have 12 teams and we will again be playing games with Brecksville and Broadview Heights. The league has 32 teams.

TECHNICAL SERVICES DIRECTOR:

Director Avsec reported that the lighting upgrade at the old recreation center in Elmwood Park is complete. We are looking at future control upgrades to that lighting and the installation of skylights in the roof to improve energy efficiency.

Installation of the window upgrades at Historic Hall is scheduled to begin November 24.

Happy Holidays to everyone.

BUILDING COMMISSIONER:

Building Commissioner Carl Opatrny reported that a MetroHealth Sleep Study Program at the Residence Inn utilizing two bedroom suites was approved by the Planning Commission and sent to Council for final approval.

We are working with the Marotta Corporation to enclose the dumpsters behind the shopping center.

Property Maintenance and Energy Tips:

Insure that the fireplace dampers are tightly closed. In the case of a missing or inoperative damper, consider installing a chimney flue balloon. This is an inflatable balloon that fits inside the flue.

Review your attic insulation value. The current code requires an R-value of 38, which is equivalent to 12 inches of fiberglass insulation.

Check your gutters for buildup of leaves and debris. Debris in gutters can cause ice buildup and damage to the house interior.

FIRE CHIEF:

Chief Nelson reported our firefighters will be partnering with other county fire departments and the City of Cleveland to present a public education video regarding fire safety for the Christmas Season. This is being done in conjunction with the Educational Committee of the Western Reserve Fire Museum located at 310 Carnegie Avenue. The actual video event will take place on November 28, 2009. For additional information regarding this new and exciting project, please visit this website: http://web.mac.com/carpenterdesign/Fire_Museum/Home.html.

On behalf of all the firefighters, I would like to wish all our residents a very happy and safe Holiday Season!

POLICE CHIEF:

Chief Nicastro reported the onset of the holiday season often marks an increase in theft related offenses. Simple crime prevention tactics can remove the appearance of opportunity. When you leave home, consider leaving on some lights and possibly a TV or radio to give the impression your home is occupied. If you are going out of town during the holidays, notify the Police Department so that we may watch your home more closely. Vehicle break-ins also occur while vehicles are parked in driveways, shopping centers, restaurants, etc. Popular items stolen from cars are electronic devices, such as portable GPS units, I-Pods, MP3 players and laptop computers. Do not leave items in plain view in your vehicle when it is unattended.

I would like to recognize the work of Ptl. Shane Bates and his K-9 partner Chino. On the evening of November 14th they were requested to assist Maple Heights police after two men committed an armed robbery of a pizza delivery driver. Police identified a footprint on the ground leaving the scene of the crime. Shane and Chino followed a scent trail down one block, across the street, up a driveway and to the back door of a residence. Police located and arrested the two suspects in the house. Police believe they may have committed over fifteen similar robberies in local suburbs.

Have a safe and Happy Thanksgiving.

COMMUNITY SERVICES – (TOGLIATTI):

Councilman Togliatti stated being that it is Veterans' Day I would like to thank the veterans for their service to our country and remember those that have fallen in the line of duty. I would also like to thank the Community Services Department for putting on a wonderful Veterans' Day Celebration.

I strongly encourage all residents to attend our Council Caucus discussions and Council Meetings. It is important to our community to be aware of Council's actions and decisions. You may have noticed that the approval of the September 9th Council Meeting minutes were split by a vote of 4-3. Council minutes should always be unanimously approved, because they are merely a record of who said what. When statements are omitted, changes are made and the minutes reflect that. However, this Council could not agree on what took place at the September 9th meeting and did not feel it important enough to go back to the recorded tape and listen. I am encouraging this Council to continue, as it has in the past ten years, to transcribe minutes verbatim. This allows any member of Council and our constituents the privilege of having verbatim meeting minutes available for historical and reference purposes.

As we all know, the current state of our country is not good. Unemployment is the highest it has been in fourteen years and locally we are seeing our tax revenue flat line. Our economic future is uncertain and we, as a City, must take strides to prepare for the future.

In last month's Mayor's Report, our Mayor stated that "the City is in the process of tightening its belt." In an effort to reduce our City's operating budget, I am introducing Ordinance 2008-67, which eliminates the Chief Administrative Officer and the Financial Coordinator/Systems Analyst positions. These two positions have a combined maximum base of \$151,000, as well as PERS and healthcare benefits, which could bring the total maximum compensation close to \$200,000 per year. Both of these positions were created in February of this year and the Management Analyst position currently is not filled, while our Human Resources Director is acting as both the Human Resources Director and the Chief Administrative Officer.

The City has functioned exceptionally well this year without these two full time positions. I am proud to report that we have accomplished the following items as a City this year:

- Completion of our first ever Comprehensive Annual Financial Review
- Completion of our first ever Five Year Capital Improvement Plan
- Completion of a senior housing survey
- Completion of a public opinion survey
- Completion of a major roadway project on time and under budget
- And negotiated five union contracts

If you take a look at many of our neighboring communities, you will see they are cutting back as well. I propose to eliminate these positions before they are filled full-time. Because once they are filled, and if our City does choose to cut back, we will then be affecting the lives of these workers and their families. I am proposing the City do more with less, and I am asking for Council's support on this cost saving effort.

I would like to congratulate this year's 23 CERT graduates, of which I am proudly one of. For those interested in joining the CERT, which comprises over 700 residents in four communities, there will be another round of classes beginning next fall.

Lastly, I would like to send my condolences to the Kustich, Funk, Duda, Freeman, Krahn and Sanfilippo families.

Mayor Kurtz commented, as much as I appreciate Councilman Togliatti's positive comments about the successes and positive changes the Administration has achieved this year, I must remind him that it is the top quality people employed by our City that help us plan and benefit long-term to make this a better community.

UTILITIES COMMITTEE – (PITEO):

Councilman Piteo stated Council passed a 180 day moratorium on the acceptance of any application to the City for any commercial or residential wind turbine structure or facility. This limited period of time will allow the City to investigate wind turbines and pass legislation to protect the health, welfare and safety of the City.

At this time I would also like to say thank you to all veterans. I proudly fly the flag at my home every year. Anytime my daughters or I run into a veteran we shake their hand and say thank you.

PUBLIC LANDS AND BUILDINGS – (NARDUZZI):

Councilman Narduzzi stated a little history of Veterans Day. Veterans Day started out as Armistice Day, November 11, 1918, on the 11th hour of the 11th day of the 11th month the time of the ceasefire in World War I. In other parts of the world it was called Remembrance Day to remember all who had fallen in the Great War.

In 1926 a Resolution was passed inviting all Americans to remember Armistice Day, and in 1938 Congress made Armistice Day a legal holiday, giving all a day off of work.

After WWII and the Korean War, Americans wanted to open up the holiday not just for those who served in WWI, but for all who served in combat. In 1954 President Dwight Eisenhower legally changed Armistice Day to Veterans Day honoring those who had served in all wars. In 1971 Congress moved the holiday to the fourth week in October, giving all a 3-day weekend, but most people rejected the idea, stating the traditional date of November 11th, the anniversary of the Great War ceasefire was too historically important to forget. President Ford reversed the law in 1975 returning Veterans Day back to the rightful date.

Today, Veterans Day is set aside to honor not just those who have served in war, but also those who have served their nation in peace. My family and I thank you for your service.

Tonight on the agenda are Ordinances 2008-57 through 2008-65, amending outdated sections of our current Codified Ordinances. These changes have been discussed in a Council Workshop and I ask Council for your support.

And last but not least, I would like to congratulate St. Michael's Eighth Grade Football Team for winning the City Championship. I would also like to congratulate St. Michael's Seventh Grade Girls' Volleyball Team for winning the West Side City Championship. Congratulations once again to all the athletes and their coaches.

FINANCE COMMITTEE – (CROOKS):

Finance Committee Chairman Crooks reported the fruits of City planning efforts are paying off. From the Finance Committee, I'm happy to report that the City completed its first Five Year Capital Improvement Plan. This plan was designed so the City could map out what major capital expenditures and purchases it intends to incur into the future, and is the collaborative product of many individuals, including the Mayor, the Finance Director, every member of Council – who did not need to participate in the effort, though all attended and participated in at least some of the capital hearings that we held.

We've decided collectively that we will revisit this capital improvement plan on a quarterly basis at our Strategic Planning Sessions for Council. In light of the completion of the plan as scheduled by October 31, 2008, I have a few initial amendments to the plan that really don't change what we included already, but are more of additions to what has been included.

Moving forward, I would like to include a five-year capital projection on revenues to the City, a 5-year projection on operating expenses, and a five-year estimation on how much money the City plans to pay down in debt. I'd like to include this discussion at a presently unscheduled Strategic Planning Session, for which I'd like to propose that we meet sometime in December and I will follow up with the Vice Mayor to lock down a day and time.

From our Committee's perspective, the hearing process that had taken place the past few years has, in large part, been completed through the meetings of the capital improvement plan, so to the City Officials and residents, please do not plan to proceed as we have in the past. However, the Committee will hold several meetings in the next few weeks, beginning next Wednesday, to discuss the 2009 operating budget and the 2009 debt retirement goals.

City Zoning efforts – the Board of Zoning Appeals, which often times interprets the Codified Ordinances for the City, is among the most important work performed by any public body in the City. And in my two years as Council's representative to the Board, it became abundantly clear that certain sections of our Code are outdated and need to be updated on a regular basis. After all, some sections of the Code are 60 to 75 years old.

Doing so can be accomplished through the legislative process, specifically Ordinances 2008-58 through 2008-65, and since I no longer serve on the BZA, my contribution to this process, along with Councilman Tom Narduzzi's, has been to examine areas of the code that appear to need updating, and presenting them in the form of legislation before all of Council. Such matters include the size and dimensions of accessory buildings, outlining a specific definition for pool houses (which more and more cases are appearing before the Board), enforcing outdoor parking in residential areas, and other matters.

It has never been our intention to sit on our hands on Council. This effort is a way that change can be effected for the good of the City. On a larger scale, it has been the intention of this effort to become catalyst for a greater effort that establishes an ongoing committee that revisits the Code on a yearly basis or a bi-yearly basis to see where the Codified Ordinances can better

impact the residents of the City. This again is a collective effort by members of the Mayor's Administration, Council and the Board of Zoning Appeals. We're not attempting to hack sections of the Code, but rather thoughtfully examine areas that seem to be appearing before the City's boards and commissions on a regular basis to see if there is room for improvement.

Finally, I'd like to echo Councilman Narduzzi's remarks on the history of Veterans Day. During the morning hours of November 11, 1918 representatives from Great Britain, France and Germany met in a railroad car in France to sign the Armistice ending WWI, the Great War as it was known at the time. The ceasefire took effect at 11:00 a.m. that day – the 11th hour of the 11th day of the 11th month. Up and down the trenches, after four long years of the most horrific fighting the world had ever known to that date, guns fell silent. One US soldier was quoted as saying that the roaring of guns stopped like a motorcar hitting a wall. The Great War left more than nine million dead and more than 21 million wounded. Nobody knows how many civilians died. Most of Europe lay in ruins. With the Armistice, it became all quiet on the western front. November 11th was Armistice Day until 1954 when Congress changed the day to honor all veterans, including those who fought in the Great War. The name was changed to Veterans Day. But Veterans Day honors more than the dead. Memorial Day, observed in May, pays tribute to those who lost their lives in the line of battle for their country. Veterans Day is to set aside and honor and to thank all who have served the United States in the armed forces, particularly the 23 million veterans who are still living. To the Veterans, we salute you.

STREETS AND SIDEWALKS COMMITTEE – (RILEY):

Vice Mayor Riley stated as Councilman Narduzzi mentioned, I'd like to congratulate the St. Michael's football team and especially the volleyball team on their state championship. That is a great feat. Congratulations to John Veres' daughter and the whole Padua team on being the state champions. What a truly great accomplishment.

I'd like to congratulate Sam Crooks. His brother, David, was born last Wednesday. Congratulations to Councilman Jim Crooks and his wife Jessie.

As Chairman of the Streets & Sidewalks Committee, anytime there is any extra money I always fight to do a road project. This year we did Wisnieski Parkway and were also discussing redoing the City Hall parking lot. We were unable to do that this year. I asked Council and they all agreed to use those funds to redo the marginal road off of Valley Belt and Granger. We also repaved every road in the cemetery. I would like to compliment Don Ramm on getting that job done and thank Council and the Administration for supporting that.

Council has been working on a Five Year Capital Improvement Plan. I'd like to compliment the Finance Committee Chairman Jim Crooks on leading that charge and getting it completed. Everyone up here worked many hours getting that accomplished. This is the first time in the City's history where we are starting to plan for the future. If revenue is short in any particular year, Council will be able to make adjustments.

As far as Councilman Togliatti's comments regarding the minutes, I don't know if everyone is aware but our Clerk of Council has been out sick for the past two months with a very serious

illness. Kathy Alexie, Gayle Rudary and Edith Spirek stepped up to help in that office. We recently hired a temporary, Kelly Tomsik, to also assist because Assistant to the Clerk of Council, Edith Spirek, has retired. In the past, if there were any issues with the minutes, in my personal situation I would write out what I wanted in the minutes and present that to Council. We held off approving those minutes. Nothing was presented to Council to add to those minutes. That's why I voted yes to approve those minutes.

I would also like to comment on Ordinance 2008-67. When Mayor Kurtz took office this year he met with Council to lay out his plan. He didn't come in like some mayors and fire people. He said he needed some time to look at and address things. He said he wouldn't make changes and he has done that. His first priority was to bring in an in-house engineer. There is no one in this room who can argue that that wasn't well worth the money spent. I would like to refer back to the roads that were just completed this week and how quickly they were completed, not to mention how nice those roads look.

I think when the Mayor asked for these positions to be created he said to give him the time and he would show how they would be well worth the money spent. Heather Glaze accepted the position in the interim when Vern Blaze had to resign. Vern Blaze's resignation affected the City and also affected his livelihood. Besides Heather Glaze stepping up, Ron White, our Economic Development Director, has also stepped up. When we talked about these positions I remember saying that I wanted Ron White interacting with the business community and bringing more businesses to the City of Independence to raise our income taxes and increase the duplicate value on Rockside Road. As far as Heather Glaze, she is the Human Resources Director for the City. She has to concentrate on the issues that employees have, the issues that the union members have and any other personnel or administrative problems that may come up. I believe this position was created out of need and I will not support removing it.

I'd like to thank the veterans here tonight as well as those who attended our program this morning for everything they've done. I'd like to thank those who are presently serving in the military for everything they are doing. I would like to use Wes Gaab's words, "If you can read this thank a teacher. If you can read this in English, thank a veteran."

SAFETY COMMITTEE – (GRENDDEL):

Chairman Grendel reported the Safety Committee did not meet this past month. I am hoping to schedule a meeting before the December Council Meeting so that we can recap what is going on with the various projects and get geared up for 2009.

There is one resolution coming out of the Safety Committee, Resolution 2008-144, to accept the bid of Marathon Engineering Corporation for the installation of a padded jail cell for the Police Department.

Coming out of Planning Commission is Resolution 2008-137, granting a temporary accessory use permit in a U-6A District for the property that is known as the Residence Inn on West Creek. The MetroHealth System Department of Medicine is going to conduct sleep study testing there. They will be utilizing two rooms. This is the first time MetroHealth has had a project in the

City. It will provide some tax revenue and also give greater exposure to the great City that we have. This is a one year pilot program and unanimously recommended by the Planning Commission. I hope my colleagues will support it this evening. They will be starting the program on January 1, 2009.

I want to comment on the Mayor's appointment of Mark Kwiatkowski as a Citizen Member of the Civil Service Commission. Mark is an excellent man, a fine police officer and an excellent choice. He couldn't have chosen a better person for that position.

With regard to Councilman Togliatti's ordinance, I supported that ordinance earlier in a different time when the economy and revenues would support that position. I still think it's something that the City can utilize. However, due to the current condition of our revenue, which is flat, this is a luxury that we can't afford at this time. Possibly down the road when things change it could be a position to be reconsidered. We've proven this year with the excellent work of the Mayor and his administration that we've been able to accomplish many, many good things and retain the services that our residents expect. It is my opinion, at this time that this is something that might be a couple of years in the offing because of what we're going through. I can see that amount of money being utilized for many road projects and utility projects that we have on the books.

With regard to Resolution 2008-124, authorizing the hiring of Michael Baker, Jr. and Chagrin Valley Engineering for the professional services regarding the Hemlock Trail, I think that some of these projects start out as a smaller amount and because of these mandates and requirements of the federal and state governments, the EPA, etc. we end up paying a fortune; but, ultimately, with the big picture, once that trail is designed and built, it's an asset that is going to be around long past our time and our children's time. This will tie us further to the National Park. As long the Federal government keeps their word and doesn't pull their funding, and Congressman Kucinich should probably be contacted to be sure there are no changes with the new administration, I'd like to see this move forward. This is something the City can be proud of for many years to come.

Congratulations to John Veres' daughter and the Padua volleyball team. That was quite an accomplishment. She was an integral part of that team. To be a state champion is something you'll remember the rest of your life.

I also want to congratulate Jim Crooks on the birth of his son. Best wishes and lots of luck to your young family.

The cross country team had a tremendous year. They won the district meet at Edgewater Park earlier in October. They sent three of their runners to the state. I believe this was the first time that ever happened. Each one of those individuals did very well. They're all underclassmen. We expect great things from those young men down the road.

The boys' soccer team had their best record ever in the history of the program. They made the district final and lost in the shootout. They were one step away from the regionals.

St. Michael's, Padua and Independence had many accomplishments this fall. Hopefully, the winter will hold some good results too.

RULES AND ORDINANCES COMMITTEE – (KLEPACZ):

Councilman Klepacz reported today we honor all of those who have served in the armed forces of the United States. We had a ceremony before the opening of today's Council Meeting and there was a program this morning at the Civic Center to honor the men and women who have served our nation in the military. Kudos are in order for all connected with this morning's program, including, but not limited to, Marilyn Senick who put the program together, and Natalie Buc and the Community Services Department employees. At the program we heard from Abraham Lincoln, the sixteenth president of the United States, as well as our own resident historian, Wes Gaab. Three of our residents, John Michael Duhan, Kyle Schreiber and Paul Trickett, were recognized for their service in Iraq and Afghanistan. All of us thank you and all the veterans for their sacrifices in serving our nation.

On tonight's agenda is Ordinance 2008-67, introduced by Councilman Togliatti, which would eliminate the positions of Chief Administrative Officer and Financial Management Analyst. These new administration jobs were created in February of this year and have remained vacant since that time. I opposed the creation of these positions. My arguments against the creation of these unneeded jobs were published in the February City Newsletter and I will not repeat them at this time. However, I urge my colleagues to vote to rescind these jobs even if you voted in the affirmative in February. A change in your vote is not a flip-flop, but is recognition that since February conditions have changed for the economy of the United States and the economy of Independence. When these two jobs are filled, the cost to the operational budget will be close to \$200,000 per year when salary, hospitalization costs and pension contributions are added. We have heard from the Finance Director that revenues will be flat this year and current collections data support that conclusion. We have heard from the Administration that the City needs to cut its costs and perhaps delay needed projects because of the financial situation. Department heads have been told to cut costs and limit employee hours wherever possible and to reduce overtime. Thus, it would seem imprudent to add considerable cost to the operational budget at a time of financial uncertainty. The City of Independence has functioned quite well without these positions since they were created in February. The Mayor and the Administration, department heads and the Finance Director have carried out their duties. City services have continued, and according to a recent survey, over 90% of our residents deem them to be the best in the county. The Council leadership has completed a Five Year Capital Improvement Plan and has instituted procedures to insure that Council will be an active part of the planning and implementation process on a continuing basis.

Symbolism is an important part of our American culture. We say the Pledge of Allegiance at civic functions. We stand when we sing the National Anthem, we honor those who served in the armed forces by civil programs on Veterans' Day and Memorial Day, and we put on fireworks displays on the Fourth of July. So let us show that the sacrifice we are asking of the employees and the residents is being shared by the Administration and City government by eliminating these two positions, so that at a time when we are asking others to cut back we are not increasing the size of the City government.

LEGISLATION:

SECOND READING

ORDINANCE 2008-57 AN ORDINANCE AMENDING SECTION 1143.03 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO STORAGE OF RECREATIONAL VEHICLES 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 adopt. Council polled: 7 yes/0 no; motion carried.

Ordinance 2008-57 failed by veto of the Mayor.

ORDINANCE 2008-58 AN ORDINANCE ENACTING NEW CHAPTER 1332 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATED TO AIR CONDITIONING, AIR HANDLING EQUIPMENT, AND ELECTRIC POWER GENERATORS 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 Togliatti, seconded Grendel, to adopt. Council polled: 7 yes/0 no; motion carried.

ORDINANCE 2008-59 AN ORDINANCE AMENDING SECTION 1363.02 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO HEIGHT LIMITATIONS 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 Grendel, to adopt. Council polled: 7 yes/0 no; motion carried.

ORDINANCE 2008-60 AN ORDINANCE AMENDING SECTION 1363.03 OF THE CODIFIED ORDINANCES OF THE CITY OF

INDEPENDENCE RELATING TO EXCEPTIONS 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 Grendel, seconded by Riley, to adopt. Council polled: 7 yes/0 no; motion carried.

ORDINANCE 2008-61 AN ORDINANCE AMENDING SECTION 1363.04 OF THE
CODIFIED ORDINANCES OF THE CITY OF
INDEPENDENCE RELATING TO METHOD OF
CONSTRUCTING A FENCE AND DECLARING AN
EMERGENCY

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

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

ORDINANCE 2008-63 AN ORDINANCE ENACTING SECTION 1121.23 OF THE
CODIFIED ORDINANCES OF THE CITY OF
INDEPENDENCE RELATING TO POOL HOUSE AND
DECLARING AN EMERGENCY

Moved by Piteo, seconded by Grendel, to read by title only. 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 2008-63 failed by veto of the Mayor.

ORDINANCE 2008-64 AN ORDINANCE AMENDING SECTION 1143.02 OF THE
CODIFIED ORDINANCES OF THE CITY OF
INDEPENDENCE RELATING TO ACCESSORY USES
AND BUILDINGS IN RESIDENCE DISTRICTS AND
DECLARING AN EMERGENCY

Moved by Piteo, seconded by Crooks, to read by title only. 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 2008-64 failed by veto of the Mayor.

ORDINANCE 2008-65 AN ORDINANCE AMENDING SECTION 1331.01 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO OBOA OHIO RESIDENTIAL CODE (ORC) 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 Crooks, to adopt. Council polled: 7 yes/0 no; motion carried.

RESOLUTION 2008-124 A RESOLUTION AUTHORIZING THE HIRING OF MICHAEL BAKER, JR., INC. AND CHAGRIN VALLEY ENGINEERING, LTD. FOR PROFESSIONAL SERVICES TO PERFORM ENVIRONMENTAL SERVICES, INVESTIGATIONS AND ECOLOGICAL SERVICES FOR ALL PURPOSE HEMLOCK TRAIL AND DECLARING AN EMERGENCY

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

Moved Grendel, seconded by Riley, to adopt.

Discussion: Councilman Crooks stated I am going to abstain on this. Per the discussion we had in Caucus, until we double and triple check that we can get some kind of guarantee on whether that federal funding is going to come to us. This is not to undermine any of Ron White's efforts. He has worked incredibly hard on this project. After that guarantee, maybe we can schedule a time when Michael Baker can come in and give us an update on the process.

Councilman Klepacz commented the reason that we're required to do this is a result of the public testimony section, which is required. There were some concerns by the public.

Council polled: 5 yes/1 no (Narduzzi)/1 abstain (Crooks); motion carried.

FIRST READING

ORDINANCE 2008-66 2008 AMENDED ANNUAL APPROPRIATION ORDINANCE 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 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 2008-67 AN ORDINANCE AMENDING ORDINANCE NO. 2008-15 RELATING TO COMPENSATION OF EXEMPT POSITIONS 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 Togliatti, seconded by Grendel, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.

Moved by Grendel, seconded by Klepacz, to adopt.

Discussion: Vice Mayor Riley stated, as mentioned earlier the people who are supporting this are saying that you are doing a wonderful job. I want to say that you are doing a wonderful job and I want to give you the tools to do that job.

Council polled: 3 yes/4 no (Crooks, Narduzzi, Piteo, Riley); motion failed.

ORDINANCE 2008-68 AN ORDINANCE ENACTING NEW CHAPTER 1333 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO WIND TURBINES AND DECLARING AN EMERGENCY

Ordinance 2008-68 was removed from the agenda without objection.

RESOLUTION 2008-133 A RESOLUTION ACCEPTING THE PROPOSAL OF CREATIVE INFORMATION SERVICES FOR THE MAINTENANCE AND SUPPORT SERVICES FOR THE DISPATCH SYSTEM FOR THE POLICE DEPARTMENT 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 Grendel, to adopt. Council polled: 7 yes/0 no; motion carried.

RESOLUTION 2008-134 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF MARK KWIATKOWSKI AS A CITIZEN MEMBER OF THE CIVIL SERVICE COMMISSION 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 Narduzzi, to adopt. Council polled: 7 yes/0 no; motion carried.

RESOLUTION 2008-135 A RESOLUTION AUTHORIZING THE PAYMENT OF UNUSED SICK TIME TO ASSISTANT FIRE CHIEF FRANK KRUSZEWSKI AND DECLARING AN EMERGENCY

Resolution 2008-135 was removed from the agenda without objection.

RESOLUTION 2008-136 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 2009 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 Grendel, to adopt. Council polled: 7 yes/0 no; motion carried.

RESOLUTION 2008-137 A RESOLUTION GRANTING A TEMPORARY ACCESSORY USE PERMIT IN A U-6A DISTRICT FOR THE PROPERTY LOCATED AT 5101 WEST CREEK ROAD AND DECLARING AN EMERGENCY

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

RESOLUTION 2008-138 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH UNITED SURVEY, INC. FOR THE 2008 SANITARY SEWER MAINTENANCE AND REPAIR 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 Grendel, seconded by Narduzzi, 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 2008-139 A RESOLUTION APPROVING A SETTLEMENT AGREEMENT 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 Riley, seconded by Narduzzi, to adopt. Council polled: 7 yes/0 no; motion carried.

RESOLUTION 2008-140 A RESOLUTION ACCEPTING THE BIDS FOR SNOW PLOWING SERVICES FOR MUNICIPAL LOTS AND SENIOR CITIZENS/DISABLED PERSONS/ACTIVE MILITARY RESIDENTS FOR THE 2008/2009 SNOW SEASON AND DECLARING AN EMERGENCY

Resolution 2008-140 was removed from the agenda without objection.

RESOLUTION 2008-141 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT WITH LENWOOD PROPERTY DEVELOPMENT, LLC 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 Narduzzi, 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 2008-142 A RESOLUTION AUTHORIZING THE PURCHASE FROM R.W. SIDLEY, INC. FOR A MACK CAB AND CHASSIS FOR THE SERVICE DEPARTMENT 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 Grendel, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.

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

RESOLUTION 2008-143 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 5 TO THE 2007/2008 ROAD MAINTENANCE AND REPAIR CONTRACT BETWEEN THE CITY AND ANTHONY ALLEGA CEMENT CONTRACTOR AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Narduzzi, 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 Grendel, seconded by Riley, to adopt.

Discussion: Vice Mayor Riley stated I would like to thank my colleagues for approving this so we can get the roads done.

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

RESOLUTION 2008-144 A RESOLUTION ACCEPTING THE BID OF MARATHON ENGINEERING CORPORATION FOR THE INSTALLATION OF A PADDED JAIL CELL FOR THE POLICE DEPARTMENT 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 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.

Moved by Klepacz, 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 8:03 p.m.

Gayle Rudary, Pro Tem Clerk of Council
