

**CITY OF INDEPENDENCE
REGULAR COUNCIL MEETING MINUTES
DECEMBER 9, 2008 7:00 P.M.
COUNCIL CHAMBERS**

CAUCUS:

Vice Mayor Jim Riley called the meeting to order at 6:12 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, Law Director Greg O'Brien, Service Director Dave Snyderburn, Engineering Coordinator Don Ramm, Finance Coordinator Vern Blaze, Economic Development Director Ron White and Engineer Don Elewski. Also present was Keith McCabe from Haydite.

Councilman Narduzzi asked, how did we make out on Route 21 with the sewer issue?

Vice Mayor Riley replied it was undermined pretty badly.

Engineering Coordinator Don Ramm added they found some cracked pipe in the manhole. There was settlement of the backfill material from the old culvert that was down deeper. It settled downward just enough over many years to smash the pipes. There were open holes and voids to allow the material to run into the manhole itself. A lot of the material was soft and ended up at the base of the manhole. Two or three feet down below the fill lines of the pipe they hit solid ground. They were able to build it back up from there. There was nothing deeper than the bottom of the manhole.

Vice Mayor Riley asked, do you have a cost on that?

Engineering Coordinator Don Ramm replied, not yet.

Councilman Piteo asked, Finance Director Veres, how it was going to be paid for.

Finance Director Veres replied, the State Highway Fund.

Vice Mayor Riley stated to Don Ramm, let us know how when you have a figure.

Engineering Coordinator Don Ramm replied, I'll let everyone know as soon as I have a final number.

Finance Director Veres stated we have a State Highway Fund that there are rare opportunities to use because we have to use it on a state highway and we don't have many of those going through the City. The money in that fund comes from gasoline taxes.

Vice Mayor Riley asked, how much is in there?

Finance Director Veres replied, around \$75,000. That should be enough I think.

Councilman Grendel asked when was the last time we tapped into that fund?

Finance Director Veres replied, when we did Route 21.

There were no other questions.

Vice Mayor Riley stated Resolution 2008-147, authorizing the City to purchase haydite. I know there were questions from Councilman Togliatti on this last time.

Councilman Crooks stated for the record, I'm going to abstain on this because I've done some work with Haydite.

Councilman Togliatti stated my concern is I'd spoken with a number of residents and their impression based on our use last year was that they're unhappy with it. It's dirty and tracks into their homes and garages. I've gotten some of the same responses from some businesses. St. Michael's had a lot of complaints regarding it last year.

I talked to some of the snowplow guys and they're not happy with the effectiveness of it. They say it clumps up and freezes together.

I know that we have a representative from Haydite here. Maybe he can educate us a little bit.

Mr. McCabe introduced himself and stated I'm an engineer. I've been with Haydite about 14 years. We started selling the product three or four years ago to this market based on haydite plants in Utah and Denver who had pretty good success with it. So far this year we have over a dozen municipalities that we have picked it up. Probably the biggest users so far are the City of Berea, Moreland Hills, Bentleyville, Orange, Kirtland Hills, Columbia Station, Medina, Pepper Pike, Sagamore Hills, Sheffield Lake, Wadsworth and West Salem. There's maybe another half dozen in Stark County.

I suspect that what happened last year was probably an over dosage in the mix. What we recommend is a 20% to 25% by volume mix of haydite to salt. If you wait until you're really short on salt and mix it 50-50 or greater, that's when you tend to get that dirty look.

I brought a couple of samples so you could see what haydite looks like by itself, and then a blend of haydite at 20% to 25% with salt.

The quarry is Chagrin River shale that is located here in the City. We mine that and heat it to around 2000 degrees. We expand the shale. So we basically bloat it almost like popcorn or pumice, if you will. So the material itself is about one third to one half lighter than regular stuff.

A lot of people when they're short on salt will blend either sand or slag. Two problems with that, the sand is very heavy and tends to stick a lot more than haydite will. The slag has a leach aid that comes out, and the haydite because has been heated at that high temperature it is basically free of any deleterious types of chemicals that are in it. It's a ph neutral material. We

actually sell that as a soil amendment. If any of the material that is pushed to the berm and into the treelawn basically acts as a soil amendment and helps cut up the clay.

This year we've had much better success. We did a demonstration around six weeks ago when we had about 30 municipalities come in. We showed them how to mix it. Part of the issue before is when it's late in the year and you have no salt left, you tend to use a lot more haydite. Two years ago, the City of Solon had fresh concrete and didn't want the harmful effects of the salt. They used pure haydite. It worked for them, but you'll notice a little buildup on the street. Smaller particles will wash away. Particles that are closer to one eighth of an inch, that's what you're going to see. Typically that is going to float away or blow away in the spring time.

The material itself is a cohesion less material. If you're familiar with clay silt which will pack in, haydite will not pack in. Each of those particles is an independent particle. They don't stick because it has been expanded.

Councilman Piteo asked, Director Snyderburn have you seen any buildup in our sewers after haydite usage last year, or water problems directly related to that?

Director Snyderburn replied no, not a lot. What we did was send the street sweeper out after the winter. We picked up the residue that was on the streets. There were no sewer problems that we saw from the haydite at all.

Mr. McCabe stated it will generally wash right through. Silt is going to sit at the bottom and fill your catch basin. You're going to get a lot more buildup with leaves and regular dirt.

Vice Mayor Riley asked, Director Snyderburn, do you want to go with haydite again?

Director Snyderburn replied, it's another tool in the toolbox.

Vice Mayor Riley asked, do you think it was a little overdone last year?

Director Snyderburn replied, I'm not going to say that we ran out of salt because we probably had 25 tons of salt, which is nothing. It's one truckload. We got to the point where we bought haydite and mixed it. We would have run out if we hadn't done that.

We're allocating 7000 tons of salt this year. Last year we used about 8500 tons of salt. We have salt that we have left over that we keep in our bins. We bought around 9800 tons of salt. This is something we can use to supplement the salt. It's something where we're not sitting without a product. Nobody knows how much snow is going to fall. There is no correlation between salt usage and the snowfall for the season. You could have 20 inches of snow fall at one time. You plow, and plow and plow but you don't use as much salt.

Vice Mayor Riley asked, Councilman Togliatti, you don't want haydite?

Councilman Togliatti replied, no, I don't want haydite. I've done quite a bit of research as far as the use of abrasive aggregates with salt and snow removal. There are a handful of states, Utah, New Hampshire, Iowa and Wisconsin.

Someone made a comment that Utah swears by it.

Councilman Togliatti replied that's not what their Department of Transportation said. Also, the country of Germany had done studies on this and they say that mixing abrasive aggregates with salt and applying them to roadways is worthless. It's a waste of money. There is no benefit whatsoever. The majority of the stuff bounces off the road and what doesn't bounce off the road is scattered off the road from 8 to 10 to 12 cars driving by. It doesn't have any melting characteristics. The granules break up under the tires of the cars and put particulate matter into the air, which causes air pollution, causes respiratory disease, lung cancer and things like that.

The City of Denver has instituted a street sweeping policy. When they spread aggregate on their roads they sweep it within four days of the application. They have to clean all their catch basins every year to dispose of that solid waste.

Vice Mayor Riley asked aren't there different types of aggregate?

Mr. McCabe asked are you talking about clay products? Clay products will break up. Ours is as hard as shale.

Councilman Togliatti responded the overwhelming research shows that mixing any sort of aggregate with salt is not cost effective.

Mr. McCabe stated if that's what Denver uses.

Councilman Togliatti replied they don't use it. They did back in 1996.

Several people speaking at once.

Councilman Togliatti stated I can share this information with everyone if you want to go over it.

Vice Mayor Riley asked if we run out of salt, what do you want to put on the roads?

Councilman Togliatti replied Dave Snyderburn had a sample on his desk, a green solution that has melting characteristics that will work.

Director Snyderburn responded, Clear Lane. That's from Cargill. It's not in our bid specs. They take salt and treat it with Clear Lane material.

Sometimes they have 150 carloads of salt going to Illinois and Indiana per night. It's all going there because they're getting \$120 and \$140 per ton. I guarantee that if it's a bad enough winter, you aren't going to get salt. They don't have to give you the salt.

Councilman Togliatti responded what good is spending \$25,000 on something that isn't going to work?

Director Snyderburn replied we might not spend it right away.

Councilman Togliatti asked what good is spending any money on something that has been proven not to work.

Mr. McCabe replied I would argue that it's proven that it does work.

Several people speaking at once.

Councilman Togliatti stated this is a benefit cost comparison of salt only versus salt abrasive mixtures in winter highway maintenance.

Mr. McCabe asked is there haydite in there?

Councilman Togliatti replied, it defines it as any abrasive aggregate mixture.

Vice Mayor Riley asked when was that study done, 1996?

Councilman Togliatti replied I believe it was done in 1997.

Vice Mayor Riley stated Haydite just started selling it a few years ago.

Mr. McCabe replied we started it two or three years ago.

Vice Mayor Riley stated to Councilman Togliatti, I guess you're presenting us with a study that has nothing to do with what we're talking about.

Mr. McCabe replied right. I don't think what you're looking at is.

Councilman Togliatti replied it's very similar.

Vice Mayor Riley stated haydite is a new thing. You could put sand down. You could put gravel down.

Councilman Togliatti replied right. The haydite absorbs water, freezes together, clumps up, clogs our salt spreaders and ends up in people's yards.

Several people speaking at once.

Mr. McCabe stated we basically store that material year round.

Several people speaking at once.

Councilman Togliatti stated according to the snowplow guys it has.

Director Snyderburn responded what happened last year was we had such a heavy mixture of haydite to salt, it was more that 50-50. Salt by itself will clump. Salt gets wet, dries out and clumps. I'm not saying the haydite did that. The salt could have clumped it. We remove the top and physically go up with a bar and break it through a screen. If it gets wet and clumps up enough in the hopper itself, if you leave it in there and don't take it out, you have to physically break it out. You can get chunks of salt sometimes from the stockpile that will be as big as a door.

Vice Mayor Riley asked so you're saying the problem last year was due to us not knowing the proper mixture ratio?

Councilman Togliatti replied but the problem is that nobody has ever used this stuff and when you say 25%.

Mr. McCabe replied I just told you over a dozen people using it right now.

Councilman Togliatti stated I have a quote from the mayor of Medina in the November 25th Medina Gazette. It said that it doesn't melt snow. It just clogs up the sewer systems and it's not worth it. That's local.

Mr. McCabe replied they purchased some.

Councilman Togliatti responded what the Mayor is saying is based on their experience.

Vice Mayor Riley asked, on haydite or another material?

Councilman Togliatti replied, on haydite.

Mr. McCabe stated they just picked up a load this past week.

Director Snyderburn stated I didn't look at this whole thing. The study goal was determining the relative effectiveness by percent of salt/abrasive mixtures was not achieved because of insufficient events in the lowest salt percentage and insignificant data. The results are inclusive. A much larger database would be needed.

Councilman Togliatti stated if you look at page four under "conclusions," it says the use of abrasives in salt abrasive mixtures were cost ineffective. Clearly, salt only, provided an improved road surface more quickly and controlled accidents sooner than a salt abrasive mixture.

Councilman Narduzzi responded, but if you don't have salt available.

Councilman Togliatti replied, but there are other options.

Vice Mayor Riley asked, what are they?

Several people speaking at once.

Councilman Narduzzi stated, bring another alternative to the table.

Councilman Togliatti asked, what is the use of spending money on something that doesn't work and is dirty?

Councilman Narduzzi asked, but who said it doesn't work?

Councilman Togliatti asked do you want to read these? There are four different states.

Councilman Narduzzi responded, the Service Director is saying that it worked last year.

Councilman Togliatti replied it didn't work last year.

Councilman Narduzzi stated, it's another alternative.

Mr. McCabe commented I might be biased because I work for the plant, but we've been shipping the City of Berea several hundred tons so far this year. Call them.

Vice Mayor Riley asked, Mr. McCabe when did you start selling haydite to municipalities?

Mr. McCabe replied two or three years ago.

Director Snyderburn asked Councilman Togliatti, you aren't against using a different abrasive material in the salt?

Councilman Togliatti replied actually, after reading all of this I am.

Director Snyderburn asked, you're totally against any material, cinders and all?

Councilman Togliatti replied yes. It's not effective.

Director Snyderburn replied, well I don't agree with you.

Councilman Togliatti responded read this stuff. There is a study from Nevada, New Hampshire, Utah and a study from Ohio. One study alone they did in four states over three years, 781 snowfalls.

Vice Mayor Riley responded, but this wasn't available in 1997.

Councilman Togliatti replied, but things haven't changed. It's abrasive aggregates. You have nothing that shows that it does work. I have six things that show it doesn't work. It's bad for the environment. It contains sulfur trioxide.

Several people speaking at once.

Councilman Togliatti stated, haydite contains sulfur trioxide.

Several people speaking at once.

Mr. McCabe stated, I think the abrasives they're using in there are not the same as haydite.

Councilman Togliatti stated haydite contains sulfur trioxide, which is the precursor of sulfuric acid, which is sulfur rain. Do you really want to throw that on our roadways when we don't know if it works?

Mr. McCabe stated we've been using that material as a soil amendment.

Vice Mayor Riley asked, do you have to have EPA approval to do that?

Director Snyderburn commented do you think throwing that much salt on the road is beneficial? The EPA is eventually probably going to regulate the salt usage.

Councilman Togliatti stated right, but salt is water soluble. It breaks up and gets washed away.

Director Snyderburn responded I bet you, two to one that haydite is much less acidic than salt. You put haydite in a stream and it doesn't kill the fish. You put salt in the streams and it kills the fish.

When we talked yesterday you were in agreement, you weren't in total disagreement that an additive to that salt wouldn't benefit – cinders or whatever.

Councilman Togliatti replied, until I looked at these studies. These studies say that adding any abrasive aggregate to your salt is like throwing your money out the window.

Director Snyderburn replied, only if you could just use salt. If you use salt to melt snow, you're right.

Councilman Togliatti stated, I have five articles in here from four states and one country. Every single one of them tells you that it's not working.

Mr. McCabe asked, but have any of them examined haydite?

Councilman Togliatti replied, with abrasive aggregates.

Vice Mayor Riley stated, we've heard both sides. We have a study and a member from Haydite. We'll move on. The members of Council will vote what they think is beneficial to the City.

Councilman Klepacz stated, I will not be supporting this either and it has nothing to do with the studies. There is no way I could possibly justify to the Mining Committee that I would vote for

haydite on the streets. One of the major concerns of the Mining Committee, and several people on Stone Road complain about the buildup of haydite along the sides of the road. DiGeronimo Aggregates, to their credit, in the summertime hires a street sweeper to clean it up off the road. You can see it on the side of the road.

Mr. McCabe replied, it's not the same material.

Councilman Klepacz responded I understand what you're saying. However, as a member of the Mining Committee I'm not going to say I voted for haydite no matter what form it's in.

Councilman Piteo asked, how much do we spend on salt per year?

Director Snyderburn replied, around \$300,000.

Councilman Klepacz stated last year we talked about doing brine. What happened to the brine?

Director Snyderburn replied we are. We use brine. You use brine in much lower temperatures. Salt is very effective in temperatures that are just below freezing. Salt is very ineffective when temperatures are single digits. We will be using brine on our streets as a pretreatment. You do not use brine to melt ice. When it gets in the single digits it doesn't snow as much. Brine is used when the sun comes out and the snow starts melting.

Councilman Klepacz asked, so brine isn't a melting agent?

Director Snyderburn replied it's a good pre-treating agent. It is very ineffective as a melting agent for snow and ice.

Councilman Piteo stated brine actually activates the rock salt. It keeps the salt from bouncing off the streets and going to the side of the road and into the creeks. The most effective way to use brine is to actually use a brine/salt mixture. That's typically what is put on the roads. For any salt to work it has to have water to activate it.

Councilman Grendel commented, I'm not a scientist, but a lot of times we do things without investigating what all the effects are. After this year Director Snyderburn's men should give a report on what the effect is to our equipment. That's what concerns me. We're spending thousands and thousands of dollars on equipment and if this stuff is going to ruin the equipment faster than salt or we're going to have problems.

Director Snyderburn replied the hoppers of salt trucks are used in the summertime to distribute gravel and cinders.

Councilman Grendel stated I'd like to hear from the fellows who are actually doing the job, what their opinion is. We're making decisions based on certain things and to make it truly education, I'd like to have further studies.

Councilman Togliatti stated I did go to the Service Department and talked to a number of our drivers and none of them are in favor of using this material.

Director Snyderburn responded as I said, last year we experimented with it. We started off with much too high a mixture when we were starting to run out of salt.

Councilman Grendel stated it stayed on the street for weeks.

Vice Mayor Riley stated moving on to Ordinance 2008-35, this is an agreement with the dispatchers. Are there any questions?

There were none noted.

Vice Mayor Riley stated Ordinance 2008-70, this is regarding storage of vehicles. Is this part of the Public Hearing tonight?

Councilman Grendel replied no, this is different. This is regarding the building inspector.

Vern Blaze stated this is giving the Building Department authority to cite vehicles on private property where before only the Police Department could do that.

Councilman Klepacz asked and this is regarding recreational vehicles?

Vice Mayor Riley replied any vehicles – junk cars etc.

Councilman Klepacz asked, we don't need a public hearing on this?

Law Director O'Brien replied no.

Vice Mayor Riley stated next is Ordinance 2008-71 establishing an ICAN Fund.

Councilman Crooks responded this is legislation to create the fund.

Finance Director Veres added this is similar to the 25&Alive Fund. The program director wants to be able to accept contributions.

Councilman Grendel asked is this any City funds or is this strictly outside donations?

Finance Director Veres replied similar to 25&Alive there will be maybe \$2,000 transfer.

Vice Mayor Riley stated the next three, Ordinance 2008-72, 2008-73 and 2008-74 were introduced by Councilmen Crooks and Narduzzi. They are coming from the Zoning Board of Appeals. These are regarding the Public Hearing tonight.

Law Director O'Brien stated Councilman Crooks and Councilman Narduzzi spearheaded these. We can have the Public Hearing on Ordinance 2008-72, but in speaking with a resident I think

I'd like to send it back to the Zoning Board of Appeals. The resident would like a change in the side yard regulations. She would like a 15 foot side yard stipulation specified in the ordinance to make sure a recreational vehicle is not less than 15 feet off the side yard. I think the ZBA may have to explain that to her.

Vice Mayor Riley asked what do you want to do then?

Law Director O'Brien replied I'd like to have the Public Hearing on it and then have it put on first reading. We'll talk to the Zoning Board of Appeals and then have it back before the end of the year to Council.

Vice Mayor Riley asked the other two we can approve?

Several people speaking at once.

Mayor Kurtz stated that was wrong. That note we got about legislation is only at the end of a term, not year.

Councilman Crooks asked Law Director O'Brien, will you comment on these ordinances during the Public Hearing?

Law Director O'Brien replied yes.

Councilman Klepacz stated I have a question on Ordinance 2008-72. One of our constituents mentioned to me the other day that we granted a variance on his recreational vehicle to put it in a side yard.

Law Director O'Brien replied he's grandfathered in. It will not affect any decision by the Zoning Board of Appeals prior to this.

Vice Mayor Riley stated next is Ordinance 2008-75 authorizing the Mayor and Finance Director, this is the settlement agreement with AT&T. What is the dollar amount they're giving us?

Law Director O'Brien replied \$100,000 by the end of the year.

Councilman Narduzzi asked why is the money going where it's going?

Finance Director Veres replied because the City prepaid for all that utility work to go underground.

Councilman Narduzzi asked, out of that fund?

Finance Director Veres replied yes.

Vice Mayor Riley stated next is Ordinance 2008-76, a letter of understanding with the firefighters. Are there any questions?

There were none noted.

Vice Mayor Riley stated next we have Resolution 2008-149, the bid of Petroleum Traders. Councilman Grendel pointed out that there are a few things wrong in this as far as the ordinance.

Councilman Grendel replied it's supposed to be December 15, 2008, there's 2009 on both. It still has Ports Petroleum in Section 2 and it should be Petroleum Traders.

Vice Mayor Riley stated make a motion to amend this.

Moved by Grendel, seconded by Riley, to correct the date to December 15, 2008 in the third "Whereas", to correct the date in Section 1 to December 15, 2008, and to correct Section 2 to read the Petroleum Traders Corporation. Council polled: 7 yes/0 no; motion carried.

Vice Mayor Riley stated next is Resolution 2008-150, authorizing the Mayor to enter into a consulting agreement with Elewski & Associates. Are there any questions or comments on this?

Councilman Grendel asked, is this month to month?

Mayor Kurtz replied yes. It's for 2009 but can be terminated by either party with a 30-day notice.

Councilman Crooks asked, have things changed with this since we last spoken, in terms of what the arrangement is going to be going forward with our engineer?

Mayor Kurtz replied no. Let me make it very simple. Don Ramm is going to have an office at Elewski & Associates. On a daily basis, Don Ramm will authorize any and all expenditures. We should have an on time, real time accounting and will pay off that. If there are extenuating circumstances, Don Ramm will authorize. We will begin transferring any and all information on an as needed basis electronically as well as physically. It will transition during 2009. The major difference between this and in the past is that there is no provision for a major contract by percentage. That would have to be entered into as a separate contract approved by Council.

Councilman Grendel asked, will those be bid out?

Mayor Kurtz replied we'd probably entertain bids and then Council would have to accept the bid, so there is a checks and balances put in place.

Councilman Grendel stated I know we plan on building an engineering department at the Annex. Is that moving forward?

Mayor Kurtz replied by entering into this contract we're basically giving ourselves time to design build that out properly, plan for the future properly, and monitor how much money we're spending on an interim basis.

Vern Blaze commented the build out of the engineering department is in the initial 2009 capital budget. But it depends on what Council ends up adopting in the 2009 budget if that item remains and whether that project goes forward.

Councilman Grendel asked if it's not, is it a possibility that this arrangement will go on to 2010?

Mayor Kurtz replied there is no termination date other than what is mutually agreeable to either party. If Don Elewski decides to do something different in the business model, he obviously has to give us a 30-day notice. If the model changes for us, we have to give him 30 days notice. That was a provision that was requested. We also have an informal understanding that if in fact Elewski & Associates adopts a different business model that we could use that space, we could rent that space. The City would rent that space. That would be Elewski & Associates' business model, not the City.

Law Director O'Brien clarified that would be informal. That's not in the agreement. The provision we have is we have continual access to the records that are down there. If Don Elewski decides to relocate to another office and that office goes dark, we have continual access. They let us in for however long it takes us to get those records out.

Mayor Kurtz added informally Don Elewski has indicated that the owner of the building would lease us the space.

Engineer Elewski confirmed.

Councilman Crooks asked, how much is this agreement for?

Mayor Kurtz replied that would be in the appropriation ordinance. There is no fixed number.

Councilman Togliatti stated like a consulting fee. The more work they do, the more we pay them.

Everyone speaking at once.

Mayor Kurtz stated the limit is in the budget. It's limited by what Council puts in the budget. It's the same provision we've had for 30 years, only this contract does not have a section where there is a percentage of the contract if we do a major project. That's a major change.

Vice Mayor Riley stated to Engineer Elewski, you understand by agreeing to this that there will be days where you may not bill us for anything. Not like in the past, there could be three weeks where Don Elewski does not bill us. Do you understand that?

Engineer Elewski replied it's like that right now.

Vice Mayor Riley asked, do we want to put a not to exceed monthly amount?

Councilman Crooks replied absolutely.

Finance Director Veres replied absolutely.

Councilman Togliatti asked, what if we have a big project and we have a not to exceed and need to exceed that for some reason?

Councilman Narduzzi replied then come back.

Finance Director Veres replied that doesn't happen overnight.

Councilman Togliatti asked, don't we need a Special Council Meeting to approve that?

Finance Director Veres replied a big project doesn't happen overnight and billing doesn't accumulate overnight, so there would be enough time..

Councilman Narduzzi stated my problem is that we've created a path to go a different way and I don't want this to hinder our movement on that path. I don't want to become too comfortable with this – that it's always there for us to fall back on. It's great as a separate tool but I don't think it should be our main focus on how we want to do business. If it's going to last a couple of months, or a quarter of the year, I'm okay with it until we get on our feet with the engineering department. But, I don't want to veer off that path that we, as a body, started to go down last January.

Mayor Kurtz stated why don't we just make it a point to put this on the agenda in March and review it? You'll get a monthly accounting as to what is being spent in line items, so you'll be able to see and monitor the situation. The Administration will produce any and all information you want. But I agree, at the end of the first quarter we should have a better idea.

Councilman Piteo commented, with all due respect, I've already heard tonight that we may be talking 2010 now or 2011. How are we going to keep the reins on this type of business? I tend to agree with Councilman Narduzzi. We've chosen the way to go with the excellent engineer that we already have and there are things that we have to do in a short manner to get this engineering department up and running. I'd like to see us move that way. Under the constraints of the finances we're going to have this year, it's going to be tough enough to do what we want to do with engineering.

Mayor Kurtz replied we will never eliminate engineering from our budget. What we're trying to do is create a new vehicle, a more efficient vehicle, but let us not forget that there is a lot of experience to lean on, draw on and monitor on a day by day basis. We've tried to come up with the best vehicle on an interim basis to deal with this. I do agree that after the first quarter we can monitor that, check it out and see the progress we're making. Members of the different committees that are part of this, Public Lands & Buildings, will be able to monitor exactly the progress we're making on the building and there will be an accurate accounting every month as to what we're spending. Other than that, you can't harness a service that has been a deliverable service for the last 50 years. I agree with the monitoring after the first quarter. You'll know because Public Lands & Buildings has to approve any major expenditures as well as the Finance Committee. Everyone at this table will have input as to how we go forward. All we're doing is

trying to create this interim vehicle that keeps us going. I get the message. I know where we're going. Don Ramm has to be the engineer. Don Elewski has to provide his experience. If we can transition that, the City of Independence will walk away a winner.

Councilman Crooks commented to Mayor Kurtz. You've expressed faith in Elewski and I am not questioning that. However, I know personally it's going to give me greater comfort, I am a consultant myself and I've never been part of a deal where I've just had a blank check and that's what this seems like. If we were to do this on more of a monthly basis, should we include that in the legislation - what are the deliverables and here are the tasks that have been performed.

Mayor Kurtz replied John Veres can give you a monthly accounting of what we spent. It's unreasonable to day that you're going to approve every expenditure because then you're saying we want to know when you send somebody out to this creek or when we have this flooding problem, or when you're checking out this street. That's unacceptable. You either have to let us run the City or you guys can come in everyday and make these decisions. You have to give us some flexibility. I do agree on reviewing it on a quarterly basis. We have nothing to hide, but you have to let us perform our function and our jobs. Those come up on a 24-hour a day basis. We never know when we're going to have a problem that we need to address and I can't afford to have to come to Council every time we have an engineering problem. If anybody is under the impression that we're going to get this down to some precise science, we're in the wrong business. This is a service business and it's not cookie cutter, it's not a manufacturing organization where you can rely on everyday and know what the costs are. On a daily basis the phone rings and it's a different issue. Don Ramm will tell you that it's usually on a minute by minute basis that things change. You have to have confidence in what we're trying to do. This has been 32 years. We're trying to unbundle and rebundle. You're going to have to give us some flexibility. I ask you for the flexibility.

Councilman Narduzzi responded I just don't want to get caught in the same comfortable routine that we've been in for 30 years.

Mayor Kurtz responded help us build out that space. I know you will because you've been very much a help already and I appreciate it.

Finance Director Veres stated if this is going to pass tonight and I don't agree that it should, I'm suggesting some changes be made to it.

Councilman Grendel stated first reading.

Mayor Kurtz replied we can do that. We can put it on first reading because we have until the end of the month. Our contract is good through this month. If someone is not comfortable, let me know what you want to do. We'll look it over and explain why we can or can't do something. We need this by the end of the year. I have no problem with that.

Councilman Grendel responded my impression was that this was going to be a one year deal and to be open-ended like that it could go on.

Mayor Kurtz responded keep in mind that Council has to approve it anyway. It could be five years, but on an annual basis you have to approve it.

Councilman Grendel stated I think the City should have a plan on what they're going to do and not leave it open-ended.

Mayor Kurtz replied we've outlined the plan. For all of 2008 we've moved toward the goal. I thought we made it pretty clear. We're moving toward what started as a cooperative and trying to communicate better between Service, Building Department and Engineering, has now migrated to the point where we have Don Ramm, he has proved to be a very effective advocate of good engineering practices. The building itself is going to be properly designed for a long-term function. Don Elewski has agreed to support with his experience this transition and our records will be put in place. I think we found the common ground. We just have to keep moving in that direction.

Councilman Grendel asked, is Elewski doing the records or are City employees doing the records?

Mayor Kurtz replied whoever Don Elewski designates on his end to help facilitate. Somebody from the City obviously has to be the one to implement. It has to be in a very organized fashion.

Vice Mayor Riley stated I understand about the records, but I don't want an assistant engineer helping.

Law Director O'Brien stated we've spent several hours on that. Don Elewski understands that the City is not going to be paying \$24 per hour for someone to make copies of them. The City is going to do it in the most cost effective way. If we can find someone on the street who is competent to do it for \$6.00 per hour, we're going to do it that way. Don Ramm and I have been involved in many conversations over the last three days and I think we have driven that one home.

Mayor Kurtz stated the bottom line is, this transition that's taking place has been mutually agreed upon by Don Ramm, Don Elewski and I believe the staffs understand the goal. Hopefully we'll get through this in a very organized, structured fashion. We have the advantage of having Don Elewski's experience to assist us. I tell people a lot of times that everyone sees the bridges, but a lot of people know and understand what's under the bridge. I have limited knowledge. I've been here long enough, but Don Elewski still has a tremendous amount of experience that he's willing to help us with. Obviously, Don Ramm has demonstrated effectiveness in his position. Going forward, I have all the confidence that Don Ramm will do a good job and then we'll have Don Elewski's history and experience to lean on when we have a situation that needs to be understood. I think it's the best of both worlds for everyone. But, Council has to be the one who has the ultimate authority in this.

Vice Mayor Riley asked, under insurance, can you put in Errors & Omissions?

Law Director O'Brien replied I had that in there. There's a cost analysis from Don, a quid pro quo, he asked not to incur. With a majority of Council he would have to carry that insurance.

Mayor Kurtz responded, if we have a major project, E & O should be added, but for these maintenance items we're dealing with, it's really an unnecessary expenditure. Don Ramm, do see any reason for it?

Don Ramm replied no, I'd have to agree with that.

Councilman Klepacz commented I would have voted for it tonight except that Don Ramm has proven that nothing is done until Don Ramm does it. I agree even though I voted against Don Ramm's position. I'm still not sure we're going the right way, however, when the votes are taken I have confidence in him, so I'm voting for it tonight as it stands.

Mayor Kurtz stated everyone get your information in. We still have time. We don't have to do it tonight. Everyone understands where we're going. If you have input, feel free to let me know and then we can attempt to craft something that is more palatable and then we'll get it done by the end of the year. His contract is in effect through the end of the year. It doesn't have to be done tonight – first reading. We wanted to show that we are moving in the direction that we've outlined and that everybody is onboard.

Law Director O'Brien stated, in Ordinance 2008-76, Schedule 2 was omitted. Now, Schedule 2 doesn't apply, nor do I ever think it will apply. That the schedule if a firefighter does not have a paramedic's license. As you know, they all have to have a paramedic's license. If we ever do add somebody that does not have a license, that would apply. It's something that was not in there that I thought should have been in there.

Vice Mayor Riley asked is there anything else regarding Elewski?

Finance Director Veres asked, should I just give my changes to the Law Director?

Mayor Kurtz replied yes.

Vice Mayor Riley stated if you notice, we have a bunch of minutes to approve. I'd like to make two corrections on the minutes. On the November 11th minutes it says I congratulated the St. Michael's football team about the state championship and that should be city championship.

Also, on the October 14th Council Meeting, on page 10 it says that Mayor Kurtz commented time out, I'm doing away with the mulch program. He said I'm not doing away with the mulch program. Before that Councilman Togliatti was speaking and I believe he made the comment that maybe we should do away with the mulch program.

Councilman Togliatti replied no, I didn't say that. I said, we should cut back on the mulch program, not eliminate it, restructure it.

It was agreed that the Regular Council Meeting minutes of October 14, 2008 would be removed from the agenda and revised.

Councilman Crooks stated I have a question about this addendum to September 9, 2008. I didn't see the addendum until tonight.

Councilman Togliatti replied it was in everyone's packets on Friday.

Councilman Crooks replied I don't remember seeing it. I didn't see it until tonight for the first time so I'm not voting on that.

Vice Mayor Riley asked, where are the changes that we made from the minutes?

Councilman Togliatti replied those are the changes. That's what was not included in the minutes, eight pages of discussion.

Councilman Crooks asked, eight pages of discussion were left out of the minutes?

Councilman Togliatti replied yes. That's what I was arguing about. Now we have the actual transcription so we're adding it as an addendum so it can go into the official minutes.

Councilman Crooks asked, who transcribed that?

Councilman Togliatti replied Sue Kurshuk, Clerk of Council.

Councilman Crooks stated after I review the minutes I'll be prepared to vote one way or the other on them.

Vice Mayor Riley asked do we want to remove those also?

It was agreed to remove the Regular Council Meeting addendum of September 9, 2008 until they could be reviewed by all of Council.

COUNCIL MEETING:

Mayor Gregory Kurtz called the meeting to order at 7:19 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, Engineer Don Elewski, Marilyn Senick in the absence of Community Services Director Natalie Buc, Service Director Dave Snyderburn, Building Commissioner Carl Opatrny, Fire Chief Peter Nelson and Police Chief John Nicastro. Absent were Recreation Director Ed Kostyack, Community Services Director Buc, Engineer/Public Service Coordinator Don Ramm, and Technical Services Director Tom Avsec.

Pastor Dan Burgoyne of Northeast Ohio Church said the prayer.

The Pledge of Allegiance followed.

PRESENTATIONS:

Mayor Kurtz stated tonight we have a presentation of a Certificate of Appreciation to the Independence Kiwanis.

Mayor Kurtz asked Marilyn Senick, President of the Independence Kiwanis, to step forward.

Chief Nicastro stated this is Officer Jim Green and his canine, Paddo. The Mayor has a certificate to present the Kiwanis. They were kind enough to donate the vest that you see the dog wearing tonight. We have two canines. The other, Chino, couldn't be here this evening. These dogs do a lot of work. They get in harm's way more than most people realize so this is of real value for us to have these vests.

Mayor Kurtz stated on behalf of the City we want to acknowledge and share our heartfelt appreciation with the Kiwanis Club for all their years of service and the great relationship we've had between the City and the Kiwanis over the years. Thank you on behalf of the City of Independence.

Marilyn Senick stated thank you very much. We have a number of Kiwanians here today. I'd like them to stand up and be recognized for their hard work.

When we were at the Kiwanis Picnic Officer Bates and Officer Green gave a wonderful demonstration with the canines. About two days after that a police officer was shot and killed in the line of duty in a suburb and he had talked about these vests and how the police officers had wanted them for their canines. Many times they are in harm's way. We've very proud of our Police Department. Thank you so much for the job that you do and to the entire police force. We want to make the canines honorary Kiwanians. We've become attached to them.

Mayor Kurtz stated this is an historic moment for our community. I would be remiss if I didn't take this chance and go through a little history of what we've evolved into as a community – from a little town to a very sophisticated community. This document (CAFR) further reinforces that. In 2007, Vice Mayor Vern Blaze, introduced legislation requiring the City to produce a Comprehensive Annual Financial Report (CAFR). The purpose was to raise the bar, to become more professional in how we manage the money. Finance Director John Veres and his staff have now produced the first ever CAFR for the year 2007. It was a lot of work and a lot of time. Everybody up here worked very, very hard to produce this document. John and his staff put in an extraordinary amount of time producing this. It was an outstanding job by the Finance Team. We're proud of him and his group. The City will be better because of it, and you, as residents, will be better because of this document. It's a living, breathing document. If you take the time to read it, you will learn more about your City than you could ever imagine.

On behalf of the City, I want to commend John and his staff for a job well done.

Finance Director Veres introduced his staff – Maggie Osysko, Carol Stokar and Sandy Wessel.

Mayor Kurtz stated on behalf of the City thank you, John, for the great job. Thank you, Vern, for initiating this several years ago. This is a great community and we're proud of everyone's efforts.

APPROVAL OF MINUTES:

The Addendum to the Regular Council Meeting of September 9, 2008 and Regular Council Meeting of October 14, 2008 were removed from the agenda without objection.

Moved by Riley, seconded by Grendel, to approve the minutes of the Special Council Meeting of October 21, 2008. Council polled: 6 yes/0 no/1 abstain (Piteo); motion carried.

Moved by Grendel, seconded by Riley, to approve the minutes of the October 28, 2008 Council Workshop. Council polled: 7 yes/0 no; motion carried.

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

Moved by Grendel, seconded by Riley, to approve the minutes of the Special Council Meeting of November 18, 2008. Council polled: 7 yes/0 no; motion carried.

Moved by Riley, seconded by Narduzzi, to approve the minutes of the Special Council Meeting of November 21, 2008. Council polled: 5 yes/0 no/2 abstain (Crooks, Klepacz); motion carried.

MAYOR'S REPORT:

I hope you and your families have a very Merry Christmas! It's hard to believe 2009 is almost here. In fact, it feels like only yesterday I was greeting people and enjoying our Summerfest! When I was a young boy, my mother would rhetorically ask, "Where does the time go?" I didn't understand what she meant. She would also say "once you get a little older, a little wiser, and have a few children, you will be asking that same question."

As we welcome in the New Year, I want to take a few minutes to reflect on 2008, and all things that have been accomplished.

This year really started out on a personal high for me. On January 2nd, I, once again, had the great privilege of being sworn in as Mayor of Independence. I cannot begin to tell you what it means to me when I take that oath. I appreciate and take very seriously the responsibility that comes with that office.

As mayor, the people have placed great responsibility in your hands... that of their city government, a government that plays a far greater role in their day-to-day life than the Federal government. It is a responsibility you bear each and every day. As mayor, you do not clock-in

and clock-out. You are the mayor, and all that the position requires, from the moment you wake up, to the moment you go to sleep, and even a few times after you have gone to sleep.

Despite the numerous challenges the City and our nation have faced this past year, we have been able to accomplish much in 2008, especially toward accountability, efficiency and smart planning.

For instance, this past year the City published its first Comprehensive Annual Financial Report (CAFR). This document, in simple terms, details the City's financial operations and overall position. Many governments produce CAFRs on an annual basis, and I am pleased to say Independence is now one of them. Careful review of the CAFR is one of the steps citizens can take to gain a real understanding of what and how the City is spending their money. I encourage everybody to review this document.

Council also passed its first Five-year Capital Improvement Plan. This is an important first step in long-term financial planning for the City. Any well managed business looks and plans beyond the immediate horizon; it follows a game plan. There is an old saying, "plan your work...work your plan." City finances are no different. Projects just don't happen. Success is not an accident. Planning and execution are essential elements to any successful organization, and I am glad we have taken a major step in that direction with our Five-year Capital Improvement Plan.

The City has also completed a community survey. And I'm glad we did, because the results of this comprehensive undertaking have generated a treasure trove of information that we intend to use for our downtown redevelopment plans, expansion of senior services, development of the "No Place Like Home" program, and alternative housing for Independence seniors.

It's actually pretty simple. In order to meet the needs of the people, we need to define the needs; and now we have done that.

These accomplishments, and others, could not have been achieved this past year without our most valuable resource—our people. I truly believe this City's staff, employees, and volunteers are some of the best around. Their dedication and commitment are second to none, and I thank each and every one of you. It's my pleasure to be a part of your team.

We have assembled a strong organization, and strength is what we will need to face the challenges that lie ahead. The collapse of the financial markets has had a devastating impact on the world economy. Its impact is being felt all the way down to the smallest of communities.

In Independence, we are not immune. Gains in City revenue that took years to accumulate have been wiped away in one quarter. Times are tough, even for City Hall, and people need to be aware—not overly concerned—but aware of the challenges ahead.

The leadership of this community will be called upon to make very difficult and sometimes painful decisions. It is inevitable. We cannot avoid the financial hardship being felt around the world. Wall Street's malfeasance and lack of regulatory oversight has created a hardship that is being felt by main street; and the pain of main street is being felt here at City Hall. Thankfully,

we have assembled a strong team to address these challenges head-on, because it will take planning, leadership, and cooperation to get through these difficult times.

As strong and competent as our team may be, we cannot do it alone. It will take cooperation and sacrifice at all levels. Everybody will need to contribute for the greater good—call it shared sacrifice. This process has begun and continues today.

Another important element is education. Everybody needs to understand the challenges we face. That not only includes the Administration and Council, but our workforce and the entire community. We are all in this together and, in my opinion, we need to prepare for the long haul. I do not believe this economy will turn around quickly. And, unfortunately, I do not think we have hit rock bottom just yet. It will get better, I am confident of that, just not in the near future. Until that time, part of my job is to keep everybody informed of not only our progress, but the challenges that lie ahead.

Even though I spend much time managing the current crisis, I continue to plan for the future of this community. That includes developing plans for downtown redevelopment, enhancing our senior services, creating our “No Place Like Home” program, and pursuing alternative housing for our senior citizens.

With the right people and the right planning, there is reason to be optimistic. Why? Because we are taking steps now to be pro-active in times of uncertainty. Though we may face tough decisions, Independence will continue to be the very best place to live in all of Ohio. We are thankful for the blessings of our family and friends, and will call upon the entire community to join us as we chart our course into 2009.

Thank you to all, and have a wonderful New Year!

OFFICIALS’ REPORTS:

ENGINEER:

Engineer Elewski reported, we provided the inspection on the center island where the sanitary sewer manhole is sinking. We are also working with the Fire Department with regard to the overall water pressure in the Elmwood Park area. There are some areas that don’t seem to have the proper pressure.

FINANCE DIRECTOR:

Finance Director Veres stated, I am happy to report that the Auditor of State’s office recently presented the City its first ever Comprehensive Annual Financial Report, commonly referred to as a CAFR, for the year ended December 31, 2007.

A CAFR is a financial report that includes an introductory section, financial section and a statistical section. It is used most commonly by investors who are interested in possibly purchasing municipal bonds or short-term paper being offered for sale by the City.

The investors prefer a CAFR to just an audited financial statement because it is a more comprehensive report. The Introductory section gives a history of the City and discusses how the mayoral and legislative authority of the government works, includes an organizational chart, and talks about the current state of the City. The financial section is made up of the normal audited financial statements, which is followed by the Statistical section. The Statistical section includes various statistical data dating back up to ten years and includes data on various City services.

When I first took office in January 2000 I was faced with rolling over our short-term debt in early May. Investors began calling asking for a copy of our CAFR or latest audited financial statements. I had to explain to them that the most current recent audited financial statements were for the years 1996 through 1997. As a CPA I was embarrassed that that was all I could provide them. I had to tell them that I just took office and that the City was currently on a bi-annual audit cycle and the auditors were going to begin auditing 1998 and 1999 in late June.

This was not kosher nor was it good fiscal management. The staleness of our financial information negatively affected the interest rate that we were getting on our borrowings and I initiated changing the audit to an annual audit beginning for the year 2000. Our next steps were to comply with GASB 34 and then begin preparing the CAFR.

The compliance with GASB 34 culminated in 2005 and 2006 leaving us in a position to tackle the preparation of a CAFR for 2007. Many hours were spent by me and my staff in gathering the 10 years of historical data along with everything else necessary for the CAFR. I would like to thank all involved for their efforts.

The CAFR has been submitted to the Government Finance Officers Association (GFOA) for certification. Residents interested in a copy can contact the Finance Department.

I wanted to thank Ron White in obtaining a \$400,000 Scenic By Way Grant that was received today. The grant is going toward the West Creek Confluence Project to reduce the cost of our initial investment in that project. We should also be receiving a \$75,000 grant that will wrap up the grants for that project.

SERVICE DIRECTOR:

Director Snyderburn reported I hope all of our residents enjoyed the Tree Lighting Ceremony Saturday on the Square. Our Service Department takes a lot of pride in preparing for this event. Special thanks to Service Department employees: Thad Stanley, Tom Vondrisk, Joe Potoma, Ed Carney, and Chuck Wolf.

I would also like to add that we will be picking leaf piles up the rest of the week. If you have any yard waste to be disposed of, please bag or contain it and the call Service Department for pick up.

Thank you and have a Merry Christmas!

COMMUNITY SERVICES DIRECTOR:

In the absence of Director Buc, Marilyn Senick reported, this past Sunday we celebrated Holiday Fest at the Civic Center. It was a wonderful event. Each year we seem to draw more people to this event. We brought many residents and family members together to share the holiday spirit.

We would like to thank all of the organizations, crafters, vendors and our own Community Services staff for their hard work. Thank you also to Ed Kostyack, Tom Walchanowicz and the Recreation Department for working so hard to make this such a great success.

Also, this Thursday the luncheon will be held for our GIFT (Generations of Independence Fostering Togetherness) Program. This is a generational program between 60 of our seniors and over 80 students from the Middle School. At this time we would like to recognize and thank the seniors and the students who are participating in this program.

This Sunday, December 14th, we will have a Remembrance Celebration for our residents. Those who have lost loved ones are invited to attend the service at 5:00 p.m.

On behalf of Natalie Buc and the Community Services Department we wish everyone a Joyous Holiday Season and a Happy and Healthy New Year.

RECREATION DIRECTOR:

Director Kostyack reported, this weekend at the Field House there will be a high school wrestling tournament.

Thanks to all departments for their cooperation with Tree Lighting ceremony!

Wishing all Happy Holidays!

TECHNICAL SERVICES DIRECTOR:

In the absence of Director Avsec, Director Snyderburn reported, the Service Department HVAC upgrade is operating. The Air Handler installation is completed and operating. The boilers are operating but we still have some work to complete at the boiler control panel.

The Historic Hall window replacement project is complete. There is a small punch list of items that are scheduled to be completed over the next few weeks. The City will benefit in 2 areas with these new windows. 1.) Maintenance free exterior. 2.) Energy savings converting the existing single pane glass to double pane.

The lighting upgrade at the Elmwood recreation center is complete. If you've had a chance to visit Elmwood Rec you can't help but notice the tremendous difference in the quality of light, but more importantly, the City will immediately see the energy savings generated by these new linear fluorescent fixtures.

BUILDING COMMISSIONER:

Mayor Kurtz stated I happened to have the opportunity and privilege to attend Brecksville's Christmas play this year. There were a number of interesting characters that participated in that play. One most notable standout was the character of "Bumbles" and he did a great job. He happens to be one of our own. I've asked him for his autograph. He decided he's not giving out autographs. I cannot let Bumbles go any further without one line of his speech that night. This is our own Building Commissioner who played the role of Bumbles in the play. He did a phenomenal job. I just can't understand how he articulated his voice in such a manner that I thought, that can't be Carl. It was a great play and you guys did a great job.

Commissioner Opatrny reported City Council has approved a change of use for the Residence Inn on West Creek. The change of use from Hotel Motel zoning to Residential is for 2- two bedroom suites to conduct sleep studies conducted by MetroHealth Medical Center.

The Ohio College of Podiatric Medicine is in the process of building a 4000 sq. ft. addition to its facility on Rockside Woods North. The addition will be used as a lecture hall.

FIRE CHIEF:

Chief Nelson stated, on behalf of all of us at the Fire Department, I would like to congratulate Russ Fedyk and wife Alli on the birth of their daughter Avery Olivia.

I would like to take this opportunity to thank Councilman George Klepacz for his involvement with the Quadcity CERT Volunteers. George has been very active with our volunteers and has served as the Independence coordinator. George will be stepping down from this position, hopefully he'll still be involved with the team, and Walt Ellert will take his place as our coordinator with Quadcity CERT.

I also want to recognize Nina Boodjeh for her participation with Quadcity CERT. Nina has been very active as a board member and team leader from its conception. Nina is the heart and soul of our team. Many thanks go to her, and her husband Dave, for all she has done for Quadcity CERT. Thanks Nina!

POLICE CHIEF:

Chief Nicastro reported, I would like to thank Kiwanis for purchasing ballistic vests for our two K-9 units. The vests cost a total of \$4,300 and are custom made to fit both dogs. The K-9's are often put in harm's way, so this generous donation is greatly appreciated by all in our department.

I would like to recognize the VIPS, Kathleen Kapusta and the police officers that worked on this year's Shop-With-A-Cop program. They raised \$3,500, which is the largest amount our department has raised to date. VIPS raised \$2,000 of that total.

The holiday season is a time that people can be vulnerable to thefts. A few things to keep in mind:

When out in public, avoid parking next to vans, trucks and camper tops or cars with tinted windows you cannot see into.

Be observant and do not leave, or return to your vehicle, if you see people loitering in the area. Move to another location or wait until there are other people walking nearby.

Avoid carrying large amounts of cash and use credit cards when possible. Because wallets and purses are prime targets for theft, keep a record of all your credit cards in a safe place at home.

Lastly, be aware of strangers approaching you for any reason, as con artists use various methods to distract you in order to attempt to take your money or other belongings.

Finally, on behalf of the Police Department, I would like to wish everyone a Safe and Happy New Year.

STANDING COMMITTEE REPORTS:

COMMUNITY SERVICES – (TOGLIATTI):

Councilman Togliatti reported, I would first like to extend a thank you to the Technical, Recreation, Service and Community Service Departments for their excellent work with both the Tree Lighting Ceremony and the Holiday Fest. It was wonderful to see so many residents out and about, enjoying the company of their neighbors and the spirit of the holidays despite the weather and current economic situations. It is events such as these that help to bring a community together. I applaud everyone that was involved.

There are a few things that I would like to comment on this evening. The first is Ordinance 2008-71, which establishes the Independence Community Adapted Network Fund (abbreviated ICAN). The ICAN organization was developed to give children with physical, cognitive and sensory disabilities the chance to participate in recreational, social and fitness opportunities within the City. These children are often not able to participate in regular curricular activities, and up until now there have been limited options within the City for these children. I compliment Valerie Troiano for the creation of such a meaningful organization and will support this however possible.

I would also like to comment on Ordinance 2008-147. This ordinance allows the City to purchase \$25,000 of haydite grit from DiGeronimo Aggregates for the use in snow removal and salt spreading. Haydite was used in our salt program this spring for the first time. For those of you who do not know haydite, it is a lightweight abrasive aggregate that is mixed with the salt and is spread on our streets, similar to how rural areas use sand, slag and cinders to remove snow. It does not have the ability to melt snow or ice. I have researched the use of abrasives in snow removal extensively and cannot find any research that demonstrates that abrasives, such as

haydite actually work. A 2001 study completed by the Iowa Department of Transportation and the Iowa Highway Research Board concluded and I quote “Abrasives have little friction enhancing value on a road with any substantial level of traffic. What benefits accrue are temporary... The abrasives are swept off the road rapidly, remaining in place for somewhere between 10 and 100 vehicle passages at most. In other words, the use of abrasives or salt/abrasive mixtures is not economically justifiable.” Another study on the use of abrasives in Germany in 1998 found that traffic safety is no better after abrasives are spread than before they are spread. Another study completed by the Nevada Department of Transportation collected data comparing salt only snow removal to salt/abrasive mixture snow removal programs over three years and in four states for a total of 781 snowfalls. The conclusion of this study was that “the use of abrasives and salt/abrasive mixtures was cost ineffective.” A New Hampshire study found that “abrasives do little to improve driving conditions on roads...as few as 8 to 12 vehicles can sweep abrasives from snow covered surfaces...It is expensive to spread, clean-up, and dispose of.” The State of Washington has also issued a memo announcing their reduction in the use of abrasives because of their ineffectiveness and the costs of clean-up. Locally, the Mayor of Medina, Jane Leaver, was quoted in the Medina Gazette on November 25th saying “It doesn’t do anything to cut ice, it just provides traction... and it will wash into the storm sewers and clog them.” It is difficult to ignore the factual evidence provided by four states and the country of Germany.

I also talked to many residents and businesses about their views on the use of haydite. The general opinion is that our residents and businesses would prefer if our City does not use haydite, because it is dirty and tracks into homes and businesses. There are also many environmental concerns. These include an increase in airborne particulate matter, which impairs air quality. This particulate air matter can cause respiratory health problems, including lung cancer. This is caused by traffic crushing the aggregate on the road, it breaking up and creating dust, which is then breathed in by humans. It gets even worse when you look at the chemical composition of haydite. Haydite contains Sulfur Trioxide, a precursor to Sulfuric Acid, which is the main component of Acid rain. Do you want to spread something on our streets that can lead to acid rain, and run-off of Sulfuric Acid, which pollutes our rivers, streams and lakes? If you read the legislation it states that haydite will “protect the environment.” I do not see any way possible that haydite will protect the environment. It dirties our streets and air, collects in our sewers, and does not do the job we are using it for. For these reasons, I cannot support the use of haydite or any other abrasive material in our salt program and I urge all of Council to listen to the residents and researchers while contemplating their vote tonight.

The other thing I would like to talk about this evening is our City’s cost saving efforts. The City is anticipating revenues flat lining and possibly declining in the coming months and year. As a result, the City is making an attempt to cut our costs. As you all know, last month I proposed the elimination of two newly created positions within City Hall, an effort that would have saved over \$200,000 yearly. Unfortunately, that was defeated and our Administration recently employed Vern Blaze full time as a Management Analyst/Financial Coordinator. This position will increase our City’s operating expenses by around \$100,000 per year. So, now in order to reduce our City’s budget by \$100,000 we need to cut \$200,000 worth of programs. And looking at the available positions here in the City – we are currently down one police officer and one assistant

fire chief. However, our Administration is choosing to expand City Hall, rather than bring our safety forces up to the levels of last year.

The Administration attempted to employ Vern Blaze earlier this year, but it was determined that his appointment was in violation of the Ohio Ethics Laws, thus Vern resigned. Now our Administration has dusted off a position that was created 14 years ago and never filled, appointing Vern to this position. Interestingly enough, this position was created, because at the time our City Charter did not stipulate that the elected finance director must hold a degree in finance, so with this position the City was assured to have a person in the finance department with a financial background. However, the Charter was changed in 2002 and now dictates the mandated financial qualifications of the finance director, ensuring the knowledge and skills necessary to make sound financial decisions on behalf of the City. And because we are fortunate enough to have a finance director with the knowledge and experience of John Veres, we have not needed to fill this position. The position really should have been eliminated when the Charter was changed back in 2002, but must have been overlooked by Council. And overlooked by Council it was, to the point that Council created the exact same position in January of this year.

I do not support the increase in our City's operating budget, and again, I am of the mindset that the City is more than capable of doing more with less, as most every other city around us is doing.

I would like to send condolences to the Icobonni and Pisarick families.

Lastly I would like to wish everyone a Safe, Happy and Healthy New Year.

Director Snyderburn stated, I would like to comment on the salt issue, since that is the one that I proposed.

With all due respect, Councilman Togliatti, I understand that you did a lot of research. The fact is that every state in the United States uses aggregate as a supplement, or just an aggregate. Long before salt was used, all that was used was an aggregate for traction control. The mayor of Medina said it. It's used as a traction control. It will not melt ice.

We're going to spend upwards of \$300,000 on salt this year. I'm asking to spend \$25,000 on an aggregate. We tried it last year in the spring after a major snowfall because we didn't have enough salt.

As everyone has recently read in the newspapers there is a shortage of salt. Long gone are the days of abundance. In 2001, if my memory serves me correctly, we were paying around \$19.00 per ton. Today, we are one of the luckiest cities in the area. We're getting it at \$41.06 per ton. There are cities both east and west of us who are paying \$80.00 per ton. There are some cities who can't buy it at all. They're going to get it from the State. The State is selling it to them for \$75.00 per ton.

I'm not saying that we're going to spend the entire \$25,000. I wanted this as a tool in my toolbox in case it was needed. Last spring we used a mix at a 50/50 ratio of haydite to salt. It

was the wrong mix. We put too much haydite in the salt. It will be about a 20% mix of haydite to salt. I think this will be effective as a traction control.

I'm asking for patience. There are twelve other communities in Cuyahoga County that are buying haydite. There are other communities that are buying other aggregates.

Again, it's just another tool in the toolbox. I don't know what is going to happen with salt this year. From my experience last year, we pretty much ran out of salt. If we wouldn't have mixed our salt with another product, which was haydite, we would have completely run out of salt.

My allocation of salt this year is 7,000 tons.

Mayor Kurtz asked, how much did you use last year?

Director Snyderburn replied between 8,500 and 8,700 tons. I had salt leftover in the bins because after the season was over they finally delivered more salt.

Mayor Kurtz asked, what do you do if we run out?

Director Snyderburn replied, I don't believe I could buy it from anyone else if we run out. That's why I'd like to have a mixture with the aggregate.

PUBLIC LANDS AND BUILDINGS – (NARDUZZI):

Chairman Narduzzi reported, from the Public Lands & Buildings Committee, the new window installation at Historic Hall is complete. The new windows will provide a cost savings in the heating and cooling of the facility, and will also add a maintenance free aspect to the building, saving money for years to come.

The new fence at Hemlock Cemetery is moving forward. Columns are almost complete and the new fence will follow shortly.

Thank you, Mayor, and Santa for another great Tree Lighting event. Next year could you please talk to someone? It could have been a few degrees warmer.

And I must applaud Natalie Buc for the great job on Holiday Fest. The work and preparation that went into the event showed. I hope all who attended enjoyed it as much as my family and I did.

I would like to welcome back Vern Blaze as our Financial Coordinator. In these troubling economic times, it is comforting to have someone with Vern's knowledge of money management on our team. Vern is an asset to this City in many capacities.

It is hard to believe that a year has already passed. My first year of Council has turned out to be both productive and satisfying. It began with a somewhat distracting start due to the resignation of Vice Mayor Vern Blaze, the subsequent hiring of Vern as our Chief Administrative Officer,

and again, Vern's resignation of the position held, and the task of interviewing and appointing a new Councilperson. But after the dust settled and Council set focus on the real job of operating our City, we accomplished many goals.

For the first time in the history of Independence we have established a Five Year Capital Improvement Plan with the help of all department heads, the Mayor and especially John Veres and Councilman Crooks. The City has created a tool to help us achieve a fiscally planned budgeted improvement plan that will further help strengthen, manage and beautify our City.

We have started down the path of creating our own engineering department, which will maintain our quality service to our residents at a much lower cost.

With the help of the Zoning Board of Appeals, we have changed Codified Ordinances, bringing them up to today's standards and means.

I look forward to the next year's challenges and improvements to keep our City one of the finest in Northern Ohio.

I wish everyone a Merry Christmas and a Happy New Year. God Bless.

FINANCE COMMITTEE – (CROOKS):

Councilman Crooks stated, it's December, the last month of the year, and only too appropriate that we, as City Officials, wrap up the year with a summary of our accomplishments, such as settling the cemetery rates issue, filling the Council void with Mr. Piteo, crafting a plan for information gathering for our senior and community needs, the Capital Plan, the CAFR and the Strategic Planning Committee. I know others plan to talk about those things in greater detail, so I'm going to focus my report on what is to come. I have explained these items in previous council reports so I'm going to stick to the future and my value vision for 2009, and it is to be bold.

In my own small business with a small number of employees and all the challenges that we face on a daily basis, and in the wake of this economy, we're adopting a theme for 2009, which is a simple theme, Be Bold, to be bold in creating innovative and creative ways to attract new sources of revenue that translate into net income. To be bold in cutting costs where there seems to be a bit of excess. Even in my own small business when a little extra money comes in it's tempting to pay yourself a little more and pay your employees a little extra, or to make an operations or a capital purchase that will make life a little easier. But in tough times when the revenue may not be where it used to be, or where it will be in the future, we must be prepared to make tough decisions. Making the tough decisions will force us to be bold, and to not think twice about it, to be bold about how we can position ourselves to capitalize on opportunities when they present themselves. Sure it's going to take a little extra creativity, but it's amazing what we can accomplish if no one cares who gets the credit, and if we act like a team.

The mindset that certain aspects of my small business and here in the City can and should do things because they've been done that way for 30 years is a losing mindset, and one that fails to

prepare us to compete in our Northeast Ohio marketplace and in the emerging markets. That is not being bold. The mindset that “*if it ain’t broke, don’t fix it,*” is a losing mindset, and is certainly not one that has made this country, or this City, great.

Being bold is about innovating. Being bold is about looking at your operations and seeing how we can constantly improve them to be more efficient. Being bold is about reaching out to others with whom you might disagree in order to accomplish things for the greater good. Just like a Wall Street Journal article earlier in November indicated, for public entities like cities to have the courage to look at their budgetary operation, to look at their systems and improve them constantly. We need to do the same thing in Independence in 2009. Yes, we need to be bold in the coming weeks to agree on the budget. But I must say that prior to us making our spending decisions, we must agree on what the mission of our City is. What is our purpose, and why do we exist? Yes, Council has touched on this earlier this year, but there is more to discuss. Our mission must be defined by our City leaders. And I call upon Council and the Mayor to determine this purpose in an upcoming Strategic Planning Committee Meeting later this month. Will we, the City leaders, be forced to make tough decisions in the days to come? I suppose, but we’ll be ready. And I, for one, will not fall victim to the fear that if the glass is half empty mentality that seems to be dominating the public lexicon out there. With our commitment to strategic planning, to making decisions that are smart and prudent, rather than ones that politically expedient, we can, and we will be bold in 2009.

This is my values wish for 2009.

Happy New Year.

UTILITIES COMMITTEE – (PITEO):

Chairman Piteo reported, quite a few things have happened since I was appointed Chair to the Utilities Committee in July. Roughly 15 storm and creek projects were scheduled to be completed under the 2008 Creek Maintenance Contract this year. I am happy to say that almost all the projects have been completed. I am very happy that we have helped some residents who have been waiting a long time to get relief. I appreciate all the patience that was shown by everyone involved.

An additional five storm and creek projects were scheduled for the City’s Service Department to deal with in-house. I believe most, if not all of these projects are completed or are scheduled to be completed before the end of the year.

I commend the Service Department. The residents of Independence are very fortunate to have working for our City workers who are not only very skilled, but care about and take pride in the job that they do.

One project was bid out this year to outside contractors, the Brookside Road Channel Sediment Removal Project. It proved to be challenging. With cooperation from the National Park system and the Army Corps of Engineers, Don Ramm was able to manage the project to its completion. I encourage residents to keep an eye on this project. The North Channel is reconstructed to its

original contours. What I thought was unique about this project had to do with the planting of vegetation native to the area. If you go to the site, you'll see hundreds of dormant live stakes sticking out of the ground. I was told that these stakes are starters for plants that will eventually grow and help with stabilization of the area. This project, along with the constant maintenance of the culvert just above it, should ease the flooding problems associated with the area.

The 2008 Sanitary Sewer Maintenance Contract proved to be a bit more challenging. There are over \$306,000 lineal feet of sewers in the City. With Don Ramm guiding this contract, the contractor was able to clean and televise 37,000 feet of sanitary pipes. This maintenance, and the information that videotaping provides, allows the City to better estimate any repair work or replacement that will be needed in the pipes in the future. This will allow the Administration to better estimate the financial requirements for our sanitary system.

In the coming year we will open discussions with the Administration to see if it is cost effective to initiate a sewer program using City employees. These employees would be dedicated to just cleaning and maintaining sanitary and storm sewers. Water quality is becoming more and more of an issue in municipalities such as ours.

In addition, there are five more projects on the books to be completed this year. With a Council approved change order we will also get these jobs done. These are projects that in areas that directly impact residents. I thank my colleagues for recognizing the need to approve these projects, and I appreciate the patience of the people who reside in these areas.

Congratulations to Councilman Crooks, the Administration, Council and many others, on completing the first Five Year Capital Improvement Plan for the City of Independence.

The Utilities Committee through this process was charged with the duty to plan long-term for the City's infrastructure. The Committee digested information given to them by various entities. We then put this information into a plan which will allow the City to graduate from a reactionary short-term decision process to a process with concise long-term objectives. This process will also memorialize projects so that the projects remain in planning until they are completed. The plan will be fluid and will be revisited from time to time. This process will also allow various committees to plan together. Each committee will work from the same long-term plan avoiding possible wasted funds by projects overrunning each other.

As we all know, the current state of our economy is not good. Unemployment is high and locally we are seeing our revenue flat lined. Our economic future is uncertain and as legislators we must take strides to prepare for the future.

In November's message from our Mayor the Mayor said, "The City is implementing ways to be more efficient." I applaud this positive thinking. In the business world, companies that are proactive and diverse tend to stay ahead of the curve and weather the storms. Companies that react do not prepare themselves and then usually have to rely on someone to bail them out.

I would like to welcome Vern Blaze back to the City of Independence as the Financial Coordinator/Systems Analyst. This is another example of how the Administration is trying to stay ahead of the gloomy economic future that engulfs our whole nation. We truly have the best team possible now to overcome any problems that might arise financially in the City of Independence. For years we have relied and trusted on John Veres to run the finances of this town. The ability of John to keep our audits strong is a testament to his dedication and abilities. Thank you, John. I am looking at Vern being hired as a compliment to what John has already accomplished. Vern will have time to take all of John's hard work and use it to implement practices that will only strengthen the City of Independence's financial outlook.

The Five Year Capital Improvement Plan and the Comprehensive Annual Financial Report resulted from good financial management concepts and subsequent legislation that Vern introduced and Council adopted. I am looking forward to seeing more great ideas from the Mayor, John Veres and Vern Blaze. All three have shown the desire not to accept the status quo and to look outside the box at new and innovative ways to go to business. For the record, the position of Finance Coordinator/Systems Analyst was created in 1997. Vern Blaze was not on Council in 1997. He was not able to introduce, opine for or vote on the legislation that created this position. To my knowledge, this position was never filled. This position will not be a cake walk by any means. And the expectation from Council, the Administration and the residents of Independence will be high. Good luck.

I thank the Independence Middle School PTO for letting me be a part of Night at the Races. A group of forty of us had a splendid time. The showing of support was great and it seemed that everyone left happy. Thank you to all the parents who came out in the snow to have some great food and fun. The ladies of this community worked hard to put this fundraiser together. My hat goes off to all of them. I look forward to being a part of it again next year.

The Tree Lighting Ceremony was a great joy to attend this year. Old Man Winter did his job and covered the Square with a blanket of snow. Marshmallows were toasted and carols were sung waiting to Santa to arrive.

I know that some of the Technical Services guys were sweating when the Mayor threw the switch to light the tree and the downtown lights. But as usual, everything was perfect. The Square came to life with in inspirational glow.

Santa arrived in a tricked out sled and spoke to the crowd. His question to the crowd was, "Was the Mayor good or bad this year?" Mayor, is the verdict naughty or nice?

Mayor Kurtz replied, nice.

Councilman Piteo stated good job to Natalie Buc and all the staff that worked to make the Holiday Fest a hit. My family has made a tradition of taking a picture with Santa every year. I believe we started in 2000. My wife has put all these pictures in a frame and we hang it on the wall at Christmastime. It is a tradition that we cherish and look forward to. The crafts are always fun and it's great to see all the people get into the spirit of the season. I have to say that

the artwork was awesome. That would be a biased opinion though. My daughter had a chance to work on it at the After School Program.

Finally, I wish everyone a Merry Christmas and Happy New Year. Say hi to a neighbor. Make that phone call that you've been too busy to make. Slow down and breathe. Turn off the TV and turn on the Christmas carols and play Scrabble or Monopoly. Appreciate life. Make this year, that family, tradition and community become a priority. God Bless all.

STREETS AND SIDEWALKS COMMITTEE – (RILEY):

Vice Mayor Riley stated the Tree Lighting and Holiday Fest were wonderful events. I'd like to compliment all of the departments for their hard work, especially Les Rutkowski. Every year he builds the train that Santa comes in on. It is amazing on what he did and how it looks. Les's wife also volunteers her time to help him out. Many thanks to her from the City!

Many of you have probably noticed that in the past couple of weeks construction work has been ongoing in front of City Hall. This was an emergency repair. The manhole sunk and the road was undermined. We used one of our maintenance contracts to get that work done. We were able to get the funds to repair that out of the Federal Fund because that is a state route. Thank you, John Veres. Thanks also Don Ramm and Don Elewski's for getting that completed in a timely manner.

I'd like to comment on Councilman Togliatti's report as far as the haydite. I think there were some things that were misleading as far the different studies that were quoted. They were from years where haydite wasn't even produced and used as an aggregate. There were some questions in Caucus on this haydite product. We had an engineer from Haydite here. Haydite has only started selling that product since two or three years ago. So, studies from 1998 and 2001 did not include haydite. They included other aggregates.

I don't like the salt on the road and I don't like the dirt on the road. But we live in Ohio where it snows and gets icy and we need to address these conditions on our roads. If we run out of salt, I don't want to put any resident at risk. Their lives are in danger with slippery roads, so whatever we need to do, and I look to Dave Snyderburn, this was his recommendation. He is out there everyday. He's the one that gets the streets plowed, gets the salt down and gets the aggregate down to make sure the roads are safe for all of our residents. Therefore, until I hear from him that this product doesn't work, then I'm happy to go along with the recommendation of our Service Director.

Lastly, I'd like to comment on the five positions that were created by the Administration at the beginning of the year. I know that to this point, three of those positions have not been filled. One of those positions was filled by Vern Blaze, but due to an Ohio Ethics conflict, Vern Blaze resigned as soon as he was made aware that he was unable to take the position. The Mayor brought Vern Blaze back in a position that was created back in 1997. I will say this, in all the years that I've known Vern Blaze, if Vern Blaze, after looking into the finances of the City feels that his position is not needed, has the credibility, the ethics, and the desire to put the City first, he would resign. He'd say to do away with his position. I have that much faith in Vern Blaze.

So, Mayor, I compliment you on bringing him back to help bring us through this difficult time. I think that things we have done, not only your department heads and you, but also Council has sat down and worked for the past nine months on a Five Year Capital Improvement Plan. We're looking at major capital improvements that we will be doing five years from now. We've already adjusted that once because of the economic times. The Finance Committee is going to meet every Tuesday for the next three weeks to look at whether we have to cut capital, operating, whatever needs to be done to keep this City the best place to live in America. I pledge that to you and I believe that all the members of Council and the Administration have that same feeling about the City of Independence. We all live here and we all want the City to succeed. We want to make cuts where it hurts the least. We want to do more with less.

With that being said, I wish you a Merry Christmas and a Happy New Year.

Mayor Kurtz commented, several years ago the Vice Mayor took a very tough position with respect to Time Warner at the time they were doing Rockside Road. He felt that we, the City, should be reimbursed for expenses that were being incurred during the project. On the agenda this evening you will see legislation where AT&T will reimburse the City \$100,000. In concert with that \$100,000, the net affect is about \$375,000 of reimbursement and savings, all because one person, Vice Mayor Riley, asked a tough question several years ago. So, Vice Mayor Riley, thank you for the Christmas present.

SAFETY COMMITTEE – (GRENDL):

Chairman Grendel reported, there was a Safety Committee Meeting held Tuesday, November 18th. We continued to get an update on Hillside Road/Brecksville Road Traffic Signal Project from Don Ramm, which included legal descriptions and sketches of the proposed right-of-way takes at three of the four corners at the intersection. Within the next few weeks the City should receive the appraisals for the right-of-way needed for the signalization. The Committee hopes the City will be in position to bid out the project by February, 2009.

The Safety Committee heard from resident Kurt Hill regarding proposed addendums he would like to see added to the current deer hunting ordinance. As of November 18th, there had been 301 permits picked up and 190 submitted and approved. The Safety Committee will review the merit of Mr. Hill's recommendations.

Chief Nelson reported the ACS Firehouse Software was the successful company in getting the EMS billing contract with the City. Included in the cost of processing the EMS bills is the cost of the equipment needed by the City to process these claims. It is the City's hope that the EMS billing will be initiated sometime in January, 2009.

Finally, a discussion was held by the Committee regarding the increased cost and logistical problems of the City has in its annual Fourth of July fireworks display.

There is no legislation from the Safety Committee Meeting on tonight's agenda.

My sincere wishes to everyone here and to all our residents for a Blessed Christmas and a Happy, Healthy, and Prosperous New Year.

RULES AND ORDINANCES COMMITTEE – (KLEPACZ):

Councilman Klepacz reported I want to thank everyone who was involved in the Tree Lighting, especially the volunteers from the City. Several City employees volunteered their time to help out with Tree Lighting. I think we can appreciate them for going beyond the call of duty.

Make sure you don't miss the window display at the old C & B Garage that the Independence Cultural Arts Council has updated for the Holiday Season.

As Fire Chief Nelson noted, I am stepping down as coordinator of CERT. I did want to point out that the CERT program is a continuous training program. One can sign up for any of the activities, including the one that will take place on Thursday. Go to the City's website and click on the CERT link.

On the haydite issue, which has been extensively discussed here tonight, there is no way that as a member of the Mining Committee I can possibly vote to put haydite granules on City streets. One of the major complaints that we have from the people who live on Stone Road is the aggregate that slimes the road. I'm not going to get involved in technical issues, but the fact is that the material is going to go down our sewers. It seems to me that we have a clean water agreement with the EPA which does not allow us to put extraneous materials in the sewers.

What has not yet been pointed out is the reason that we are even considering using the haydite. The Cargill Company is holding us up. They have limited the amount of salt we are allocated. Yet, according to what was stated at Caucus, they are sending quantities of salt to Illinois and charging \$100 per ton. I would argue that they are not a good corporate citizen and are gouging the public. We need to look for another vendor. If we have to pay more per ton to get all we need, it would be better than what we're getting now.

I had no intention today of making any comment about filling the position of Management Consultant. But, after hearing the laudatory exaggerated comments about the miracles that will occur I cannot be silent.

It is obvious that we on Council have philosophical differences. I was against any of these positions from the beginning. You can read my arguments opposing these unnecessary jobs in the February and November Newsletters.

I think there is something else that needs to be pointed out. I have no animosity toward Mr. Blaze and I have the greatest respect for his ability. He can do the job. But, why in the world are we creating a permanent position? Why did we have to dust off a 14-year old ordinance that none of us even knew about? I don't understand that. Is the argument that we're going to spend money to save money? That's a ludicrous argument. It was pointed out earlier that with the \$75,000 salary and fringe benefits, this job costs the City about \$100,000 per year. Now, let's multiply that out over ten years because this is a permanent job. This is not a temporary job. So

in ten years this job will cost the City \$1 million. So just to break even, he would have to find \$1 million in savings. I would argue that our department heads, Finance Director, Mayor, Vice Mayor and Finance Chairman have made the City more efficient. There are only marginal things that can be done. It would have been better if this position had been filled with a consultant as a temporary position, rather than a position that is going to go on for years and years.

As Vice Mayor Riley said, all of us live here. All of us think we have the best City. We all want to keep it the best City, but I guess we have different ways in which to do that.

I want to wish everyone a Merry Christmas and a Happy and Prosperous New Year.

Mayor Kurtz commented, just some information, a correction, George. You've been on Council for nine years and you've worked with Mickey Zuber when he was with the City over the years. You voted for the budgets. This position was filled by Mickey Zuber and you voted for the budgets, not creating the position, but financing that position. Mickey Zuber, for those who are not familiar, was one of the architects of our financial foundation over a very long period as a member of Council and as a previous person who filled this position. If Vern Blaze can do the kind of job that Mickey Zuber did over the years, the City will be in great financial shape again someday. Thank you.

Councilman Piteo commented thank you, Mayor, for pointing out that correction.

Councilman Grendel asked, Mickey Zuber was a full time position?

Mayor Kurtz replied he was in this position whatever way they paid him. He was in this position. This was the position Mickey was in since 1994 by the way.

Councilman Klepacz responded, Mr. Zuber's job, during my tenure, was temporary, part-time and short lived during a transition period and this new job is a permanent, expensive, full-time assignment.

LEGISLATION:

SECOND READING

RESOLUTION 2008-147 A RESOLUTION AUTHORIZING THE CITY TO PURCHASE HAYDITE GRIT FROM DIGERONIMO AGGREGATES, LLC 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 adopt.

Discussion: Councilman Grendel stated I'm not an expert as far as these studies go. I didn't have enough time to research. Going by Director Snyderburn's opinion, the gentleman chosen to

be our spokesperson in this area, I want him to monitor this. Things we do today will affect our environment and interests so I'm relying on your recommendation because of your experience in this area. This is something relatively new. First and foremost is safety. If we run out of salt and there's any accident or tragedy, it would be far worse not to err on the side of caution.

Mayor Kurtz responded I made a note that the Service Director will file a report on the affects of this material on the equipment later this year, after the season.

Council polled: 4 yes/2 no (Klepacz, Togliatti)/1 abstain (Crooks); motion carried.

FIRST READING

ORDINANCE 2008-35 AN ORDINANCE AUTHORIZING THE MAYOR AND VICE-MAYOR TO ENTER INTO AN AGREEMENT WITH THE FULL-TIME OFFICE CLERKS/DISPATCHERS OF THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY

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

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

ORDINANCE 2008-70 AN ORDINANCE AMENDING SECTION 660.24 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO STORAGE OF 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 Riley, seconded by Crooks, 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.

ORDINANCE 2008-71 AN ORDINANCE ESTABLISHING THE INDEPENDENCE COMMUNITY ADAPTED NETWORK (ICAN!) FUND 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 Crooks, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.

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

ORDINANCE 2008-72 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 Togliatti, to read by title only. Council polled: 7 yes/0 no; motion carried.

Ordinance 2008-72 was placed on First Reading and referred back to the Zoning Board of Appeals without objection where they'll reconsider several provisions, including the 15 foot side yard variance. It will then be referred back out of that Board with a recommendation to Council.

ORDINANCE 2008-73 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 Riley, seconded by Grendel, to read by title only. Council polled: 7 yes/0 no; motion carried.

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

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

ORDINANCE 2008-74 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 Riley, seconded by Crooks, to read by title only. Council polled: 7 yes/0 no; motion carried.

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

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

ORDINANCE 2008-75 AN ORDINANCE AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO A SETTLEMENT AGREEMENT WITH AT&T OHIO RELATIVE TO THE ROCKSIDE ROAD WIDENING PROJECT EAST SECTION 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 suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.

Moved by Grendel, seconded by Riley, to adopt.

Discussion: Mayor Kurtz stated, again, one Councilman, Jim Riley, can make the difference in a positive way for the City.

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

ORDINANCE 2008-76 AN ORDINANCE AUTHORIZING THE MAYOR AND VICE-MAYOR TO ENTER INTO A MUTUAL LETTER OF UNDERSTANDING AND AN AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 2375, AFL-CIO AND DECLARING AN EMERGENCY

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

RESOLUTION 2008-149 A RESOLUTION ACCEPTING THE BID OF PETROLEUM TRADERS CORPORATION FOR THE PROVIDING OF FUEL TO THE CITY OF INDEPENDENCE PURSUANT TO THE JOINT MUNICIPAL IMPROVEMENT CONSORTIUM 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 Crooks, 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 2008-150 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONSULTING AGREEMENT WITH ELEWSKI & ASSOCIATES, INC. AND DECLARING AN EMERGENCY

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

Resolution 2008-150 was placed on First Reading without objection.

Mayor Kurtz stated we will take action on it later this month. Since the existing contract expires at the end of this year, so we have to have a new contract in place before the end of the year.

MISCELLANEOUS BUSINESS:

Mayor Kurtz stated we have Finance Meetings coming up and we also have to adopt an appropriation ordinance before the end of the year. Our goal is to have a form fitted corporation ordinance. We're going to work hard on that in the next couple of weeks. It was mentioned earlier that Council has gone through the capital improvement portion. We know our debt structure. We're looking at our operating budget and we should be in a good position to adopt an annual appropriation before the end of the year. At the same time, we have several other pieces of legislation that we'll take action on.

EXECUTIVE SESSION:

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

The Regular Council Meeting was recessed at 8:22 p.m.

The Executive Session was convened at 8:24 p.m.

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

The Executive Session was adjourned at 8:28 p.m.

The Regular Council Meeting was reconvened at 8:29 p.m.

Moved by Grendel, seconded by Riley, 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 8:29 p.m.

Gayle Rudary, Pro Tem Clerk of Council
