

**CITY OF INDEPENDENCE
REGULAR COUNCIL MEETING MINUTES
DECEMBER 12, 2006 7:00 P.M.
COUNCIL CHAMBERS**

CAUCUS:

Vice Mayor Kurtz called the meeting to order at 5:52 p.m. Present were Mayor Ramos (arrived at 5:57 p.m.), Council Members Blaze, Cichocki, Crooks, Grendel, Klepacz and Wisnieski. Also present were Finance Director Veres, Law Director O'Brien, Engineer Elewski, Executive Assistant White and Beth Fulton from TranSystems.

Vice Mayor Kurtz stated, on Second Reading is Ordinance 2006-30 relating to grade fees and bond.

Councilman Klepacz responded, we had a Rules & Ordinances meeting last week. After a debate, the members of the Committee agreed to a compromise which we have today. We started out with a fee of \$5,000 for grading and \$2,000 for landscaping. The builder would have to put up \$7,000 at the start. To make a long story short, we arrived at a compromise of \$2,500 in grading fees and the \$2,000 bond will be put up at the time of the occupancy permit for the landscaping.

Councilman Blaze commented, I agreed to those fees to get this out of Committee and to the Council floor on Second Reading, but he's going to ask that it stay on Second Reading tonight. I didn't get the copy of the legislation until the packet this weekend. I feel it's good public policy before we change fees significantly – from \$900+ to \$2,500 on grading, he would prefer to get some public input.

The Clerk just sent a letter out to five individuals who are residents of Independence as well as builders in Independence. I just wanted to get their reaction to this legislation, their input, before we change public policy, to get some citizen input on it, especially from those five individuals because they're residents of Independence and because that's the business they're in.

Councilman Klepacz responded, again, I would like to move this forward. We've kicked this around for so long. I would like to point out that we have not increased our grading and landscaping fees in over 16 years. In many cases they're not sufficient to cover the cost of the engineering reviews and inspections.

The current ordinance states that we're going to use the cash bond to correct deficiencies, but the cash bond is so low that according to the Building Department, several people have walked away rather than correct the deficiencies because the cash bond is not sufficient to correct the deficiencies. In fact, the cost of correcting them is far greater than the bond.

I would like to move forward. The people that Councilman Blaze refers to – how many builders are going to say, please increase my fees? I've been subsidized for all these years, but I don't want that anymore. We need to be realistic here.

The origin of this legislation is from the Building Department because they see a definite need. We have comprised. I still think it should be \$5,000. However, to move this forward I am willing to compromise at the \$2,500 for grading and then \$2,000 bond for landscaping at the time of Occupancy Permit.

Councilman Blaze responded, I agreed to that in Committee to get it to Council, but even at a reduced amount of \$2,500 there was a sheet attached and he doesn't know what criteria was used to select these cities, but North Olmsted's grade deposit is only \$1,500. Mayfield Heights is \$1,000. Seven Hills is only \$300. Brecksville is not even \$400. So asking us to go from \$925 to \$2,500 is significantly above these communities that were listed. I still would like to get some feedback from our builders. They're our residents and voters and see if they have any ideas to accomplish what needs to be accomplished but at the same time not make it onerous on them or our residents.

Vice Mayor Kurtz asked, what was Brecksville's?

Councilman Blaze replied, they break it down to a couple of different fees, but the total of them don't even add up to \$400.

Councilman Crooks asked, did you ask for a timeline from the people you sent a letter to?

Councilman Blaze replied, I said if I don't hear from them by the end of the year, then I'll assume that as proposed they have no problems with it.

Councilman Klepacz commented, the legislation will be expiring on December 31st.

Councilman Blaze replied, we can reintroduce it in January.

Engineer Elewski commented, the problem we have is that the money they're putting up isn't enough to cover the deficiencies in the work they were doing and they would just let it go.

The City of Glenwillow had the same problem and increased the fee to \$5,000. That solved the whole problem. People would immediately correct the deficiencies so they could get the remaining money back.

Councilman Blaze replied, he understands that but he would like to find out from people in the field why Brecksville can do it for under \$400. Seven Hills is \$300 and they have a lot of new construction right now. Mayfield Heights is \$1,000 and North Olmsted is \$1,500. Why is that amount sufficient in those cities, but not in our City?

Councilman Cichocki replied, tell them what Beachwood charges.

Councilman Blaze replied, Beachwood is on a rolling scale. If the cost of construction is under \$100,000, they're at \$2,500. If the cost of construction is between \$100,000 and \$500,000, it's \$4,000. Between \$500,000 and \$1 million is \$5,000.

Councilwoman Wisnieski commented, she doesn't have any problem moving forward on this. This has been in Committee since June, an ample amount of time for anybody to come forward for discussion.

Councilman Cichocki added, I attended the Rules Meeting and I listened to the debate on the topic. I know that Carl Opatrny and Don Elewski made a recommendation on this and there is a valid reason for it. I don't have any problem moving forward on it either. I don't anticipate that the feedback is going to change my position. Based on who the letter were sent to, I don't anticipate that the feedback is going to be anything important to this legislation.

Again, this will solve a problem. I don't think it's too onerous if you're building a house for \$500,000. Likewise, we should have things completed. If there are no sanctions and it's cheaper not to comply.

Councilman Blaze responded, in the meeting I said that we still have the ultimate piece of leverage, and that's called the Occupancy Permit. We do not have to issue that Occupancy Permit if we're not satisfied that everything is done to our satisfaction or will get done to our satisfaction. So it can be accomplished without forcing large upfront fees via this legislation.

Councilman Cichocki responded, we've had that leverage up until now and we're still being asked to increase the fee. Why is that?

Councilman Blaze replied, I'm not in the Administration. I can't tell you why.

Mayor Ramos responded, part of it is the enforcement, keeping a calendar of things. I would find it very difficult to withhold an Occupancy Permit because many times people homes have been sold. They're in the process of moving in. They might have weather delays, contractor delays and things like that. Unfortunately, I don't want the residents to be caught in the middle.

However, with that being said, we have bonds of \$300 or \$400 and that does not have any teeth to it. Many of the people who are in violation because of grade or landscaping or whatever the case may be just shrug their shoulders because there is only \$300 or \$400 to take care of the problem. I think if we have a higher bond, and if they know that this higher bond is sitting there, I would for one, make sure that I take care of the grading or landscaping in order to get that cash back.

It's unfortunate, and I know if you're building a home, even though you're building a \$300,000 house or a \$400,000 house, many people are stretched to the limit. They spend every penny and that \$2,500 might be difficult for them to do, but I just don't think that right now we have any teeth that we can enforce this.

Councilman Blaze is right. We can not issue an Occupancy Permit, but there are so many circumstances that happen that are beyond the control of the homeowner and all of a sudden they're being denied access to their home. That's a very difficult thing.

Vice Mayor Kurtz asked Engineer Elewski, is the real issue the grade or is it the Occupancy Permit?

Engineer Elewski replied, it's the grade.

Vice Mayor Kurtz asked, we're asking for \$2,500 for any type of permit?

Engineer Elewski replied, right.

Vice Mayor Kurtz asked, and then you're asking for the \$2,000 from the resident?

Engineer Elewski replied, right.

Vice Mayor Kurtz asked, what about the existing residents who are adding on a little sunroom or something like that?

Engineer Elewski replied, he doesn't think this applies to that. He doesn't believe the Building Department charges that amount for that.

Vice Mayor Kurtz pointed out that the way the ordinance is worded, that's the minimum now, right?

Law Director O'Brien responded, if you're asking if there are any exceptions for an addition versus new construction, this says "upon application for the building permit." Does the building permit define an addition?

Vice Mayor Kurtz responded, he can see this with new construction.

Engineer Elewski added, with an addition, there is no grade.

Mayor Ramos added, a building permit is issued when you're putting on a deck also. He doesn't think it's the intent of anyone that everyone pays \$2,500. We're talking about new construction.

Councilman Klepacz added, additions and upgrades, no.

Vice Mayor Kurtz added, if he's reading this correctly, it's \$2,500 across the board.

Councilman Cichocki responded, we're looking at one section. What do the other sections say?

Everyone speaking at once.

Councilman Blaze commented, if something like that could be here on the day that this is supposed to be adopted, I think it's a fair statement get public input.

Law Director O'Brien replied, it says here, "for each and every new commercial and residential structure to cover the following:"

Discussion ensued regarding what type of construction the fees applied to.

Vice Mayor Kurtz stated, it's confusing.

Councilman Klepacz replied, I would certainly accept an amendment.

Moved by Klepacz, seconded by Wisnieski, to amend Ordinance 2006-30 to read, for any new dwelling and in (b)(1), for each and every new dwelling and (B) new dwelling. Council polled: 7 yes/0 no; motion carried.

Vice Mayor Kurtz stated, next is Ordinance 2006-54 relating to insurance with regard to developers. The Planning Commission did approve both Ordinance 2006-54 and 2006-55. I did receive calls concerning Ordinance 2006-55 relative to the preliminary plans. It's intent is to give the City teeth in the Code but not mandate that they require every one of the drawings or studies. It allows us to be able to enforce that section. It doesn't mandate it. We can require it but it's not mandated. Is that right?

Law Director O'Brien replied, yes.

Councilman Blaze asked, is there a timing issue with this? Under Section 1, 1153.03, *the developer shall furnish with the application for approval of preliminary plans*, this information. When you're filing an application for approval, is that you're initial application as you're coming before the Planning Commission?

Law Director O'Brien replied, a major subdivision is covered in 1109.05.

Councilman Blaze asked, if a developer is walking in and filing an application for the first time, how would they know what should be filed with it?

Law Director O'Brien replied, the procedure is for a major subdivision is automatically a hearing. So the first meeting for the Planning Commission is essentially to set that public hearing. The Planning Commission may not know until after the public hearing what additional items. For instance, with Twin Creeks we had a conference call today just to iron out some things. Don Elewski and Carl Opatrny pointed out that we may want to have soil borings and such.

Councilman Blaze replied, he understands that, but it says, *with the application*.

Law Director O'Brien responded, but if you go through 1109.05 and 1115.03, that talks about what needs to be presented to the Planning Commission. He believes 1109.05 gives a list to present. There are very few times that the applicant presents everything that the Planning Commission will want to review prior to making their recommendation to Council. The Planning Commission, until they really get their arms around the application, really does not know beyond the proposed preliminary plan of how they're going to subdivide in the process.

Councilman Blaze responded, to be able to be practically applied, that sentence should read, *the developer shall furnish after application, but at some point before approval of the preliminary plan by the Planning Commission and the Planning Commission asks for this.* The way he reads this, that the Planning Commission can ask for something even before that applicant has been before the Planning Commission. It doesn't make sense to him.

Law Director O'Brien responded, you're only looking at one section. If you look at 1115.03 and 1109.05, it tells you the items that need to be completed.

Ironically, since the last Zoning meeting, he's asked if the Planning Commission could recommend to Council that either the City Planner or someone else go through and re-work our antiquated code, especially for the ZBA.

The procedure throughout those chapters set forth what a developer needs to do. It gives a process developed through a course of many hearings. There is more and more contention every year.

Councilman Cichocki asked Law Director O'Brien, what is the rationale for wanting this?

Law Director O'Brien replied, his rationale is based with when the City is faced a very challenging project. There is a clause to ask for additional information the City may deem appropriate.

Right now, the developer can ask where the code says that he has to provide certain information.

Councilman Blaze commented, I agree with giving the Planning Commission more leverage and more teeth to be able to do that. I think the legislation should just be clear where in the process that request can be made of the applicant.

Law Director O'Brien responded, I agree, but how about Twin Creeks? We had them pretty much plan and develop their preliminary process because of the nature and the location. This is something you wouldn't normally do with a preliminary plan, but we had them expend a large amount of money for that because everyone was uneasy with that development.

Another example is St. Maron's Church. I talked to their lawyer yesterday and explained to him that normally we wouldn't do some of this stuff, but in this particular situation, given the 200 plus people, we are going to request, and it's the City's right to request things such as a traffic study and a water management plan. Normally you would do that after the preliminary plan and prior to the final plan approval, but we're requesting more and more upfront to give Council more input in it.

Is it a detriment to some developers? Does it cause some of them to walk away? I'll be the first to admit, yes, but legally that's our right.

Councilman Blaze responded, but the sentence says, *with the application shall be filed.* He's just saying that when he files an application, how can he furnish this stuff that the Planning

Commission may request when I haven't even been to the Planning Commission yet for my initial proposal?

Law Director O'Brien responded, in 1109.05 it gives you a non-exhaustive list of items that you present to the Planning Commission.

Councilman Klepacz asked, when somebody comes in with a preliminary plan, the Planning Commission asks for more information and they bring it back and ultimately they will ask for approval? That's the way he's reading it.

Councilman Blaze responded, I don't think you file an application to get on the Planning Commission agenda and then come back to the City and file a second form of application for approval.

Law Director O'Brien responded, when you come bring in an application for preliminary plans, more and more of the upfront work the City is requiring. Again, a lot of developers don't like it but we're requiring it because we have a lot of issues with storm water, so we're getting that upfront. They receive the plan approval from the Planning Commission and Council. Then they go through what normally is their development phase of sitting down with Don Elewski's office, mapping out utilities and finalizing their plans. Then they come back for the major subdivision final plat.

Engineer Elewski commented, he thinks you can take out the word "with the application."

Everyone speaking at once.

Law Director O'Brien stated, that's how it's currently in our code. So your suggestion is developers shall furnish after the application to appear on the Planning Commission but before the approval of the preliminary plan. You're encouraging these developers not to present.

There was one occasion in the past few years where the Planning Commission decided not to set forth a public hearing.

Councilman Blaze commented, you can have A through D at the application, but he still doesn't see how you can ask for F items until you've had some negotiation and discussion. So the F clause can come after the application is filed to get on the agenda, but before the Planning Commission will entertain the preliminary plan approval.

Law Director O'Brien responded, he'll take Councilman Blaze's recommendation back and rework the language.

Vice Mayor Kurtz asked, are we removing Ordinance 2006-55?

There were no objections noted to passing Ordinance 2006-54 and removing Ordinance 2006-55 from the agenda.

Councilman Cichocki asked, so Ordinance 2006-55 will be revisited next month?

Law Director O'Brien will revise the ordinance and it will be renumbered and re-introduced in January.

Vice Mayor Kurtz stated, next is Resolution 2006-162 regarding TranSystems which has been reworked. Does this incorporate the changes?

Law Director O'Brien replied, yes. The only thing he'd like to change is the survivorship clause. Because the retention policy goes on for seven years beyond the contract, we should include that requirement in there. We can do that before the Mayor signs that.

There were no objections noted to passing Resolution 2006-162.

Vice Mayor Kurtz stated, we have Resolution 2006-169 regarding the Cuyahoga Valley Regional Council of Governments.

Councilman Crooks responded, we talked about this last month. I'm the representative on Council. This is just a formality. There is no cost increase.

There were no objections noted to passing Resolution 2006-169.

Vice Mayor Kurtz stated, on First Reading is Ordinance 2006-61, the 2006 Amended Annual Appropriation.

There were no objections noted to passing Ordinance 2006-61.

Councilman Grendel asked about all the change order legislation for Elewski that was on the agenda and if it would affect the Appropriation.

Finance Director Veres replied, he'll pay what he can and the rest will be paid in 2007.

Councilman Cichocki asked, why wasn't there any money collected on the Gateway TIF if we were owed money?

Finance Director Veres replied, the State misplaced the application and he had to refile it. We can go back three years for collection.

Vice Mayor Kurtz stated, next is Ordinance 2006-62, the 2007 Annual Appropriation.

Councilman Blaze stated, the Finance Committee met twice to discuss capital items and twice to discuss everything else. Before you is the result of those meetings.

Councilman Cichocki asked, was there a decision made as to what capital items would be approved?

Councilman Blaze replied, no. We're going with the initial budget amount of \$1 million. That determination has yet to be made.

Councilwoman Wisnieski commented, I will be voting against this tonight. I don't see where the utilities issues are being planned for in this budget. I will be voting no until I see that being made part of the budget.

Councilman Blaze responded, when that was brought up it was determined that with the amount in the storm maintenance contract this year, plus the allocation for 2007, that was enough to fund the majority of the cleaning and cameraing in the Dalebrook Subdivision to get that portion of the project done.

Don Elewski corrected – sanitary maintenance contract.

Councilwoman Wisnieski responded, she's talking about the comprehensive flooding plan that we're working on with the Engineer's Office and hydrologist. She doesn't see it made a priority in this budget.

Councilman Blaze responded, we don't have a plan before us yet to be able to approve.

Councilwoman Wisnieski responded, you don't need a plan before you to set aside funds.

Councilman Blaze responded, with capital requests for departmental at \$1.8 million and roughly \$1 million, we have to cut almost 50% out of those requests. Then the Finance Director is going to monitor the financial situation through 2007 to see if we can make it through without additional borrowing or if additional borrowings are going to be necessary. There is no way to do any major capital projects in regards to sanitary or storm without borrowing right now.

Councilman Klepacz asked, does that preclude borrowing to do any of that stuff?

Councilman Blaze replied, it doesn't preclude it.

Councilwoman Wisnieski commented, she thinks the budget needs to be looked at in its entirety, not just pass one portion, and then next month we set aside additional funds if we have them for capital improvements, and then we'll start looking at whether we should or should not borrow. That's not how she thinks the budget should be done. She thinks that utilities should be a focus and a major priority in the budget as you're planning.

Councilman Blaze responded, but we won't be borrowing for any of the departmental capital projects.

Everyone speaking at once.

Councilman Cichocki commented, what it comes down to is either we take \$1 million and use it for capital improvements, or we take the \$1 million and set it aside for flood control. Everything else in the budget is pretty much set.

Councilwoman Wisnieski responded, she doesn't see it as being discussed as a priority at all, and she has an issue with that.

Councilman Blaze responded, we met four times. You could have come to one of them.

Councilwoman Wisnieski responded, that's not the issue. She sent a memo in October asking for it to be planned for.

Councilman Blaze replied, he believes that the Mayor has indicated that the hydrologist is preparing plans, Engineer Elewski is preparing plans, but it's kind of difficult to plan for something that you don't have a cost amount and you don't have a definitive project.

Councilman Cichocki asked, how much of the \$1 million for capital improvements is already committed anyway – new fire truck, new bus?

Finance Director Veres replied, around \$480,000.

Councilman Cichocki responded, so now we have only \$500,000 – half if committed already.

Finance Director Veres commented, we did look at the overall budget. It may not have included that project overall, but we did start from the beginning. . .

Councilwoman Wisnieski responded, she realizes how many hours are spent analyzing that. She read the minutes that were available, but she doesn't see it focused on those priorities.

There were no further questions or objections noted to passing Ordinance 2006-62.

Vice Mayor Kurtz stated, next is Ordinance 2006-63, extending the moratorium another 120 days for properties abutting the National Park Service.

Ron White commented, Floyd Browne is just about completed and waiting on a comment from the select five member subgroup from the Downtown Task Force. Once he has that, he's done.

Councilman Blaze asked, in Section 1 of this, would you be open to leaving "minor" out of this section. What is major?

Vice Mayor Kurtz replied, major is five or more.

Councilman Blaze responded, a resident called to say we've had this moratorium basically a year now. They have a 1-acre lot where one portion of the lot abuts the National Park boundary. They're looking into the feasibility of splitting it into two lots, which still complies with our code, but they've been precluded from doing that because we have this moratorium and now it's being extended a second time. The ordinance says, "exceeding one lot." It precludes anything being done now unless you have an existing lot and are building one home on that one lot. If we remove the word "minor" out of that, it would allow someone in this situation. . .

Councilman Cichocki replied, he has not problem changing it from one lot to two lots.

Councilman Blaze commented, he just wants to be sure that by putting in two lots we're not going to be conflicting with the "minor" part of that same sentence.

Law Director O'Brien replied, you can do anything you want. It opens up the door for a developer to say, you're treating me different than somebody else. He can handle that if necessary. He has no problem with it.

Vice Mayor Kurtz commented, so we're saying the lot split wouldn't be in violation with this moratorium?

Law Director O'Brien replied, he'll work up the language.

Moved by Cichocki, seconded by Grendel, to amend Ordinance 2006-63 to read in Section 1, except as stated below, and or for any plan to subdivide a single lot into two sublots. Council polled: 7 yes/0 no; motion carried.

Councilman Cichocki commented, originally he was told the Floyd Browne study was going to be 90 days. He had hoped to get the study in and then make the suggested changes to our code. He has no control over when the Floyd Browne study comes in. The intention once we get the study is to revisit our codes to see if we can adopt some regulations to adjust for these properties.

Councilman Crooks asked about the select group of five.

Ron White replied, they were to review it for a public, residential comment on it. These selected five from the Downtown Task Force were provided to do that. He knows that Jeff Markley did send them a reminder that they needed to respond. He hopes that would be accomplished tomorrow.

Councilman Crooks asked, so then we would take whatever information they provide, bring it back here. . .

Ron White replied, it's basically done. He's just looking for their comments. Everything is done.

Councilman Crooks asked, and the thought would be, according to this legislation, that we would get a report and implement changes? That could take place in the next 120 days?

Councilman Cichocki replied, he would think so.

Vice Mayor Kurtz commented, so this should be the last extension if we get the information.

There were no objections noted to passing Ordinance 2006-63.

Vice Mayor Kurtz stated, next is Ordinance 2006-64 regarding amending benefits for the non-bargaining, supervisory personnel of the fire department.

Councilman Blaze responded, this was a relatively minor amount of around \$5,000 per year. Finance Director Veres responded, that was already approved. This is clarifying a section for this year of what was already approved.

There were no objections noted to passing Ordinance 2006-64.

Vice Mayor Kurtz stated, next is Resolution 2006-177 regarding transfers and advances.

There were no objections noted to passing Resolution 2006-177.

Vice Mayor Kurtz stated, Resolution 2006-178 regarding blanket certificates.

Councilman Cichocki asked, what is a blanket certificate?

Finance Director Veres replied, about five years ago, Kevin Lally, who manages our audit, suggested to him and Bob Williams that we do one blanket purchase order for the whole year so you don't have to write a purchase order for every delivery you're going to be receiving.

Councilman Cichocki asked, is it blanket because you don't know what the exact amount is going to be?

Finance Director Veres replied, it's blanket because it covers the whole year. It covers more than you normally cover on a purchase order. It's for utilities. It's for tree cutting. You pass the ordinance and do a blanket for that amount so you don't have to do it piecemeal. You've approved the overall expenditure. It's just allowing us to create a single purchase order for that.

We use blankets. The auditor is recommending that Council approve a maximum amount.

Everyone speaking at once.

Councilman Blaze commented, so if we buy something for \$1,000 a month for 12 months, instead of John Veres having to issue 12 purchase orders at \$1,000 a month, he can issue one for a maximum of \$12,000.

Councilman Cichocki asked, you can't incur a debt under the blanket certificate?

Finance Director Veres replied, you can't encumber more than the line item.

There were no objections noted to passing Resolution 2006-178.

Vice Mayor Kurtz stated, next is Resolution 2006-179, maintenance and support services for the dispatch system in the police department. Are there any questions?

There were no objections noted to passing Resolution 2006-179.

Vice Mayor Kurtz stated, Resolution 2006-180, the purchase of furniture for the Civic Center for \$15,569.

Councilman Crooks asked, what do we do with the old furniture?

Finance Director Veres replied, we'll auction it off.

There were no objections noted to passing Resolution 2006-180.

Vice Mayor Kurtz stated, we have Resolution 2006-181, Universal Oil bid for gasoline.

There were no objections noted to passing Resolution 2006-181.

Vice Mayor Kurtz stated, next is Resolution 2006-182, accepting the bid of Tire Distributors for tires.

Councilman Blaze asked, is this a new company?

Director Snyderburn replied, yes.

Finance Director Veres asked, aren't they a resident?

Director Snyderburn replied, yes.

There were no objections noted to passing Resolution 2006-182.

Vice Mayor Kurtz stated, Resolution 2006-183, Alpha Properties donation.

Law Director O'Brien responded, I'd like to talk about this in Executive Session.

Vice Mayor Kurtz stated, Resolution 2006-184, basically, I'm asking that we authorize the Mayor and Law Director to enter into an option.

Councilman Blaze commented, west of Tulip Trail has to be removed.

Mayor Ramos commented, he doesn't know that this legislation is necessary because we've probably sent them two or three letters already. It's just a question of whether or not they're ready to sell.

Councilman Cichocki asked, can we enter into an agreement for an option without approving the funds for an option.

Law Director O'Brien replied, if it's less than \$7,500 the Mayor can approve that. He can't imagine the option being more than \$1.00 given our right to eminent domain.

Vice Mayor Kurtz commented, all I wanted to do is move the issue forward because if we don't do it, it goes back on the ballot and then all of a sudden somebody else wants it.

Councilman Cichocki commented, let's all put our names as introducers. There were no objections noted.

Vice Mayor Kurtz stated, we have Resolution 2006-185, 2006-186, 2006-187, 2006-188 and 2006-189, all proposed from Elewski & Associates. Finance Director Veres said that whatever fit into the existing budget, appropriation, for this year he was going to fit it in. Then, whatever didn't fit, he would hold over until 2007. Is that right?

Finance Director Veres replied, yes. In his initial discussions with Carol Stokar, most likely they should all fit this year. He just wanted to make everyone aware that these showed up at the last minute and he already amended the budget. If something doesn't fit, the payment will be made in January.

Councilman Blaze commented, these total \$48,000. He doesn't know if that's material that it warrants further discussion or should we just approve these carte blanche. He assumes that since they got on the agenda somebody has weighed in and felt that \$48,000 is justified and warranted, or has that process taken place?

Councilwoman Wisnieski stated, her question is on 2006-185, services related to storm damage. What exactly does that mean?

Finance Director Veres added, and how long can it go on would be his question. The storm was in June.

Councilman Cichocki asked, is there an itemized invoice for services that were provided?

Engineer Elewski replied, the items were listed that we were required to do work for under June's storm. Most of this cost had to do with the Dalebrook area. We're investigating the storm sewers to find out which ones are blocked, which ones cannot be cleaned, which ones will have to be replaced. There is a cost estimate approaching \$1 million to cover all the work in the Dalebrook area.

Councilman Blaze asked, has all the work contained in these five resolutions been done?

Engineer Elewski replied, it was done in September or October.

Mayor Ramos commented, the work has been done. This is doing a change order to the resolution so he can get paid.

Councilman Blaze commented, my initial reaction is, we're always backed into a corner then if the work is done and then we get the legislation – now approve it. It should be reversed. If we're going to exceed our current budget, we need some more work done, come to Council and

say, we need another \$48,000 to finish up these projects to the end of the year. Then Council approves it.

Mayor Ramos replied, that's been the problem between the Finance Department and the City Engineer.

Finance Director Veres added, the Mayor's Office too. The Mayor asks for things to be done.

Councilman Cichocki added, and the Planning Commission.

Mayor Ramos replied, we ask Don Elewski at Planning Commission to look into things. Nobody asks, how much money is in the budget? So he goes and looks into it and then, of course, it's over the limit.

It's just like we ask him to take care of the Cavaliers, take care of Dalebrook. He gives a ballpark estimate. He takes care of it. He goes over the amount and then we have to amend the budget.

You're right, Councilman Blaze, it should be the other way around. I suspect that the Engineer doesn't really know how much time it's going to take.

Vice Mayor Kurtz commented, in this particular case though, when we said Cavs, it wasn't just Cavs. It was everything at the bottom with the flooding too. And, Dalebrook was flooded. Nobody in the room questions the urgency to get some action. With all due respect, I understand the process and that's something the engineer has to work on.

Finance Director Veres responded, on those issues he agrees on, but a parking lot – by the time we pay engineering, we could have paid for the parking lot.

Vice Mayor Kurtz commented, we did say the urgency of the Cavs and it was also the flooding below the Cavs to allow us to tie into it, and Dalebrook was certainly a priority. There were issues that needed to be done to get us information. That's a tough one. You can't say to stop in the middle of preparing a cost estimate.

Councilman Grendel stated to Engineer Elewski, you need to make higher estimates.

Engineer Elewski replied, if it's too high, it won't be accepted.

Everyone speaking at once.

Engineer Elewski stated, we try to get the proposals for the additional money out soon after we send the bill. That's the only way we know exactly what we need. It takes Carol three weeks to review it and she should have enough time in between to cover the proposal.

Mayor Ramos replied, you know how much money is allocated to each account. Your office should have some type of record. For example, \$80,000 for Planning Commission.

Finance Director Veres commented, they do.

Mayor Ramos continued, and you know you have \$80,000. You should have a running total.

Engineer Elewski replied, we do.

Mayor Ramos continued, so when you get close to that amount you come in and ask for additional money because you're getting down to the 11th hour.

Engineer Elewski replied, we do. (Inaudible)

Mayor Ramos continued, you don't wait until you're over the limit. You wait until you're within shouting distance. If you're within \$5,000, start asking for more money.

Councilman Blaze asked Finance Director Veres, we create these blanket certificates. Can we do that that for "engineering services" - budget a total next year. It would be up to you and the Mayor to administer that total so you don't have to keep coming back to us for continuous change orders after the work has been done. Is it easier on you?

Finance Director Veres replied, the issue with the Engineer's Office is approval of work before the work is performed. I don't see that situation helping the main issue with the Engineer's Office.

Mayor Ramos commented, he doesn't so much think it's approval of the work. It's approval in excess of the estimate.

Finance Director Veres responded, it's a combination of both.

Mayor Ramos added, the problem is that we tell him to do things all the time.

Councilwoman Wisnieski added, all of these projects we told him to do.

Vice Mayor Kurtz asked Mayor Ramos if he had any problem with any of these resolutions.

Mayor Ramos replied, he has no problem with these. The ones we have issues on we withheld.

Vice Mayor Kurtz asked, so these are the ones you've already reviewed.

There were no objections noted to passing Resolutions 2006-185 through 2006-189.

Councilman Blaze left the Council Caucus.

Moved by Grendel, seconded by Kurtz, to adjourn the Council Caucus for an Executive Session to discuss property acquisition. Council polled: 6 yes/0 no; motion carried.

The Council Caucus was recessed at 6:57 p.m.

The Executive Session was convened at 6:58 p.m. Present were Mayor Ramos, Council Members Cichocki, Crooks, Grendel, Klepacz, Kurtz and Wisnieski. Also present were Law Director O'Brien and Beth Fulton from TranSystems.

Moved by Kurtz, seconded by Crooks, to adjourn the Executive Session and reconvene the Council Caucus. Council polled: 6 yes/0 no; motion carried.

The Executive Session was adjourned at 7:06 p.m.

Council Caucus was reconvened at 7:07 p.m.

Moved by Grendel, seconded by Kurtz, to adjourn the Council Caucus. Council polled: 6 yes/0 no; motion carried.

Council Caucus was adjourned at 7:08 p.m.

COUNCIL MEETING:

Mayor Fred Ramos called the meeting to order at 7:19 p.m. Present were Council Members Blaze (arrived 7:25 p.m.), Cichocki, Crooks, Grendel, Klepacz, Kurtz and Wisnieski. Also present were Finance Director Veres, Law Director O'Brien, Engineer Elewski, Community Services Director Buc, Technical Services Director Avsec, Service Director Snyderburn, Building Commissioner Opatrny, Fire Chief Nelson and Police Chief Nicastro. Absent was Recreation Director Kostyack.

The Pledge of Allegiance followed.

PRESENTATIONS:

Mayor Ramos stated, I congratulate Vic DiGeronimo on the fact that his family and his business has been operating for 50 years. Operating a business and establishing a business for 50 years is a very difficult task, especially in today's business world, but what makes it so exceptional is because of the impeccable reputation of Independence Excavating. They were able to operate this business with integrity and with honesty.

I am sure that there are many of you who have traveled outside of this area and when you mention about being from Independence you often times hear a response that they know members of the DiGeronimo Family as well as Independence Excavating. They always say that they were a pleasure to deal with, honest and have an impeccable reputation.

Consequently, I would like to honor them today, on their 50th Anniversary.

Mayor Ramos read and presented Vic DiGeronimo a Proclamation honoring the 50th Anniversary of Independence Excavating.

AUDIENCE PARTICIPATION:

Mayor Ramos called John Nicastro, Sr. forward to speak.

John Nicastro, Sr. stated, if you recall, at the last Council Meeting we committed ourselves to try again to give housing options to our senior citizens and with your help, want to return to the ballot next year.

While we await the outcome of the resubmission we have an opportunity to address the requirements of those seniors that prefer an independent stand alone unit. We believe you have the authority to create a Senior Residential District that would include independent, single, stand alone units only.

This would not impact the Charter and, thus, no ballot initiative is required. If you recall, this was suggested during our previous discussions last year as a first step.

We understand that the process would follow the same procedure and protocol as any other subdivision request. Therefore, we encourage and respectfully request that you create a zoning for a senior citizen residential district in the same area as previously discussed. This process would put us on a faster track to satisfy the requirements for those seniors that prefer a single, independent, stand alone unit. It would also give direction to the Downtown Redevelopment groups that a portion of the (inaudible) that is required to help the vitality of downtown will be planned.

Starting in January of 2007, our group will again begin campaigning for your authority to complete the remaining requirements of senior housing – that is, much needed congregate and cluster units. To accomplish this, we require your help and respectfully request that you place the same issue on the ballot next year – the same issue that you all endorsed and supported last November. Your early commitment is crucial and needed because in order for us to mount an effective campaign, we need as much time as possible to again disseminate the information to our people that living options for seniors is a worthy goal that would benefit our community. They must recognize that with an aging population the request for optional senior housing is growing bigger. This requirement will not go away.

Housing options, including senior housing has become one of the major factors in city planning throughout our country and we should be at the forefront. Many communities around us have some type of senior facility. Independence should have no less.

Our group stands ready to help in any way to facilitate this much needed comprehensive plan. Thank you for your attention and the seniors of Independence wish you and your staffs a Merry Christmas and let's look forward to a great 2007.

Mayor Ramos called Jeff Garvas forward to speak.

Jeff Garvas stated, I don't currently live in Independence but spent a couple of years here during middle school. Today I'm here as a representative of an organization that I started. Many of you may remember a letter I sent to Council around Thanksgiving from Ohioans for Concealed Carry. I'm the present and founder of Concealed Carry. We are the eighth grassroots organization for Ohio gun owners who choose to carry firearms for self defense. No one contacted him in response to that letter.

Our organization became aware that this Council adopted emergency legislation in October prohibiting firearms in the parks. That letter was a result of the Law Director suggesting that I contact the Mayor and seek a meeting.

Our organization is involved in litigation in different communities that have adopted these laws. We have successfully received injunctions from the court (inaudible), primarily because they're in conflict with State law. There is no authority for a local government to supersede the State's Concealed Carry Law.

He will not go into details in order to keep his presentations brief. Council noted during the meeting that signs needed to be posted in the parks. When he was here the day before Thanksgiving he went through the park and could not find any signs. So right now the City of Independence has an ordinance and no warning that entering the park with firearms is a crime in the city. That, to him, is a little unfair.

Secondly, in investigating the firearms ordinance in the City of Independence over the past month, we also discovered that Independence became a victim of a mistake created by Anderson Publishing. They are responsible for publishing all the laws that are passed in the State of Ohio. In 2004, Anderson Publishing published the wrong version of House Bill 12. They corrected the version on their website but refused to issue a correction or even a notice (inaudible). Consequently, this City adopted the wrong version of House Bill 12 and codified it in (inaudible). The problem with that is that Independence currently makes it a crime to have a firearm in a vehicle that also has a child (inaudible). That is also in conflict with state law.

With respect to the park ban, (inaudible) firearms in the City of Independence is (inaudible) "complete ban." Quite a few years ago the State of Ohio Supreme Court ruled that a complete ban as opposed to a partial ban is in violation of Ohio's Constitution.

Finally, as many of you may know if you happened to catch the news today, the legislature of the State of Ohio has been working to pass H.B. 347. This legislation fixes a bunch of things in the Concealed Carry Law, such as the fact that right now you're not to have a firearm in plain sight if you're in a vehicle. H.B. 347 will become law and that provision is going to go away. The bigger aspect of H.B. 347 is statewide pre-emption. In 91 days after the Secretary of State's Office enrolls that Bill, it will be basically that every law in Ohio that is passed by local government will be rolled back. Statewide pre-emption for firearms laws will take place the week of March 1, 2007. This happened because the House and the Senate both decided to override the governor today.

His purpose here tonight is to (inaudible) some advisory input in terms of the firearms law, but also, since he never received a response to their letter, he wanted to see if anyone had any questions for our organization with respect to firearms.

Councilman Crooks asked, does he under it to take the position that would permit individuals in Ohio to carry firearms in a park?

Jeff Garvas replied, absolutely. After the law passed CNN actually filmed him walking past the Independence pool in Elmwood Park.

Law Director O'Brien commented, he talked to Jeff on the phone and when he tried to solicit my advice and talk to me on the subject, I explained to him that we have many residents and non-residents and that it is procedurally incorrect to call the Law Director. The Law Director has to bill the City when a City issue is discussed. Procedurally, the Mayor decides who talks to the Law Director and gets a legal opinion, just like any resident would have to seek the Mayor's and Council's opinion on that.

As far as the law, I don't know the law as well as Jeff. Jeff is passionate and zealous about it. I personally believe in the Home Rule Provision. I personally believe that concealed weapons should not be carried in a park where emotions are high – especially with everything that you've read over the last few years. I feel our local ordinance is good law and until this Council tells me that they want to back off or modify the ordinance, we'll continue to enforce it.

We'll have those signs up in due course. Thank you for pointing that out.

Chief Nicastro responded, the signs were posted a few weeks ago at the entrances to the park and the park areas in the center of town.

Director Snyderburn asked, what is the difference if some guy went around waving a gun?

Jeff Garvas asked, you mean what is the difference between Concealed Carry and carrying openly?

Director Snyderburn replied yes.

Jeff Garvas responded, there are probably detectives that walk around this building openly carrying firearms in plain clothes or dress clothes. You become used to it. Concealed Carry is the law in over 40 states in the country. Ohio adopted it back in 2004. The benefit of concealed carry is that nobody knows who is carrying so, therefore, the criminal element is not going to necessarily come up behind you and take your gun. I'm sure you can talk to any police officer and one of their biggest problems is they don't want someone to come up behind them and take their gun. Concealed Carry allows those individuals who want to have a means of self defense to seek that without causing some kind of panic.

Law Director O'Brien commented, Jeff is very passionate about this. The difference between his example is that our police officers go through rigorous psychological examination before they

(inaudible) weapon (inaudible). I have to research the State Code on what goes through as far as someone doing this.

Jeff Garvas stated, if anyone would like to meet with me, or would like to set up a meeting, I'd love to explain the various reasons why the law is in conflict and why it (inaudible).

APPROVAL OF MINUTES:

Moved by Cichocki, seconded by Blaze, to approve the minutes of the November 14, 2006 Regular Council meeting. Council polled: 7 yes/0 no; motion carried.

MAYOR'S REPORT:

Mayor Ramos stated, I want to congratulate the Crooks on their new baby boy. Congratulations Jim.

We have a report from Hydrosphere, a hydrology engineering firm that we hired several months ago. They were asked to look at the areas with the most flooding problems within the City. Those areas were identified as Brookside Road, Riverview Road, Kingscote, Dalebrook, East Pleasant Valley Road east of I-77 and the Old Rockside Road/Commerce Park Oval area.

Please understand that this was not an extensive list. This was identification of the worst flooding problems.

They were also asked to prioritize what areas need the most immediate attention. That was based upon the number of individuals most affected, as well as which problem area we would most like to reduce future flooding by the construction of storm water management facilities. Based upon that criteria, the areas have been ranked. Please understand that their goal is to do a study of that area, make recommendations and the City Engineer will be drafting plans and giving us cost estimates as far as addressing those problem areas. The Brookside Road/River Road area is the number one area followed by Kingscote, Old Rockside Road, Dalebrook and East Pleasant Valley. The Dalebrook area does have the most residents affected, however, at this time we are doing an extensive amount of cleaning and construction in the sanitary sewer area currently. Consequently, work has already begun in that area.

They are going to be continuing their studies and making some recommendations as far as what needs to be done in each one of these areas.

I notice that there is legislation regarding negotiating with Concordia for purposes of purchasing their land. I applaud this legislation. We have had discussions with Concordia since around 1998, and we've had several agreements that we exchanged with them over the past six years. I hope that we'll be able to work something out so that we can provide some aesthetically pleasing properties for purposes of senior housing.

I want to wish everyone on behalf of Cherie and I and my family a Very Merry Christmas and a Healthy and Happy New Year. May God Bless you with health and happiness.

OFFICIALS' REPORTS:

ENGINEER:

Engineer Elewski reported, there is work going on in the Filip/Archwood area with walls and landscaping which will complete the project. Finishing the landscaping is dependent on the weather.

The utilities need to be installed at Cascade Creek – gas, electric, telephone.

We're monitoring the gas line construction on Rockside Road. It will probably be another week or so before they finish.

At the Cavs' Facility, the sanitary, storm and water construction is still going on. It will be awhile before that is finished.

In the Commerce Park area most of the large storm sewers have been cleaned and/or replaced. We still have some work to do in that area.

Merry Christmas and Happy New Year to everyone.

FINANCE DIRECTOR:

Finance Director Veres reported, congratulations to Councilman Crooks and his wife on the birth of their son. All the best to them.

Tonight on the agenda we have Resolution 2006-162 for Second Reading. This is the 2007 TranSystems Agreement. Originally it was at \$470,000 and after a thorough review by the Vice Mayor, it has been reduced to \$402,000. I thank him for his thoroughness. Not only was the price reduced, but there was an increase in the Errors & Omissions protection for the City. After reviewing the overtime charges they were also changed.

We have Ordinance 2006-61, an amendment to the 2006 Appropriation, the final amendment for December.

We also have 2006-62, which is the Annual Appropriation for 2007. This is a first for the City. In my memory, it never happened in my tenure here. Typically a temporary appropriation is passed that lasts until March 31st. Then a third of the way through the year an annual appropriation is passed.

I commend Finance Committee Chairman Blaze for his diligence in having meetings and getting a 2007 Annual Appropriation on the agenda. His Committee Members, the Mayor and I sat down and hammered out the overall budget. It makes things run a lot smoother in the Finance Department when you don't have to work with a temporary budget. I applaud the efforts of the Finance Committee and everybody involved.

SERVICE DIRECTOR:

Director Snyderburn reported, the Tree Lighting Ceremony went off very well. Four men worked on it for about a month. These guys are diligent. They make sure all the lights are in the right place. They do a great job every year. I hear how happy the residents of Independence are to have the Tree Lighting and look forward to it every year.

We had two inches of rain two weeks ago. We experienced flooding on Old Rockside and Commerce Park Oval. That is the only flooding that we experienced. The Cuyahoga River reached flood stage. The roads were flooded. The only business whose building was affected was All Erection Crane.

We received an additional half inch overnight, so we had a total of two and a half inches of rain. I didn't receive one resident phone call. After the floods I was happy to see that we were successful in cleaning all the creeks and sewers. We did receive notice of some flooded yards but nothing in the homes. That is good.

As far as the approximately 130 homes in the Dalebrook area, the Mayor sent out a letter stating that we would smoke test and dye test the sewer lines. We received 18 phone calls from residents who were concerned because of water in their basements. We will smoke test and dye test every one of those residents. Sanitaries are being cleaned right now. About 30% of them have been done. I have received no further reports of sanitary backups. Whatever we did receive, we responded immediately. There could be some problems with sanitary sewer mains but as of right now, everything is running. Some of our problems are in laterals of the residents themselves. We'll identify them and between the City and residents hopefully we will repair all of them.

CEI is trimming a lot of trees along their transmission lines. They hold an easement on those transmission lines. That easement allows them to trim those trees and to remove certain trees. The City does not have jurisdiction. We cannot control them. If they are on private property, state property, that is CEI, the Illuminating Company and First Energy. He's receiving a lot of calls from residents who are saying that the City is allowing them to do this, they had permission from the City. That is incorrect. CEI has an easement and has the right to trim and/or remove these trees.

I would also like to say that Independence Excavating has great people.

Merry Christmas to everyone.

COMMUNITY SERVICES DIRECTOR:

Community Services Director Buc stated, congratulations to Jim Crooks and his wife on the birth of their baby boy.

I want to reiterate that if you didn't sign up for snowplowing and are eligible, you need to sign up again this year. We've been receiving a lot of calls about this.

Holiday Fest was a big success. We had a couple thousand people there. Everyone had a good time. I want to thank all the departments that helped out, especially the Rec Department. They're always involved in these special events and do a great job. I want to thank Paul Kirchner for helping us out with our castle.

I want to wish everyone a nice Holiday and the best for the New Year.

RECREATION DIRECTOR:

No Report.

TECHNICAL SERVICES DIRECTOR:

Director Avsec reported that the Tree Lighting Ceremony was a success. We just completed tying up some last minute lighting additions at the Gateway sign and at the Gazebo. I wanted to thank Donna Rutkowski for all the time she spent helping her husband, Les, getting the candy cane train prepared for this year's event. I also want to thank Rich Crain and Brian Elek for taking the lead as they always do for these special events and for working so well with the Service Department in the process.

With Jim Gibbs we are planning on the relocation of the server room at the Annex. The server has been delivered and completion is scheduled for around the end of the first quarter of 2007.

The Civic Center shingled roof replacement project was scheduled for 2006. It is still on hold. The Law Director is in negotiations with the shingle manufacturer regarding the warranty. We hope to get started on that in early 2007.

Happy Holidays to everyone.

BUILDING COMMISSIONER:

Commissioner Opatrny congratulated Councilman Crooks and his wife on their new addition.

They are setting steel at the Cavs' Facility right now. The anticipated completion is June of 2007. They're also working on their utilities.

The Podiatric College is working on the foundation for the new addition. They are also conducting interior renovations to suit their needs.

Fortuna Funeral Home is wrapping up construction. We expect them to open later this month or early in January.

Happy Holidays to all.

FIRE CHIEF:

Chief Nelson reported, our paramedics transport many children to area hospitals for one reason or another. Many of these children stay at the hospital for extended periods of time for treatment. That being said, I would like to acknowledge our firefighters for the donation of a Sony Playstation to the Marymount Hospital Pediatric Ward. This relieves not only some of the tension that the kids are feeling, but the parents as well. This is the fourth unit that our medics have donated to Marymount Hospital. It is a benefit to children and their families. The Hospital really appreciates that. I would like to send a special thank you to Phil Sedlon, one of our firefighters, for coordinating that project.

On behalf of all the firefighters, I would like to wish all the residents a Merry Christmas and a Very Happy and Safe New Year.

POLICE CHIEF:

Chief Nicastro reported, this past Friday we had an opportunity to promote several members of the Police Department. Lieutenants John Kotabish and Jim Polak have been promoted to Deputy Chiefs and Sergeants John Smith, Jim Kroeger and Lenny Mazzola will be promoted to Lieutenants. We're looking forward to that.

I would like to recognize a member of our department who retired last month, Sergeant Dave Kata. Dave was with us for ten years. He came here from Bradford, Michigan. He worked as a patrolman, a patrol supervisor and two years with the Caribbean Drug Task Force which covers most of Northeastern Ohio. When he returned, he was our Detective Bureau supervisor. Eventually he had a third back surgery and this is a real loss to our department. He was a good supervisor and a great person to have in the community and I would like to recognize him.

LAW DIRECTOR:

Law Director O'Brien stated, I would also like to congratulate Councilman Crooks and his family on their first of many healthy sons.

Congratulations to the gentlemen who will be promoted in the Police Department on Friday. All of them are well equipped for their increased rolls in the Independence Police Department. I have gotten to know most of them over the years and they are wonderful police officers to have in the City.

I would like to report on the settlement of the Rockside One lawsuit as far the access road to the Gold Building. The suit was resolved for essentially what the appraised value was. The building owner was claiming that that public roadway was not necessary for the City to build. Eventually, they realized that it was essential to the Rockside Road widening. The case was settled for a little bit more than we originally offered.

The City has also settled the True North litigation which was as a result of the Rockside Road widening. The City acquired additional land there. Through a resolution with the property owner, along with an engineer hired by the county, the property owner agreed to lower the tanks which will allow for the Brecksville Road entrance to be reopened when True North lowers the tanks. That driveway will be more level with the street.

Finally, as of this morning I received a notice that the Cavs' bonds have been finalized and, therefore, all the financing is put in place and transferred. We look forward to the opening in 2007.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE – (BLAZE):

Chairman Blaze reported, Ordinance 2006-61 should be the final amendment to the City's Annual Appropriation Ordinance this year. As for the "operating" portion of the City's 2006 Budget, which is where the bulk of the City spending occurs, there is no change proposed tonight.

I would like to personally thank the Mayor, Finance Director, my two Finance Committee colleagues, Vice Mayor Kurtz and Councilman Grendel, my colleagues on Council who attended any of the 2007 Budget Hearings during the last month, and all of the department heads for their participation in getting Ordinance 2006-62 on this evening's agenda.

Ordinance 2006-62 is the City's 2007 Annual Appropriation Ordinance. You may recall my comments last month that traditionally, this piece of legislation would normally not even have begun to be discussed and debated until after January 1st of 2007.

With the City's 2007 Annual Appropriation Ordinance being on tonight's agenda for adoption, I can't begin to tell you how thrilled I am for the City to be in the position of having financially planned for 2007 *before* 2007 has begun.

There are a few finishing items that we will get to after the New Year, and with the Finance Director's diligent eye, the 2007 Budget will constantly be monitored for deviation, both positive and negative, from what we are planning for during 2007.

I thank everyone once again for helping us achieve a landmark in Independence for financially planning for the City in a prudent and responsible manner for 2007, before 2007 has started.

RULES AND ORDINANCES COMMITTEE – (KLEPACZ):

Chairman Klepacz stated, congratulations to not only Councilman Crooks and his wife, but every other family in the City who has increased the population.

The Rules & Ordinances Committee met this past month to consider updating our bond requirements for new residential construction. The bond amount has not been modified for over

sixteen years and the Building Department requested that this amount be increased so they could better protect the City in keeping our Building Codes enforced.

According to our Building Department, several builders and homeowners have ignored the directives of the Building Department and forfeited their bond because the cost of making the corrections was greater than the bond amount. The new bond amount will be \$2,500, from which inspection fees will be deducted as the job progresses. This figure represents a compromise agreed to in Committee. In my opinion, the bond should be large enough to insure that developers perform according to our Code and to discourage them from leaving the project in anything but a pristine state. I am not sure that the new bond amount will have the desired affect, but good government requires compromise, so I urge my colleagues to pass Ordinance 2006-30 as modified in Committee.

The Mine continues to build a high-tech dust collection and slurry building. When this system goes online, it is projected to be state of the art technology with a very sophisticated computer system controlling the process. The target date for completion is late January 2007. The Mine will then suspend operations for about three weeks for maintenance and inspection of other operational equipment such as the kiln.

This spring when the Mine reopens, it will be a stop on the Cuyahoga Valley Scenic Railway for students. The Mine will demonstrate their state of the art processes once each month as part of school programs.

Merry Christmas and Happy New Year everyone.

PUBLIC LANDS AND BUILDINGS – (CROOKS):

Chairman Crooks reported, the Public Lands & Buildings Committee will meet one week from today to discuss a variety of topics including downtown redevelopment, cemetery planning and goals for the Committee in 2007. I encourage everyone to attend.

As Council's representative to the Zoning Board of Appeals I wish to update Council and the Mayor on some of the more important situations the Board has been confronted with and decisions that the Board has made in the past year, which consequently, led to establishing a precedent for future decisions.

Granite Development came before the Board. Rather than offering blanket approval for all the requested variances, the Board weighed each one. They denied several variances and granted several others.

The Bilinovic request was to build a traditional structure on a property with an existing structure. After some research, the Board found that since the existing structure straddled two lots owned by the resident, it would not set precedent if it permitted the additional dwelling. The existing structure will be coming down upon completion of the new home.

The Marek request for a lot split resulted in the Board granting the variance with the condition that the applicant meet specified requirements of the Board, including style of home, height of home and drainage of both homes.

The Metzger request where several neighbors signed off on a relatively minor variance but the Board felt that there was a resolution for the variance without agreeing to it. The request was more or less for five feet. We found alternative solutions to it. As you drive by the Metzger property today on Sprague Road, you'll see that it is nearly complete.

Finally, there were requests for variances from several applicants in the last three months where the projects were completed and then the respective variances were asked for. In both cases, the Board remained firm on its position that the procedure for application must be followed and not following the procedure was a factor in their final decision. Each of these circumstances presented a unique opportunity for the Board where they would decide and set a reasonable course of action in the future.

I've enjoyed my time on the Zoning Board this past year and wish to salute the members for their hard work – Chairman Mark Moreal, Carol Fortlage, Bob Gordon and John Klingshirn.

Though not a member of the Safety Committee, it's worth noting that in response to the request that the police chief be offered a fallback provision, I submitted several memos to the Committee because I was unable to attend the scheduled meeting. I would like to thank Chairman Grendel for accepting these memos and reading them into public record.

On the agenda tonight is Ordinance 2006-62, the 2007 Annual Appropriation. I wish to congratulate the Finance Committee and Chairman Vern Blaze for setting the goal of seeing this through.

Finally, when I was putting together thoughts for my report tonight that I'd be hearing the fact that we had a son last week for the first time. I wish to thank everyone up here for their kind words. I've received phone calls, e-mails, gifts, cards and just want to say that I really appreciate it.

COMMUNITY SERVICES – (CICHOCKI):

Councilman Cichocki stated, my report today is not going to be on any particular piece of legislation or any committee meeting or anything like that – more a reflection on this year ending and the new year beginning.

I thought that I wanted to talk about what a great job the Service Department did and the Technical Services did on the lighting here in town. It was Dave Snyderburn's suggestion that we put outlets on the poles on Rockside Road so we can add Christmas decorations. It makes a very nice, festive area. But then I thought it was like a parent complimenting one child and not commenting or rewarding all the other good children.

I think it was since the last Council Meeting that I attended an Employee Appreciation Luncheon. It was a very nice affair that Charlene Armenti, our Human Resources Director, put together. It really brought home to me how many fine people we have here that work for our community, and they are people that I don't see on a daily basis. A lot of them are behind the scenes kind of people, but they all amount to what makes our City what it is. To see them all together and to see the acknowledgement was a good feeling. It was a very nice program.

I also wanted to commend Natalie Buc on the Holiday Fest. I missed the Tree Lighting Ceremony this year. My son was playing basketball and I couldn't be in two places at the same time, but I took a walk up to the Square on the first cold, snowy day. It always gets bigger and better and always make me proud to live here in Independence. Thank you everyone.

I would like to acknowledge Councilman George Klepacz. Aside from being a feisty, fiery Councilperson, he also has an interest in educating our young people. I was fortunate enough to participate in a program that he works on called We the People. It is essentially a program that instills some civic virtue and knowledge about our Constitution to students. It was a very worthwhile program. I commend George for taking the time to participate and put it together.

Finally, Interim Chief John Nicastro in his own modest way made you aware of the Swearing In Ceremony on Friday. Jim Polak and John Kotabish are going to become deputy chiefs. Jim Kroeger, John Smith and Lenny Mazzola will become lieutenants. He didn't mention that he's going to be sworn in as police chief. Congratulations John. Congratulations to all the men. We have an excellent police department. It operates smoothly. Things get done and there is no fanfare. You guys do a tremendous job.

STREETS AND SIDEWALKS COMMITTEE – (KURTZ):

Vice Mayor Kurtz stated, reporting from the December 5th Planning Commission meeting, the Public Hearing on the request of Royal Manor Health Care off Lombardo Center Drive was postponed. The continuation of the Public Hearing on the request of St. Maron's Church concerning 7800 Brookside Road was postponed, and the Public Hearing on the proposed 37-lot subdivision south of Hillside was also postponed.

Twin Creeks came before the Commission seeking final approval for its proposed 11-lot subdivision off Hillside, east of Brecksville Road. The City's professional staff will meet with the developer to review the requirements and conditions set forth by our staff, and they will report their findings at the next Planning Commission meeting.

The City purchased land near Rockside Road and Summit Drive and received approval of a lot split that will be part of the Rockside Road Widening Project and the Marginal Road configuration at the current location of the BP Station.

LeBec Homes presented a proposal for a minor subdivision on MacKenzie Drive consisting of two lots. They will return for further consideration at the next meeting.

Also before the Planning Commission were two amendments to the City's Codified Ordinances. They relate to increasing the amount of insurance required and information to be provided for a major subdivision. The proposed amendments were approved and were recommended for approval by City Council, and are on the agenda this evening.

Speaking with regard to Streets & Sidewalks Committee, the Rockside Road Project is continuing with the majority of the work in the area of the Seven Hills border. I am hopeful that shortly after the first of the year we will present a Street Improvement Master Plan to address the roughly 100 lane miles of roads we are responsible for in the City.

Progress is underway on the installation of storm sewers on the north side of Stone Road from the top of the hill to Tulip Trail.

Tonight we have Resolution 2006-162 concerning the contract extension with TranSystems to manage the Rockside Road Project. This is the sixth year we are contracting with TranSystems to manage the Rockside Road Upgrade Project. I am pleased that through Council's leadership, we were able to reduce the proposed funding by nearly 15%, approximately \$70,000, double the amount of Errors & Omissions Insurance required, and increase the City's ability to audit the contractor.

I would also like to acknowledge the leadership and hard work of the Finance Committee Chairman, the Finance Director, and those whose efforts have resulted in Ordinance 2006-62, which is a comprehensive budget for 2007. This is the first time in a long time that a comprehensive budget has been passed prior to the beginning of the fiscal year. In business, you don't wait for the year to start before you start planning for the year. I am pleased that the Finance Committee, under the leadership of its Chairman, is bringing private sector practices to the public sector.

Finally, Resolution 2006-184 authorizes the City to option certain property from Concordia Lutheran Church and Independence Research Park. By optioning the easterly portion of these properties, I believe the City puts itself in a better position to plan its future today.

I hope everyone enjoys the Holidays. Thank you and God Bless.

Mayor Ramos commented to Vice Mayor Kurtz, on behalf of myself and Council, I want to express my sympathy to you on the passing of your grandmother, Florence Walker.

Vice Mayor Kurtz thanked Mayor Ramos.

SAFETY COMMITTEE – (GRENDL):

Chairman Grendel reported, the Safety Committee held a meeting on November 30th. In that meeting we had three topics for discussion.

The first topic of discussion was led by resident Ed Baznik regarding the deer issue in the Dalebrook area. It was very informative. He talked about a special Nuisance Permit that a

resident can obtain for thinning the deer population. He promised to work with Chief Nicaastro as far as development of guidelines.

We also had discussion of Ordinance 2006-44, reorganization of the Fire Department. Chief Nelson provided the Committee with various pieces of information that had been requested. The Committee studied it for at least three or four months and gave it a thorough review, but the Committee felt at that time that it was not in the best interest to recommend it to Council so it ended in Committee.

Likewise, Ordinance 2006-52 regarding the fallback provision for the police chief was also thoroughly discussed and reviewed. Again, the Committee felt that what we have in place in the Charter was sufficient.

I want to thank Jim Crooks for providing us with some information regarding the fallback provision in other departments. Thank you for your efforts.

I am looking forward to attending the Swearing In Ceremony for John Nicaastro, as well as the other fine men in our Police Department. We are very fortunate to have quality men that we were able to promote to these positions. The reorganization that John Nicaastro led through Council is going to work very well. I think it will be a very productive year ahead.

I also want to congratulate Jim and Jessica Crooks on the birth of their son. He'll bring you much joy.

I want to also thank George Klepacz for giving the opportunity to myself as well as others up here to be a judge for the We the People Program. So many times you hear negative things about students. It was really informative and I was very impressed with the students and their ability to speak in front of adults with titles such as Mayor, Judge, Council and to talk about our Constitution, and things that are very important in our day to day living. The students did a great job and enjoyed being there. They came from as far as two and three hours from here. It was a very well run program. Thank you, George.

Now for some sports updates. We were fortunate. Steve Hitch was the First Team All State Quarterback, Division 5. He had a fantastic season where he had well over 1,000 yards rushing and well over 1,000 yard tackling. He is also a quality student with a 3.9 grade point average.

The basketball teams have started their season. The Girls Varsity is 2-2. The Boys Varsity is 1-2. We have very young teams and we're hoping to see improvement as the season goes on.

A group of swimmers have broken the school records. Allison Seitz, Elizabeth Juran, Linda Teare and Stephanie Rizzarda broke a school record in the 200 meter Medley Relay. I believe Allison Seitz also broke the school record in the 100 meter breaststroke. My commendation to the girls' swimmers.

The wrestlers took part in the Hawken Invitational this past weekend. Two wrestlers, 190 pound Raymond Lui and 145 pound Alex Sutherland were champs in their weight class. This was quite an accomplishment as they were competing with some pretty big schools in that tournament.

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

I want to commend the City on the lights. Not only do we have our main downtown area, but also the Rockside Road area and the Gateway sign. My commendation to the departments who are responsible for that.

UTILITIES COMMITTEE – (WISNIESKI):

Councilwoman Wisnieski asked Councilman Klepacz if he would talk a little bit about We the People. It is such a fantastic program.

Councilman Klepacz responded, he did want to compliment the Community Services Department for setting up. It was a more complicated thing. We received a lot of cooperation from the Community Service.

We the People is a national program. Students compete at the high school level. The idea is to simulate a congressional hearing. We had four schools participate here. They came from as far away as the Ohio River area. It was very impressive because it can be difficult for adults to deal with adolescents in a non-threatening way. Our Judges gave excellent feedback. The kids were so impressive. The teachers were impressed and very very pleased with the feedback given to the kids.

Chairwoman Wisnieski stated, as far as the Utilities Committee, we will start off the new year by reviewing the items that we were not able to accommodate this year under the 2006 utilities contracts. In addition, it is my hope that the recommendation for a comprehensive master plan relating to the City's pending flooding issues will be presented next year.

Relating to the City's longstanding flooding issues and legislation on tonight's agenda, I will be voting against Ordinance 2006-62, the 2007 Annual Appropriation ordinance. While I wish to thank the members of the Finance Committee for the countless amount of time spent checking the line items and projections, unfortunately, I have yet to see the residents' flooding issues being planned for so they will be addressed and finally solved. While I realize that this budget passed tonight can be amended continually throughout the year, I am looking at the City's entire financial picture. This issue must be planned for in the budget.

Back in October I sent a memo to the Finance Committee asking them to set the residential flooding issue as a priority in the budgeting process. With this Appropriation, in my opinion, this has not been done. Without this planning, it is my opinion that the budget is going in the wrong direction.

Congratulations to Jim and Jessica Crooks on the birth of their son, Samuel James.

Our sympathy also goes out to the Gaab and the Kurtz Families on the death of their mother, grandmother and great grandmother, Florence Walker. My husband and I had an opportunity at their invitation to attend the Steak Roast several times. This was when my kids were firstborn. She would hold them and walk them in the stroller just as if they were her own grandkids. She loved children. Her and her husband, Tom, were good souls and had a great love for family and their community. She will be truly missed.

Today, December 12th, marks the third anniversary of the death of my father-in-law, Pete Wisnieski. As many of you know, no matter how much time passes after you lose someone who is a major part of your life, or someone who has made a major impact on your life, the hole in the heart remains. It's just never the same. So from this day forward, make it priority to tell your family and friends you love them and never take them for granted.

Happy Holidays to all.

Mayor Ramos stated, I would also be remiss in our condolences to George Klepacz on the passing of his uncle.

LEGISLATION:

SECOND READING

ORDINANCE 2006-30 AN ORDINANCE AMENDING SECTION 1307.10 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO GRADE FEES AND BOND AND DECLARING AN EMERGENCY

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

Discussion: Vice Mayor Kurtz stated, this was amended in Committee. I just want to go on record that if, in fact, we receive information back from the developers, information that was sought from them to provide additional input, we'll bring this up next year for amendment.

Councilman Blaze commented, he would prefer to have the input before the legislation is adopted, for the same reason that we hold Public Hearing before something is enacted, to get input before decisions are made.

Councilman Cichocki responded, this legislation was first introduced in June of this year.

Councilman Blaze responded, but this final copy was just drafted this past Friday.

Moved by Klepacz, seconded by Crooks, to adopt. Council polled: 5 yes/1 no (Blaze)/1 abstain (Kurtz); motion carried.

ORDINANCE 2006-54 AN ORDINANCE AMENDING SECTION 1113.17 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO INSURANCE AND DECLARING AN EMERGENCY

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

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

ORDINANCE 2006-55 AN ORDINANCE AMENDING SECTION 1115.03 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO PRELIMINARY PLAN; MAJOR SUBDIVISION AND DECLARING AN EMERGENCY

Ordinance 2006-55 was removed from the agenda without objection.

RESOLUTION 2006-162 A RESOLUTION AUTHORIZING AN AGREEMENT WITH TRANSYSTEMS CORPORATION FOR PROFESSIONAL PROGRAM MANAGEMENT AND ADMINISTRATIVE SERVICES FOR 2007 FOR THE ROCKSIDE ROAD WIDENING PROJECT AND DECLARING AN EMERGENCY

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

Discussion: Councilman Cichocki commented, in discussion of this at our Workshop, after spending a lot of time reviewing this, Vice Mayor Kurtz brought up a lot of interesting points, which resulted in a 15% reduction, and a savings of approximately \$70,000. I would like to thank him.

Councilman Grendel added, I would like to thank him also.

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

RESOLUTION 2006-169 A RESOLUTION AUTHORIZING THE CITY OF INDEPENDENCE TO BECOME A MEMBER OF THE CUYAHOGA VALLEY REGIONAL COUNCIL OF GOVERNMENTS, DIRECTING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO THE MEMBERSHIP AGREEMENT, AND APPROVING THE PROPOSED LAWS OF THE ORGANIZATION AND DECLARING AN EMERGENCY

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

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

FIRST READING

ORDINANCE 2006-61 2006 ANNUAL AMENDED APPROPRIATION ORDINANCE
AND DECLARING AN EMERGENCY

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

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

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

ORDINANCE 2006-62 2007 ANNUAL APPROPRIATION ORDINANCE AND
DECLARING AN EMERGENCY

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

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

Discussion: Councilman Cichocki commented, most of the money here, 95% or 96%, is wages, salary, maintenance, things we repeatedly purchase each year. There is about \$1 million out of this \$25 million or \$26 million that we have left over for capital improvements. Out of that \$1 million, about half of it is already allocated for our Planned Purchasing Program for fire trucks, ambulances, a bus and things that we've been planning to buy for years. That only leaves about \$500,000 for other capital improvements – improvements, our buildings, things that have to be done here. When he hears that this budget is going in the wrong direction, he takes affront to that because it sounds like I'm not doing my job. I think we're all doing our job up here. There are limitations on how much money is available and what can be done. Likewise, there are residential flooding issues. We are planning for those. We've been planning and have taken action since it happened. They Mayor has retained a hydrologist. We have a report today.

These are things that you don't fix with a little bit of dollars here and a little bit of dollars there. This is a major fix, so I think it's disingenuous to say that we, as a body, are not planning for these issues. I think we are. And where is the money going to come from? It's going to depend on how much it costs. It's not something that we have in our back pocket that we can pay for.

Some of these are going to be very expensive measures for which we are going to have to borrow money.

Moved by Blaze, seconded by Crooks, to adopt. Council polled: 6 yes/1 no (Wisnieski); motion carried.

ORDINANCE 2006-63 AN ORDINANCE EXTENDING THE CITY'S TEMPORARY MORATORIUM SET FORTH IN ORDINANCE NOS. 2005-53 AS EXTENDED BY ORDINANCE NO. 2006-21 FOR ONE HUNDRED TWENTY (120) DAYS ON THE ISSUANCE OF PLAN APPROVALS FOR ALL PROPERTY WITHIN THE BOUNDARY OF THE CITY OF INDEPENDENCE WHICH ABUTS LAND OWNED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR A/K/A THE CUYAHOGA VALLEY RECREATION AREA AND DECLARING AN EMERGENCY

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

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

Discussion: Councilman Cichocki commented, I am the sponsor of this. Council Members Klepacz, Wisnieski and Grendel have asked to be placed on this legislation as sponsors as well. It looks like we're just continuing this indefinitely, but the reason we keep continuing this is because this is subject to receipt of a report from Floyd Browne who we hired to study this area and make recommendations. The idea is that we don't want anything to happen until we get recommendations and have time to act on them. That's why we keep continuing this. I understand that we should be receiving the report within the next 30 days.

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

ORDINANCE 2006-64 AN ORDINANCE AMENDING SECTIONS 2,4(C)(D) AND 6(B) OF ORDINANCE NO. 1994-49, AS AMENDED, REGARDING COMPENSATION AND BENEFITS FOR ALL REGULAR FULL-TIME NON-BARGAINING SUPERVISORY FIRE DEPARTMENT EMPLOYEES AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2006-177 A RESOLUTION APPROVING THE 2006 TRANSFERS AND ADVANCES AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2006-178 A RESOLUTION APPROVING THE MAXIMUM DOLLAR AMOUNT FOR BLANKET CERTIFICATES AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2006-179 A RESOLUTION ACCEPTING THE PROPOSAL OF CREATIVE INFORMATION SERVICES FOR THE MAINTENANCE AND SUPPORT SERVICES FOR THE DISPATCH SYSTEM FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2006-180 A RESOLUTION AUTHORIZING THE PURCHASE OF FURNITURE FOR THE CIVIC CENTER ATRIUM THROUGH

THE STATE COOPERATIVE PURCHASING PROGRAM AND
DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2006-181 A RESOLUTION ACCEPTING THE BID OF UNIVERSAL OIL, INC. FOR THE PROVIDING OF GASOLINE TO THE CITY OF INDEPENDENCE PURSUANT TO THE JOINT MUNICIPAL IMPROVEMENT CONSORTIUM AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2006-182 A RESOLUTION ACCEPTING THE UNIT PRICE BID OF THE TIRE DISTRIBUTOR, INC. FOR THE PURCHASE OF TIRES AND RELATED PRODUCTS AND SERVICES FOR CITY VEHICLES AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2006-183 A RESOLUTION ACCEPTING THE TERMS AND CONDITIONS OF THE DONATION AGREEMENT WITH ALPHA PROPERTY HOLDINGS, LLC (PPN 562-28-002) AND DECLARING AN EMERGENCY

Resolution 2006-183 was removed from the agenda without objection.

RESOLUTION 2006-184 A RESOLUTION AUTHORIZING THE MAYOR AND LAW DIRECTOR TO NEGOTIATE AND ENTER INTO AN OPTION TO PURCHASE CERTAIN LANDS FROM CONCORDIA LUTHERAN CHURCH AND INDEPENDENCE RESEARCH PARK, LLC 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 Cichocki, seconded by Klepacz, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.

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

RESOLUTION 2006-185 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO RESOLUTION NO. 2006-139 FOR THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR WORK RELATED TO STORM DAMAGE FOR THE ENTIRE CITY AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2006-186 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 TO RESOLUTION NO. 2006-136 FOR THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR MISCELLANEOUS PLANNING COMMISSION AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2006-187 A RESOLUTION AUTHORIZING THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE PLAYGROUND AND ADDITIONAL PARKING NEAR THE FIELD HOUSE AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2006-188 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO RESOLUTION 2006-154 FOR THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR STORM/SANITARY WORK ON COMMERCE PARK OVAL RELATING TO THE CAVALIER'S TRAINING FACILITY AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2006-189 A RESOLUTION AUTHORIZING THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR CAVALIER'S TRAINING FACILITY SITE AND UTILITIES INSPECTION AND DECLARING AN EMERGENCY

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

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

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

MISCELLANEOUS BUSINESS:

LIQUOR CONTROL:

Change of Corporate Stock Ownership:

Janus American Services Corp.
6001 Rockside Road Patio & Pool
Independence, OH 44131

Mayor Ramos asked if there were any objections to the change in stock ownership relative to the Holiday Inn.

There were none noted.

Moved by Cichocki, seconded by Klepacz, 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 8:48 p.m.

Susan E. Kurshuk, Clerk of Council
