

**CITY OF INDEPENDENCE  
REGULAR COUNCIL MEETING MINUTES  
FEBRUARY 13, 2007 7:00 P.M.  
COUNCIL CHAMBERS**

**CAUCUS:**

Vice Mayor Kurtz called the meeting to order at 5:49 p.m. Present were Mayor Ramos, Council Members Blaze, Cichocki, Crooks, Grendel, Klepacz and Wisnieski. Also present were Finance Director Veres, Law Director O'Brien, Engineer Elewski, Building Commissioner Opatrny and Executive Assistant White.

Dennis Mersky of Floyd Browne was unable to make it tonight due to inclement weather.

Vice Mayor Kurtz stated, on Second Reading is Resolution 2007-14, permanent easement for Hersh Construction in Lake Charles.

There were no objections noted to passing Resolution 2007-14.

Vice Mayor Kurtz stated, on First Reading is Ordinance 2007-03, the amended appropriation. Finance Director Veres provided us with a summary sheet of explanation.

Councilman Blaze stated, there is \$150,000 being put into Fund 410. Where is that coming from, a previous unencumbered balance?

Finance Director Veres replied, as of now, yes. I can say that income is up so far this year but I haven't adjusted the estimate.

There were no objections noted to passing Ordinance 2007-03.

Vice Mayor Kurtz stated, we have Ordinance 2007-04, amending the holidays for lieutenants in the Fire Department.

Law Director O'Brien stated, this is just a clarification.

There were no objections noted to passing Ordinance 2007-04.

Vice Mayor Kurtz stated, next is Ordinance 2007-05, establishing rates of compensation for part-time firefighters.

Councilman Cichocki stated, in the second paragraph it says "Firefighter I & II." There is not firefighter I and II in the positions.

Councilwoman Wisnieski responded, maybe we should have the I and II next to the positions.

It was agreed to revise the "position" column of Ordinance 2007-05 to include II.

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Vice Mayor Kurtz stated, next is Ordinance 2007-06 regarding walls and fences.

Councilman Klepacz stated, Commissioner Opatrny has prepared an explanation sheet for us explaining the amendments.

With reference to the case in the newspaper this morning from Green, Ohio, where a woman put up a mound so she could have a nine foot fence instead of a six foot fence. I talked to Carl and he said that we are covered.

Commissioner Opatrny explained, a situation like that would be a change of grade. They would have to get a permit for that or go before the Zoning Board of Appeals for that. I believe we're covered in that type of situation.

Councilman Crooks asked, so apparently Green did not have that in their code?

Commissioner Opatrny replied, apparently not. Something like that would impact drainage. I feel comfortable that our code would cover that situation.

Councilman Blaze asked Councilman Klepacz, is it your intent to have all of these ordinances referred to Rules?

Councilman Klepacz replied, I think we can pass them because according to Commissioner Opatrny, most of them are just. . .

Law Director O'Brien commented, with anything in the 11 series in the zoning code we have to have a public hearing. No public hearing is necessary in the 13 series.

Councilman Klepacz stated, I think it's Carl's intent to update the Building Department.

Vice Mayor Kurtz asked Commissioner Opatrny, are these housecleaning?

Commissioner Opatrny replied, a lot of them are due to the fact that as of May of 2007, all Building Departments are required to be certified by the State for residential work. Many of these things are tied into that.

Councilman Blaze commented, I don't have a problem with the ones that merely remove a word, but with this one we're striking a whole section and replacing it with a whole new section. I guess I'd have to read that in detail to figure out what was allowed before and what will or will not be allowed with this revision. I'd like to see a little rendering of a yard and where a fence could have been and now where it can't.

Law Director O'Brien replied, in our code, if it's a corner lot, it is very unclear on whether the individual is able to run a fence through their rear yard which is essentially at some point would become the adjacent front yard of the house that's behind them, or if we can stop them legally.

Law Director O'Brien drew a small diagram to explain what he was describing.

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The projection of a rear yard fence on a corner lot would obstruct the front yard of the person behind them.

Commissioner Opatrny stated, we had a situation like this. Fortunately, the person that was putting the fence in the backyard was kind enough to not do it because the people behind objected to a fence in their front yard.

Councilman Crooks asked, this legislation was prompted as a result of that?

Commissioner Opatrny replied, correct.

Councilman Blaze stated, that covers Section C of that but B means perpendicular to the house then?

Commissioner Opatrny replied, yes.

Councilman Blaze asked, so if somebody had a driveway and a little walkway leading to the front of their house, they couldn't put an 8 foot decorative fence along a flower bed that is parallel to their driveway? Am I reading that correctly? "No fence in the front yard which is parallel to the side yard."

Commissioner Opatrny replied, basically it's covered now. You can't have that. What we're doing is just clarifying what is there now.

Councilman Blaze commented, if the rest of Council wants to pass this, go ahead. I'm going to abstain.

Vice Mayor Kurtz stated, we'll put it on First Reading. Councilman Blaze can get his answers that he needs. If anything comes out that you think should be shared with Council as a whole, bring it to our attention before the March Council Meeting.

It was agreed to place Ordinance 2007-06 on First Reading.

Vice Mayor Kurtz stated, next is Ordinance 2007-07.

Commissioner Opatrny stated, in the new Residential Code it describes exactly what is required as far as drawings, details and so forth. There was really no reason to have this issue because it was covered under the Ohio Residential Code. It details exactly what is required.

The other issue was to change the Board of Architectural Review to the Architectural Board of Review, the way it is in the ordinance.

Vice Mayor Kurtz asked, is this for new dwellings, additions or anything?

Commissioner Opatrny replied, any renovations or new dwellings.

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Vice Mayor Kurtz responded, then I'm not so sure we should remove "the location of septic tanks and disposal." We do have several houses that because of extraordinary circumstances when we installed the sanitaries mainline, we allowed them to have a septic tank.

Engineer Elewski responded, correct.

Commissioner Opatrny responded, this only says what information we should have. It is covered in the code.

Councilman Blaze stated, it says that another requirement of drawings is to include all information as required by Section 1 of the Ohio Residential Code. I'm not clear on everything required.

Commissioner Opatrny replied, it's about a page and a half. It talks about indicating ductwork on the drawings, piping on the drawings, where various pieces of equipment are located. It details how you're going to build the house. We, as a certified residential department have an obligation to check all that information.

Vice Mayor Kurtz asked, so you require all that information for your review?

Commissioner Opatrny replied, correct.

Vice Mayor Kurtz asked, there is nothing that is exempted from that application, that information has to be provided by the applicant or the architect or whoever?

Commissioner Opatrny replied, yes.

Councilman Klepacz asked, do the applicants have access to the Ohio Residential Code?

Commissioner Opatrny replied, they have access to it, or we'll make them copies of it. We are actually working on forms that applicants fill out that will make it a lot easier. A lot of the builders aren't used to this. It's relatively new.

Councilman Blaze responded, that being the case, I'd still like to see Section 1 before I go ahead and agree to amend our ordinances to require that.

Vice Mayor Kurtz stated, Ordinance 2007-07 will be placed on First Reading.

Next is Ordinance 2007-08.

Mayor Ramos stated, Ordinaces 2007-08 and 2007-09 need a Public Hearing.

Vice Mayor Kurtz stated, First Reading for Ordinances 2007-08.

Councilman Cichocki asked about the arc of the front line.

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Vice Mayor Kurtz asked, is that so you can't make it too narrow?

Commissioner Opatrny replied, correct. We're establishing a minimum of 60 feet. So when a developer designs a cul-de-sac lot, they're not tapered dramatically to less than 60 feet. It provides a better looking arrangement for cul-de-sac houses.

Councilman Blaze asked, so the lot has to be at least 60 feet wide at the building line?

Commissioner Opatrny replied, correct.

Councilman Blaze asked, what is our requirement right now?

Commissioner Opatrny replied, 60%.

Law Director O'Brien commented, this is another one that came up as a result of Twin Creeks. Our code is very unclear as far as cul-de-sacs.

Engineer Elewski commented, it's 60 feet at the right-of-way, not 60 feet at the building line.

Commissioner Opatrny responded, correct.

Vice Mayor Kurtz stated, our standard lot is 100 feet on a straight away. So we're saying nothing less than 60 feet on the radius.

Law Director O'Brien replied, correct.

Councilman Blaze responded, this is on First Reading. There are a lot of high end subdivisions on a cul-de-sac that are 20 feet on the cul-de-sac and they have a one-acre lot and there is enough setback and there is enough frontage at the building line.

Engineer Elewski responded, the problem is that if you get too narrow at the right-of-way, the connections and driveway aprons need to be there.

Vice Mayor Kurtz asked, do you lose the turning capacity too if you make it too narrow? If it's narrow, you can only get so many on that.

Engineer Elewski replied, right.

Vice Mayor Kurtz stated, it all depends on how much turning radius you want in the cul-de-sac.

Engineer Elewski responded, that's established already in the code – a 65-foot radius.

Vice Mayor Kurtz stated, so First Reading and Councilman Blaze will get any of his questions answered.

We're going to set a Public Hearing on this one.

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Law Director O'Brien responded, we can do all of these in one Public Hearing. We set that before the March Council Meeting at 6:35 p.m.

Vice Mayor Kurtz asked, are there any questions on Ordinance 2007-09 regarding accessory buildings?

Councilman Cichocki asked, shouldn't subsection C be B now because there is no subsection C now?

Several people speaking at once. Law Director O'Brien's response inaudible.

Councilman Cichocki responded, small b.

Everyone speaking at once.

Councilman Cichocki asked, why did we remove this? Has this been a problem?

Law Director O'Brien replied, yes.

Councilwoman Wisnieski asked, so the ARB will no longer have to review accessory buildings.

Law Director O'Brien replied, no, they will. There was an exception carved out for large lots which then took it away from the BZA and to just the ARB. We're taking away that exception.

Councilman Cichocki asked, so if you want it, you have to go to the BZA now? You can't bypass the BZA?

Commissioner Opatrny replied, correct.

Councilman Blaze commented, where it's listing size of garages, the standard 2-car garage size 24' x 24'. I see as it goes up the garage width is shrinking. It goes down to 10 feet per bay up to six cars. I would think it would be appropriate in this day and age with larger vehicles that each bay should be 12 feet wide. In a 3-car garage it should be 36' wide, 4-car 48' wide, 5-car 60' and 6-car 72'.

Everyone speaking at once.

Commissioner Opatrny agreed. It would get 12' per car as opposed to 10'.

Vice Mayor Kurtz stated, not to exceed. If you do what you're suggesting, it doesn't have to be 12 feet. It gives more flexibility.

Councilman Blaze responded, I'm saying that 30 feet is not wide enough for a 3-car garage. It should be 36'.

Also, making the garage wider would reduce the need for an accessory buildings.

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There were no objections noted to the revisions to garage width in B.

Vice Mayor Kurtz stated, we'll put this on First Reading and this will also be part of the Public Hearing.

Next is Ordinance 2007-10 regarding plans and drawings.

Councilman Blaze asked, does that mean that it could be something other than a registered architect?

Commissioner Opatrny replied, engineer. It is not required by the State, but I believe that it protects the City from a liability standpoint to have that. Most of the drawings we have are sealed.

Vice Mayor Kurtz stated, Ordinance 2007-10 will be placed on First Reading.

Next is Ordinance 2007-11, updates the definition of right-of-way. That is Section 1107 so this will also be part of the Public Hearing.

Law Director O'Brien commented, again, this was an issue with Twin Creeks. They did not have enough width to create the street. Currently our definition of right-of-way is also defined as provided by easement. So in that case it was whether the City was required to accept a right-of-way by easement as opposed to a dedication. That issue with that development was resolved, but we certainly don't want to be susceptible to that argument in the future. There should be only one way to obtain a public street, and that should be by dedication.

Councilman Cichocki asked, no common law?

Law Director O'Brien replied, no. Meadowbrook (unable to hear rest of response).

Vice Mayor Kurtz stated, we have Ordinance 2007-12, updates Building Code language to conform to the State of Ohio requirements. This removes "basic" from the Ohio Basic Building Code.

Councilman Cichocki added, and the walls in the hotels.

Commissioner Opatrny replied, that's covered by the Code.

Councilman Blaze asked, does it still require concrete block then?

Commissioner Opatrny replied, they require a separation for so many hours for fire protection. It could be concrete block or it could be another type of material that's graded for two hours. This right now conflicts with the Ohio Building Code.

Councilman Crooks asked, First Reading for this one too?

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Vice Mayor Kurtz replied, yes. There was a debate about that issue years ago.

Next is Ordinance 2007-13, clarification for term of architect and plans reviewer.

Law Director O'Brien responded, Council requested this at the January meeting.

Councilwoman Wisnieski asked, who is the Plans Examiner?

Law Director O'Brien replied, until recently, I didn't know we had one.

Vice Mayor Kurtz stated, Kornick has been the examiner as far as I know.

Councilwoman Wisnieski responded, I don't remember appointing him for as long as I've been on Council.

Vice Mayor Kurtz responded, he was just a part-time employee.

Law Director O'Brien responded, we went back quite a way and there was no record of appointment. He doesn't spend a lot of time the City.

Vice Mayor Kurtz added, I think this also formalizes that he would be a substitute for the architect on the Architectural Board, correct?

Law Director O'Brien replied, yes.

Finance Director Veres commented, the plans examiner is an independent contractor.

Councilman Blaze asked, is the current plans examiner associated with Norm Casini's office at all?

Ron White replied, no.

Finance Director Veres commented, we should probably go through the process of formally appointing him.

There were no objections noted to passing Ordinance 2007-13.

Vice Mayor Kurtz stated, we have Ordinance 2007-14, corrects a typo – reverse is spelled reserve.

Councilman Blaze asked, this needs a Public Hearing for a misspelling?

Law Director O'Brien replied, no. It should probably have been caught by either us or Walter Drane. Since we're having the Public Hearing for the others, we can include this.

Vice Mayor Kurtz stated, so First Reading and Public Hearing.

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Ordinances 2007-15 is renaming Frontage Road C to Patriots Way.

Councilman Klepacz asked, does anyone have a map of any of these?

Everyone speaking at once.

Engineer Elewski was asked to provide Council with a map indicating where each was located.

Councilman Blaze commented, it would be easier to identify if they were named after areas in which they were located.

Discussion ensued regarding the name and location of each road.

Councilwoman Wisnieski stated, we could use the Newsletter to put in some type of a map showing the location of the newly named roads.

Councilman Crooks asked, can we name Franklin Way, Ben Franklin Way? Is that doable?

Councilman Blaze commented, I'm thinking from a safety aspect. If you call 911, nobody is going to remember which "Way" they're on.

Vice Mayor Kurtz stated, Engineer Elewski is going to get us a map. What do we want to do?

Councilman Crooks asked, how about Ben Franklin Way – just so it says what Franklin it refers to.

There were no objections noted to naming Frontage Road H to Ben Franklin Way.

Director Snyderburn commented, the signs are made and up. We can change the signs and reinstall them. It's no problem.

Vice Mayor Kurtz stated, next is Resolution 2007-16, change order to the contract with Three-Z for \$7,000.

Director Snyderburn commented, I sent everyone a memo. We had approximately 9,000 yards of mulch. I have double what I usually have. This year it just can't be done for the \$10,000. If you approve the \$7,000, I'll sell some of that mulch back and we'll recoup some of that money. We would get around \$2.50 or \$3.00 a yard. I can easily sell 3,000 or 4,000 yards. I need the money to process the mulch. You can't get a lot of money for it. It's still decomposing, but I have to get rid of it. I have no room left. A lot of the increase was due to the floods.

Vice Mayor Kurtz asked, are there any objections?

I will be abstaining upon the advice of the Law Department.

There were no objections noted to passing Resolution 2007-16.

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Vice Mayor Kurtz stated, next is Resolution 2007-17, a change order for \$12,000 for United Survey for the Sanitary Sewer Maintenance contract.

Councilman Cichocki read from Engineer Elewski's memo. The small sewers in the area will be at a rate of \$2,500 per day. We will monitor these to make sure the cost doesn't get out of hand. What does that mean?

Engineer Elewski replied, there are a number of small sewers running in that area. We have no idea.

Councilman Cichocki asked, how long before you notify us that it's getting out of hand?

Engineer Elewski replied, the \$12,000 is just for the roadway.

Councilman Cichocki replied, I understand that.

Engineer Elewski stated, when we get into the rest of it I'll come back to Council.

Councilman Cichocki asked, so you're going to come back before they do the work then?

Engineer Elewski replied, yes.

Vice Mayor Kurtz asked, so if there are problems, you'll be back to see us before you spend the money?

Engineer Elewski replied, right.

Councilman Blaze asked, if it's under the Sanitary Sewer Maintenance Contract, why is it being paid out of the Street Resurfacing Fund?

Councilwoman Wisnieski replied, Finance Director Veres says all the contracts are in that fund.

Finance Director Veres added, it's on the one-page summary.

There were no objections noted to passing Resolution 2007-17.

Vice Mayor Kurtz stated, Resolutions 2007-18 and 2007-19, these are the two trucks that we talked about.

Director Snyderburn commented, the trucks are already built. We'll have them pretty fast, a couple of months. They're actually 2007 trucks with 2006 motors.

Vice Mayor Kurtz asked, I'm assuming you got full warranties.

Director Snyderburn replied, yes.

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Vice Mayor Kurtz asked, do they have any additional power train warranties available?

Director Snyderburn replied, extended, I'm sure they do. It's International.

Vice Mayor Kurtz responded, you should check that and see. I know it's going to cost \$4,000 or \$5,000 a year but it's a good insurance policy. One transmission and you've more than paid for it.

Director Snyderburn added, we buy it with other equipment.

Vice Mayor Kurtz commented, it wouldn't affect our decision tonight, but after you've researched the potential for an extended warranty, if you believe, and can recommend to Council that we look at that, put something together.

Is there any additional equipment you're going to need?

Director Snyderburn responded, Finance Director Veres has already said that it's a \$35,000 savings, but we'd rather keep the \$35,000 there. There might be some additional equipment I'll need with the trucks. If I don't use it, I don't use it, but I'd rather keep it in the fund. You've already budgeted for it.

Finance Director Veres responded, yes.

Vice Mayor Kurtz commented, I know that there are some extra accessories you might want to put on these vehicles. So you'll check the extended warranty. Once you get the trucks in, you'll outline exactly what other accessories you may want to put on these trucks? I believe that you're going to find additional accessories. It's just part of normal business.

Director Snyderburn responded, yes. I was going to look into a tank on the back of a truck for brine. Then I saw the story on ODOT. They're saying it's so corrosive that nobody wants to use it.

Vice Mayor Kurtz asked, you've gone to all stainless, right?

Director Snyderburn replied, yes. Everything is stainless, but it is still very corrosive to the electrical systems, and now they're getting out of it.

There were no objections noted to passing Resolutions 2007-18 and 2007-19.

Vice Mayor Kurtz stated, next is Resolution 2007-20, an easement from Hub Valley. Are there any questions?

There were no objections noted to passing Resolution 2007-20.

Vice Mayor Kurtz stated, Resolution 2007-21, the payment for the gate valve. Are there any questions or concerns?

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Finance Director Veres commented, this is for near the Rockside Shell.

Councilman Crooks asked, what is a gate valve?

Director Snyderburn replied, it closes just like a sluice gate. You turn a wheel and it closes. It's below ground.

Councilman Crooks asked, why is the City responsible for this?

Director Snyderburn replied, I'm not sure why.

Law Director O'Brien replied, put this on First Reading. I am unfamiliar with this.

There were no objections noted to placing Resolution 2007-21 on First Reading.

Vice Mayor Kurtz stated, Resolution 2007-22 regarding the All Natural Hazards Mitigation Plan.

Councilman Cichocki stated, we need to pass this to get federal money.

Law Director O'Brien stated, this came from Chief Nelson.

There were no objections noted to passing Resolution 2007-22.

Vice Mayor Kurtz stated, we have Resolution 2007-23, appointing Norm Casini to the Architectural Review Board.

There were no objections noted.

Vice Mayor Kurtz stated, Resolution 2007-24, support for the grant request for the recreational trail. We just recently applied for the grant. There is no monetary commitment, correct?

Mayor Ramos replied, yes.

There were no objections noted to passing Resolution 2007-24.

Vice Mayor Kurtz stated, next is Resolution 2007-25, hiring Integrated Consulting Services.

Finance Director Veres stated, they're the third party administrator for Workers Comp.

Councilman Cichocki asked, how much do we pay them annually?

Finance Director Veres replied, \$12,800.

There were no objections noted.

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Vice Mayor Kurtz stated, next is Resolution 2007-26, amending the Rules of Order regarding prayer.

Councilman Crooks stated, first I want to apologize for any confusion that took place regarding who was going to be introducers of this legislation. I did not authorize it. I indicated to several of my colleagues that I did not authorize anybody else's name to go on this legislation, except for my own. Everyone received correspondence from me because I wanted to be proactive with this and let you know what I was attempting to do, and in turn asking for your involvement with it.

That being said, I introduced the legislation because I think it's entirely representative of the people of this country and people of the community that we recognize or acknowledge the existence of a supreme being at our public council meetings so long as it does not define who that god is or what that god is, or that it does not elevate one faith above another. That is the genesis of this legislation.

Vice Mayor Kurtz asked, functionally, give me your expectation.

Councilman Crooks replied, functionally, this is my thought, and again, I'm open for discussion and debate on this issue. My thought was that we could incorporate this in the beginning of our Council Meetings and ask some of the leaders of the churches in town to come and provide an indication, a non-denominational indication that speaks in generalities on a rotating basis.

Vice Mayor Kurtz asked, and if someone doesn't show up?

Councilman Crooks replied, then I'll say it.

Vice Mayor Kurtz responded, I'm not attacking you. I'm just trying to get a flavor for doing the right thing without being so demonstrative that we put ourselves in a compromising position.

Mayor Ramos asked, would it be more appropriate to have just a moment of reflection?

Councilwoman Wisnieski asked, would you have some samples of what the Senate or other governmental bodies use?

Councilman Crooks replied, I can provide that.

Vice Mayor Kurtz stated, I'm still on the functional side. I understand what you're saying and I have no problem with it. If at some point it becomes a part of our agenda, just like we say the Pledge of Allegiance, we have a prayer, reflection or something like that, do you see this as being a moment of silence or personal reflection?

Councilman Crooks replied, no I don't.

Vice Mayor Kurtz asked, do you see this as being a (inaudible) statement?

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Councilman Blaze commented, we invite a member of the clergy for our Memorial Day Celebration. They give the invocation. We wouldn't invite the clergy if we're just going to have them stand there for a moment of silence.

Councilman Crooks responded, I understand the concerns of some of my colleagues who I've had correspondence with. I think it can be done without violating the (inaudible) or the free exercise clause of the Constitution. It's done before other legislative bodies. The Supreme Court has upheld it. So really, this is not my idea.

Councilwoman Wisnieski asked, for what purpose is it done? Why do they do that?

Councilman Crooks replied, the purpose is to acknowledge the tradition of this country, and it's tradition of acknowledging a supreme being in the public forum.

Councilwoman Wisnieski responded, so bring in clergy from other churches, would that really (inaudible)?

Councilman Blaze commented, you'd have to give them guidelines of what they could or couldn't say.

Councilman Cichocki asked, if they go across the guidelines, what do we do?

Councilwoman Wisnieski commented, I'm more inclined to go along with something that is appropriate with our legislative body or our City. What was the intention again?

Councilman Crooks replied, the intention was simply to recognize the tradition of other legislative bodies and their acknowledging of a supreme being at the public forums. It's recognizing the certain nature of seeking divine guidance.

Finance Director Veres commented, I don't think Supreme Being. . .

Councilman Crooks responded, divine intervention.

Vice Mayor Kurtz stated, so we add it to the agenda at the beginning of the meeting. We have the Pledge of Allegiance and we identify this as a prayer, opening prayer?

Councilman Crooks responded, actually it's listed before the Pledge of Allegiance.

Councilman Blaze commented, when we say the Pledge, can we not say "under God?" Do we have to say "under a supreme being?"

Councilman Cichocki replied, you can say, "under God" as long as you don't say, "under Jesus, under Jesus Christ, under Allah," a specific god. It's non-denominational.

Vice Mayor Kurtz responded, you are saying, "faith under God." (Inaudible.) What I'm trying to ascertain would be the functional side of it. It's on our agenda. The Mayor goes through the

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protocol of the agenda, gets to that opening prayer, segment, and then is it his responsibility to bring somebody in here? It's an additional responsibility for the Administration for one. If somebody doesn't show up, all I want to know the backup plan, the protocol that we're going to follow so there is no disagreement down the road. If we have a Council Rule issue, then we should identify it and have it understood so we eliminate any misunderstandings as to procedure.

Councilman Klepacz responded, I think the way that we have handled our Council Meetings has been appropriate. The City fathers in the beginning or our City did not elect to say a prayer. At various times we have had moments of silence for prayers or whatever as we have had tragedies or whatever the case may have been. I would argue that that is the way we should continue. Clearly, if we adopt something like this, it is going to be a divisive issue in the community. There is just no question about it. We already say the Pledge and "under God." The Mayor or somebody else seems to have asked for a moment of silence, reflection, prayer or whatever at an appropriate time. That should be adequate.

If we're just going to add a piece for whatever reason, we are trivializing the whole purpose of the prayer. It becomes an exercise just like playing the National Anthem at a ballgame. It's totally meaningless. Prayer is supposed to be a significant communication between an individual and a higher being. Therefore, it is totally inappropriate to be adopted here.

Councilman Crooks asked, so you're suggesting that the proposal of this is meaningless. I take issue with that. I thought I outlined. . .

Councilman Klepacz responded, I said, if you have a prayer every time, the prayer becomes meaningless. It trivializes the purpose of prayer. That's what I said.

Councilman Crooks replied, I respectfully disagree with you. I think that with the proper education it doesn't have to be a divisive issue.

Vice Mayor Kurtz commented, we open each new session of Council with a prayer, a moment of silence. We already do that when we open a session of newly elected officials. So you're saying you want to extend that same concept. I pray every time I walk in this building. I think it's a personal mindset, a personal thing, but I also feel that in past history the foundation of this country, there is a God.

I read with interest Councilman Cichocki's summary. I think there is a fine line, something we have to be sensitive to. We can't just pioneer or champion some cause that puts us on the map. We're just trying to humbly express our opinions about God, the importance of God in our life and in our community. The problem is that it's double-edged as far as I'm concerned.

Councilman Blaze stated to Councilman Crooks, you said that other legislative bodies already do this. Who - state or national?

Councilman Crooks replied, it's done at the federal level. It's done at the state level.

Councilman Blaze asked, both the Houses and the Senate, Congress?

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Councilman Crooks replied, Congress does it – both Houses.

Councilwoman Wisnieski responded, that's why I asked for examples because maybe with samples we can have a better understanding. I don't know if I agree with bringing in the clergy. If the intent is to guide the elected officials and acknowledge the historical nature and guide them to make the right decisions, that's how I'm interpreting this, perhaps a sample would make it clearer why they are doing it. Are they acknowledging what our forefathers did and then asking for guidance to help make the right decisions?

Councilman Crooks replied, I understand. They actually invite someone in. This is their procedure. It is done. I'm not trying to sensationalize this. I realize this is a sensitive topic.

The Ohio General Assembly asks for a submission and then it's approved.

Councilman Cichocki commented, I think Congress has its own chaplain.

Councilman Crooks replied, right. I think the General Assembly used to and now they invite a leader in. That was the idea behind what is being proposed here. They invite on a rotating basis.

Councilman Grendel commented, to me prayer has always been something that I do internally at all kinds of events and meetings to get strength. To have a public showing doesn't make any difference to me.

I just wonder if down the road as this country gets more and more various religions if we're going to have somebody that's Buddhist or Hindu, are they going to object to this kind of procedure? I think there is a Muslim in Congress. He wanted to take his Oath of Office to the Koran, not the Bible. What if we get an atheist on Council? Does this distract from the work that we do on Council? Who might be elected might be of a different religion and all of a sudden you have a fight on who you invite. Besides clergy you might have somebody that's non-Christian, Hindu or any of these other religions that are coming.

I have no problem with this but I internalize rather than a public showing.

Councilman Crooks responded, I think the whole point of doing this embraces what you're talking about. It embraces all the denominations.

Councilman Grendel commented, I just don't want to see the focus of what we're here to do, governing our people. . .

Councilman Klepacz commented, I agree. This is making an issue out of a non-issue. This is a non-issue. We have been functioning properly. We give due respect, prayer should be private. It should not be public.

Councilman Grendel commented, he knows someone who practices Scientology. He is always trying to convert. I don't want this to become a sideshow either. I know that's not the intent. To me, prayer is something that's very personal.

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Councilman Klepacz responded, I'm glad you said sideshow. I would have a concern that people from outside the community would have something to say. We don't need to create an issue.

As an example, if somebody on Council proposed that we hunt deer in Independence, I dare say that we'd have a fight on our hands as people from outside Independence become involved.

I am very concerned about this. We have a reporter here with us today and she will write a story. I prefer not to have this prayer issue become public, I don't want to go into Constitutional law but we do some things at Christmas that are real, real shaky Constitutionally. I don't want outsiders coming in saying that we can't have our Crèche in the center of town with the Nativity. People could argue and make sure that we had to take that down. I'd be very, very concerned that something like that would happen.

Councilman Crooks replied, I could see your point if this was such a novel idea that nobody else does it. But the fact of the matter is, it is done before other legislative bodies.

Councilman Klepacz responded, that's true, but it is a precedent with those other bodies. It has never been a precedent here.

Vice Mayor Kurtz replied, with all due respect, we do open every new session with a moment of silent prayer.

Councilman Klepacz replied, that's fine. There is no challenge with that. There is no challenge with the Mayor asking when whatever issue has happened – we had a prayer for 9/11. There is nothing wrong with that.

Once you institutionalize this, you have a challenge. I think if we're going to do prayer, we should do it on an "as needed" basis.

What do we want to do with this legislation tonight? Are we going to put it on First Reading?

Mayor Ramos commented, when I first saw the legislation I thought it was more of a moment of reflection. First of all, I rely on prayer a lot. Consequently, I thought it was more of a moment of reflection. I think that prayer is very personal. I think we all do it in our own special way. I just want to make sure that if we do allow this, that we don't make people feel uncomfortable because of different religious beliefs or perceptions.

I would like to see a moment of reflection. I think it's a time that we do reflect and ask God for blessings or whatever we feel is appropriate. I do feel that it's a very personal thing. I would rather have a moment at the beginning of Council Meeting.

Councilwoman Wisnieski asked, why term it "prayer" then? Why not term it "reflection?"

Mayor Ramos replied, it wasn't my wording.

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Vice Mayor Kurtz commented, I'm an advocate but I think what I'm hearing is if there is an opportunity, are you amenable to a step process to see how (inaudible) legislation would initially say "a prayer of reflection, a moment of prayer for reflection?" The Mayor, either before or after the Pledge of Allegiance could ask for a moment for personal prayer and then we do our business. Then it may evolve. We may say that we want to do something more. I think maybe we want to move forward in baby steps, rather than bringing in the clergy and everything. What I'm hearing at the table is that it is probably something that will work initially, and then it can evolve into something more if there is a comfort level. I'm just trying to find a common ground.

Councilman Crooks replied, if that is Council's pleasure, then it is certainly everyone's individual right. The legislation I'm pursuing is what is before us.

Vice Mayor Kurtz stated, so the Mayor says before the Pledge of Allegiance to take a moment to reflect or say a prayer. Is it his prerogative then, since he runs the meeting, as to how he wants to handle the prayer?

Councilman Crooks replied, that's one option.

Vice Mayor Kurtz responded, and that may be the option that is acceptable at this table, and then if you can convince him that you want to do something differently, you have prerogative to do it, but we still take that moment, however the Mayor wants to exercise it, whether it be silence, or he wants to say something or (inaudible) to somebody.

Councilman Blaze commented, if precedent has been set in the other legislative bodies at the state or national level, and you say that they have a policy or procedure that they follow, maybe Councilman Crooks would like to incorporate the procedure into the Rules of Council to propose to us so that there is no ambiguity as to how the procedure would work and how it would function. That way, it can be debated on the merits of the procedure that is outlined.

Councilman Crooks replied, that's fine.

Vice Mayor Kurtz stated, if the purpose of the legislation was to stimulate some debate, I think it's achieving that. But now I think that Council is asking that you define the procedure a little more closely to what you're trying to achieve here and being sensitive to the thoughts around the table. I think you can compress a procedure that is acceptable to at least the majority and the Mayor.

Are you comfortable with removing it from the agenda, getting the procedure in order, bringing it back and then going from there?

Councilman Crooks replied, either that or discussing it in an upcoming Workshop.

Vice Mayor Kurtz responded, my concern is that if it's First Reading and it doesn't reflect exactly what our intentions are, then we'll have to answer 20 questions. If you introduce exactly what you're looking for, what you're satisfied with, then you come back with that and you only have five questions.

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If you're comfortable with it, introduce it, ask it to be read and voted on. All I'm trying to do based upon what I'm hearing around the table is, can we by pulling back and you defining more succinctly the procedure you'd like to live with, confirm with the Mayor since he has to run the meeting, and then once you've come up with what you're comfortable with, then come back.

I'm under the impression that that might be a more amenable path to take, rather than putting it on First Reading, everybody asking 20 questions, getting bombarded by everybody and the Mayor can't answer those questions and none of us can answer them. Only you can answer them. Really, I don't think that is what your intention is. Your intention is to do something good for the community.

I think baby steps - offer a suggested protocol or procedure that you can bring to the next meeting and we can go over that.

Councilman Blaze commented, I'm not so sure there are going to be 20 questions by having this on First Reading. I don't think it's that controversial in the community as it is in this room.

Vice Mayor Kurtz responded, I'm just trying to find some common ground and move forward and bring healthy debate.

What is Council's pleasure?

Councilman Crooks replied, put it on First Reading and we can discuss it at the upcoming Council Workshop.

**Moved by Cichocki, seconded by Klepacz, to refer Resolution 2007-26 to the Rules & Ordinances Committee.**

Councilman Crooks commented, I think we set a precedent for some of the sensitive and important issues that we wanted to discuss, such as Rockside Road is discussed with Council as a whole at a Workshop. I'm going to ask that it be referred to a Workshop.

Councilman Cichocki stated, I'll withdraw my motion if Councilman Crooks wants to make that motion.

**Motion withdrawn by Councilman Cichocki and second withdrawn by Councilman Klepacz.**

**Moved by Crooks, seconded by Blaze, to place Resolution 2007-26 on First Reading and refer it to the Council Workshop on February 27, 2007. Council polled: 6 yes/2no (Cichocki, Klepacz); motion carried.**

**COUNCIL MEETING:**

Mayor Fred Ramos called the meeting to order at 7:09 p.m. Present were Council Members Blaze, Cichocki, Crooks, Grendel, Klepacz, Kurtz and Wisnieski. Also present were Finance

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Director Veres, Law Director O'Brien, Engineer Elewski, Community Services Director Buc, Technical Services Director Avsec, Service Director Snyderburn, Recreation Director Kostyack, Building Commissioner Opatrny, Fire Chief Nelson and Police Chief Nicastro.

The Pledge of Allegiance followed.

**APPROVAL OF MINUTES:**

**Moved by Blaze, seconded by Grendel, to approve the minutes of the January 9, 2007 Regular Council Meeting. Council polled: 7 yes/0 no; motion carried.**

**Moved by Blaze, seconded by Crooks, to approve the Joint Council/Planning Work Session minutes of January 16, 2007. Council polled: 7 yes/0 no; motion carried.**

**Moved by Grendel, seconded by Crooks, to approve the minutes of the Council Workshop of January 23, 2007. Council polled: 6 yes/0 no/1 abstain (Klepacz); motion carried.**

**Moved by Blaze, seconded by Crooks, to approve the minutes of the Joint Council/Planning Work Session minutes of January 30, 2007. Council polled: 5 yes/0 no/2 abstain (Grendel, Wisnieski); motion carried.**

**MAYOR'S REPORT:**

Mayor Ramos reported, tomorrow is Valentine's Day. Please remember your significant other.

Due to Council adopting the contract with Hydrosphere, we just sent out a letter to residents on lower Brookside regarding a survey that will be taken by Hydrosphere regarding drainage and other water related issues in that area. A letter will also be going to residents on Kingscote. If you have any questions or suggestions, please let us know.

**OFFICIALS' REPORTS:**

**ENGINEER:**

Engineer Elewski reported, work has just started up again on Rockside Road. Our inspectors are monitoring the work.

We are working on plans for the East/West Road and also developing information for the Utilities Committee meeting and Streets & Sidewalks Committee meeting that will be coming up.

**FINANCE DIRECTOR:**

Finance Director Veres reported, tonight we have Ordinance 2007-03 on the agenda, which is an amendment to our Annual Appropriation. The main reason for the amendment is the increase in

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capital improvements requests and the timing of right-of-way acquisition for Rockside that didn't occur in 2006.

**SERVICE DIRECTOR:**

Director Snyderburn reported, I attended a meeting regarding the Ash bore that is going to affect the Ash trees. They say that every Ash tree in the State of Ohio will eventually die. We're going to be diligent in inspecting these trees. If there is an infestation on one of our streets, and it starts to spread, then we will remove those trees and plant another species that will look just as nice. We were informed that within three years every Ash tree will be dead.

We took all of our baskets to Blooming Acres. We're going to have an abundance of flowers this spring. The baskets we display on the Square are being planted as we speak.

Mayor Ramos suggested that it would look nice to have more hanging baskets from Chestnut through the center of town.

**COMMUNITY SERVICES DIRECTOR:**

Director Buc reported, bring out summer shorts and tropical shirts. We're having our Tropical Beach Blast on February 25<sup>th</sup> between noon and 4 p.m. It will be a lot of fun for everyone, especially with the weather we've been experiencing.

The Spotlight deadline is March 1<sup>st</sup>.

We'll be taking registrations for our youth programming on March 5<sup>th</sup> and senior programs registrations on March 6<sup>th</sup>.

**RECREATION DIRECTOR:**

Director Kostyack reported, Elmwood Pond is finally frozen after two or three years. This is the most ice skating we've had in a long time. I'd like to thank Tom Walchanowicz and Tony Appenzeller for getting it ready, and the Fire Department for flooding it for us.

The Boys' and Girls' Basketball teams will be attending the Seven Hills Basketball Shootout.

The field house experienced a waterline break. The restrooms and lobby were flooded. Fortunately it was caught before it got into the field house and the high school gym. The water was stopped. We brought in a company to dry it out, restretch and reinstall it. I would like to thank everyone who was involved with the repair and cleanup.

**TECHNICAL SERVICES DIRECTOR:**

Director Avsec reported, the Johnson Controls Building Automation System upgrade is completed. The cost estimate from Johnson Controls was close to \$42,000 using their technicians to perform the installation of the hardware and the programming. Marty Kurkul of

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Tech Services completed the entire project, which resulted in a savings of approximately \$20,000. I would like to thank him for that.

The Liebert Air Conditioning Unit installation in the new IT office is complete. Factory startup of the unit is scheduled for February 15<sup>th</sup>. The actual cutover and relocation of the server room from the Police Department to the Annex is scheduled for the evening of Sunday, March 25<sup>th</sup>.

The 2007 Capital Improvements budget was approved early this month. We have already begun project planning for 2007.

**BUILDING COMMISSIONER:**

Commissioner Opatrny reported, the Ohio College of Podiatric Medicine and the Cavs facility construction is progressing. In case you haven't noticed, the Broglios' building and garage are gone.

**FIRE CHIEF:**

Chief Nelson reported that the City of Independence received a final notice of award from the State Disaster Relief Program that we were awarded \$184,183 with regard to the flooding that occurred on June 22<sup>nd</sup>. We will be reimbursed 75% of that \$184,183. This was the revenue spent abating the situation and paying additional costs to alleviate the flooding. I would like to thank Maggie Osysko in Finance, Bob Williams and Cathy Turkovic in Purchasing and Marie Pinizzotto in Service for all their work in collecting the data in preparation for submission.

We were awarded for two sites. The first site was for trailers and gabions. We sent a letter requesting an extension regarding that part of the project, which is approximately \$50,000. We have not heard anything back yet, but hopefully we'll be eligible for additional funding if and when we expend moneys to correct that problem.

Also, on March 19<sup>th</sup> the Fire Department will host a Disaster Preparedness Tabletop Preparedness exercise. We're going to be inviting the department directors, their key people, the Administration, Council Members, school officials and other key employees to attend this exercise. We've had a number of them in the past. They're very interesting and thought provoking. We hope everyone can attend.

**POLICE CHIEF:**

Chief Nicastro reported, Law Enforcement in Northeast Ohio is in the process of forming a Child Abduction and Recovery Team. To assist in that effort two of our detectives, Brian Kavaras and Greg Smagola, will be attending training this month where they hope to standardize and develop some methods for cooperating with detectives from different regional departments in the event that a child is reported missing or abducted.

This past month our high school held their first Emergency Lockdown Drill with our Police Department. In addition to some of the security measures the schools have taken, the Police

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Department has issued some additional assignments so that we'll have a greater presence in the schools before, during and after school.

I would like to welcome three new part-time dispatchers, Dawn Derbin-Cline who just finished her training and is now at work, and Amanda McKinley and Gina Busch who are just beginning their training.

**LAW DIRECTOR:**

Law Director O'Brien reported, the City received a Notice of Appeal brought by Don Reis, an individual who sought a variance from the Board of Zoning Appeals to build a residential home on a non-dedicated street. The Board denied that variance request and Mr. Reis appealed it in the Cuyahoga County Common Pleas Court.

**STANDING COMMITTEE REPORTS:**

**FINANCE COMMITTEE – (BLAZE):**

Finance Chairman Blaze reported, as previously mentioned by Director Avsec, the 2007 capital improvement projects and purchases were finalized in January. If the budget numbers come in as projected, we'll be able to do some things capital-wise this year.

Throughout last year I have been pushing for the adoption of a Five Year Financial Plan so the City can do some long term financial planning. There was a sentence in a book I was reading titled "Municipal Bonds" that applied to what we're doing. It talks about the importance of doing Five Year Capital Improvement Programs (CIP's). They strongly encourage communities to prepare those and go through the process of planning five years out financially. The two key sentences were, "Rating agencies review this document. It is considered an *essential component* for a well managed municipality."

I think that is the whole goal behind our endeavor to try to complete this process so it becomes another essential component of ours in demonstrating that amongst all the other positive attributes of Independence, it's another feather in our cap for being a well managed community.

That is the Finance Committee's primary goal for the next six or eight months – to get that up and running. To do this we need from the Utilities Committee, Streets and Sidewalks Committee, and department heads their five year projected capital budgets, and major projects in order to facilitate that. I know that a couple of them have done that already and I appreciate that.

I'll send out a written memo later this week reminding everyone to keep this issue on their radar screen. Over the next couple of months we can compile this information. Then over the summer we can wrap the process up and look forward to having a clearer picture of where we're heading financially.

**RULES AND ORDINANCES COMMITTEE – (KLEPACZ):**

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Councilman Klepacz reported, the Quad City Community Emergency Response Team (CERT) is having a training information meeting on Wednesday, March 28, 2007 from 7:00 p.m. to 9:00 p.m. at the Independence Middle School Auditorium. The City believes in preparing for the unexpected. Topics to be covered will be, how to prepare for and react to winter storms, heat waves, floods, tornados and thunderstorms. All trained CERT personnel and the general public are invited to participate.

The Rules & Ordinances Committee has several pieces of legislation on tonight's agenda thanks to the Building Department. All of them are basically housekeeping issues in our Building Code. They deal with items such as fence height and placement, cul-de-sac lots and so forth. We are attempting to keep our codes current and in the 21<sup>st</sup> century. Several of these pieces of legislation require a Public Hearing. That Public Hearing will be held before the March 13<sup>th</sup> Council Meeting. The rest of the ordinances will be placed on First Reading.

The Mine is currently closed for its annual maintenance to the rotary kiln and other mechanical devices. They are completing the computer connections to both the lime slurry line and the new dust collection building. The Mine plans to start operations again on March 1<sup>st</sup>.

**PUBLIC LANDS AND BUILDINGS – (CROOKS):**

Councilman Crooks stated, thanks to the residents who braved the elements to be here today. I appreciate your dedication to City matters.

The next Public Lands & Buildings Committee meeting is scheduled for Tuesday, February 20<sup>th</sup> at 2:30 p.m. We'll ask the City Planner, Jeff Markley, to review his updates to Mapleshade Cemetery grounds and we will also discuss improvements to City Hall and the City Hall Courtyard area.

As Council's representative to the Zoning Board of Appeals, my report will be short as we did not meet in January due to a lack of applicants. Our next regularly scheduled meeting is Thursday, February 15<sup>th</sup>.

In terms of the agenda, we have Resolution 2007-26, a piece of legislation amending the Rules of Council to include a public prayer at our regular monthly meeting. For the record, I want to be clear that I introduced this legislation and did not authorize any other Council Member's name to be placed on it. What I do respectfully ask is my colleagues for their interest in participating as co-introducers if they so desire.

This legislation will change the Rules of Council to add a public, non-denominational prayer at the beginning of each regular Council Meeting. The language of the legislation is clear where it states that this prayer does not advance any particular faith, but merely recognizes the historical nature of seeking divine guidance to perform one's civic duties. Like the U.S. Senate and the Ohio General Assembly, the prayer could be delivered in general language.

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I realize the sensitive nature of this matter, especially when it involves religious leaders in the public forum, but I am confident that we can integrate this into our public arena in Independence without violating the establishment or free exercise clauses of the U.S. Constitution.

The debate over this issue has already begun in correspondence between myself and my colleagues and again tonight in Caucus. I did not intend this issue to go without the requisite amount of scrutiny that all ideas or issues in the public forum deserve. I invite vigorous debate and discussion, and appreciate my colleagues' engagement to this point. Again, I know that this group will be able to find an acceptable solution.

**COMMUNITY SERVICES – (CICHOCKI):**

Councilman Cichocki stated, I'd like to address my remarks tonight to the great community services that we have here. I will talk about my family a little bit because that's why I know we have great services.

Anyone who has raised children here in this town knows that it's a great place to raise children. There are so many fine and positive attributes.

Two weeks ago my youngest son underwent knee surgery at the Marymount Surgery Center. We made all the plans. We went through all the pre-operative testing and a couple days before the surgery I started thinking about the logistics. He's 6'3", 190 pounds and would have a leg mobilizer, which meant that he didn't fit in the backseat of my car. I called Community Services and made the arrangement for the handicapped van that you see driving around all the time that most folks don't ever utilize and wonder what we use it for. I found out. They came by with a wheelchair and transported Paul. They took extra care and without that service I would probably be renting a vehicle. It's great to live in a community that provides services like this that are available to everyone who needs them.

My oldest son turned 21 years old today. He's in Bowling Green in the Construction Management Program. Over the last couple of years I've seen him thrive, grow and mature. He's made me very proud. Likewise, his sister just graduated with honors at the top of her class from Kent State in the Public Relations Program.

The reason I bring these things up is that they had a good, quality education here in the City of Independence. Unfortunately, the Permanent Improvement Levy failed last week. I'm sure we'll be seeing it again on the ballot probably in May. I don't want to pay anymore taxes than the next person and likewise, I'd just as soon keep the money in my pocket as apposed to paying it to the government. We already pay a lot of money to the government.

I urge those people who did not vote in favor of it to reconsider it next time. For better or for worse, it's the only way we can fund our schools right now. There are no other mechanisms within our laws. It comes to local people paying through their taxes to improve the schools.

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I am convinced that our schools are a first class operation. We have fine administrators and we have to fund and support them. I urge people to allow their children, their grandchildren the same opportunity my children had – a quality education in Independence.

Finally, we received a memo from John Veres regarding great news from RITA. Apparently RITA never had access to taxpayer information from the Internal Revenue Service, but now that is changing. So people who owe us RITA taxes in the City, if you haven't been paying in the past, you better start paying now because they're going to find you and get back taxes from you. According to John Veres, this will result in more money coming into the City.

**STREETS AND SIDEWALKS COMMITTEE – (KURTZ):**

As Council's representative to the Planning Commission, I want to report the following business from the February 6<sup>th</sup> Planning Commission meeting:

A Public Hearing was held on the Indexco property request for approval of a preliminary plan for a 12-lot single-family home subdivision located on vacant land south of East Ash Road. There were several points brought up concerning access and drain water. Those issues will be incorporated into the drawings submitted for the next Planning Commission meeting.

The Public Hearing on the request of St. Maron's Church special use permit concerning 7800 Brookside Road was postponed until the March meeting, and the Public Hearing on a request by Royal Manor Health Care to amend its U-3 Special Use Permit concerning a proposed nursing home and rehabilitation facility on Lombardo Center Drive was postponed until further notice.

A continuation of the Public Hearing was held on the request of George Gacom for approval of preliminary plans for a 37-lot single-family home subdivision situated west of Brecksville Road between Hillside and North Renwood. There were several question and concerns relative to drain water, both on the site and the properties affected on the south side of Hillside. There were safety issues raised as a result of access being proposed off Hillside Road near Vineyard, and there were questions as to whether this is the best long-term use of this land. The developer will review those questions, as well as others presented at the Public Hearing, at the next Public Hearing in March.

The request by the Dalad Group for approval of a change of grade for stockpiling of fill dirt on Lombardo Center Drive was tabled pending submission of additional information.

The Planning Commission voted to approve the naming of the Frontage Roads off Rockside Road, and they are on the agenda this evening for Council's official and final approval.

Reporting from the Streets & Sidewalks Committee:

The next Streets & Sidewalks Committee meeting will be held at 3:30 p.m. on February 20<sup>th</sup>, to discuss our long-term strategies, including prioritization of future road projects, with the goal being to establish a firm estimate of the total street rehabilitation costs. We will also review the road projects for 2006 that carried over to the 2007 season.

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**SAFETY COMMITTEE – (GRENDL):**

Chairman Grendel reported, there is one piece of legislation coming from the Safety Committee this evening, Ordinance 2007-05, which establishes a new rate of compensation for part-time firefighters. It also narrows down to two classifications – part-time firefighter with an EMT classification and a part-time firefighter with a Paramedic certification. The limits of compensation for the EMT certification were increased from \$12.00 to \$17.00 per hour, and for the part-time firefighter with paramedic certification it was increased from \$14.00 to \$19.00 per hour. The existing ordinance was from 1996.

I wish to congratulate the three fine patrolmen that were promoted to sergeant. The Mayor informed us on February 9<sup>th</sup> that they were John T. Kurtz, Dan Anders and Christopher Cross.

Next month I'll have the top performers for the year in my sports update.

The Boy's Swimming Team came in 7<sup>th</sup> place out of 11. The Girls' Swimming Team came in 8<sup>th</sup> out of 10. We have had a few records broken this year and I'll make mention of those individuals next month.

The Wrestling Team came in 13<sup>th</sup> out of 17 teams. Their sectional tournament is coming up in a week or two.

The Girls' Basketball Team came in 12-7. They have been selected third seed in the district. They have an opening round buy and they'll be playing in Wellington against the winner of the Trinity-Brooklyn game. There is a good possibility they'll get into the district.

The Boy's Basketball Team is 9-8. They'll be playing on TV on Friday night. It will be broadcast on the Time Warner Channel for the next week. It's the final CVC game against Hawken School.

In regards to tournaments, the Boys' Team will be playing February 27<sup>th</sup> against Columbia High School at Elyria High School. A victory there would secure a game against Chanel in the sectional finals.

To echo Councilman Cichocki's comments regarding the Permanent Improvement Levy which was not passed, as an 8-year veteran of the School Board in the 80's and 90's, I know the difficulty of getting anything passed that increases the taxes. The City is very proud of how we have maintained our buildings. Over the years our schools have maintained their facilities very well. The current middle school was built in the middle 60's and people are amazed that it's over 40 years old and has been maintained so well. That takes money and planning. I believe that it's money well spent. It's not going to salaries. It's not going to anything but maintaining the facilities we have and upgrading computers and other equipment of that nature. Hopefully the message will get across. I think it's an investment the community has in their facilities in maintaining and preserving them for years to come.

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**UTILITIES COMMITTEE – (WISNIESKI):**

Chairwoman Wisnieski reported, the Utilities Committee is scheduled to meet on Tuesday, February 20<sup>th</sup> to discuss the completed projects for the sanitary sewer and creek/storm maintenance contracts for 2006 as well as projects still in progress.

We'll also be discussing and prioritizing maintenance projects for the 2007 budget.

In addition, we will discuss possibly involving Hydrosphere in the master plan for long-term projects under these contracts.

**LEGISLATION:**

**SECOND READING**

**RESOLUTION 2007-14** A RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF A STORM SEWER FROM HERSH CONSTRUCTION, INC. 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 Cichocki, seconded by Crooks, to adopt. Council polled: 7 yes/0 no; motion carried.**

**FIRST READING**

**ORDINANCE 2007-03** 2007 AMENDED ANNUAL APPROPRIATION ORDINANCE 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 Crooks, seconded by Cichocki, 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.**

**ORDINANCE 2007-04** AN ORDINANCE AMENDING SECTION 4(C) OF ORDINANCE 2006-64 AND DECLARING AN EMERGENCY

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

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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.

**ORDINANCE 2007-05** AN ORDINANCE AMENDING ORDINANCE NO. 1996-34 ESTABLISHING RATES OF COMPENSATION FOR EMPLOYEES OF THE FIRE DEPARTMENT 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 Crooks, 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.

**ORDINANCE 2007-06** AN ORDINANCE AMENDING SECTION 1363.01 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

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

**Ordinance 2007-06 was placed on First Reading without objection.**

**ORDINANCE 2007-07** AN ORDINANCE AMENDING SECTION 1303.03 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

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

**Ordinance 2007-07 was placed on First Reading without objection.**

**ORDINANCE 2007-08** AN ORDINANCE AMENDING SECTION 1111.08(a) OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

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

**Ordinance 2007-08 was placed on First Reading without objection.**

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Moved by Klepacz, seconded by Grendel, to set a Public Hearing for Tuesday, March 13<sup>th</sup> at 6:35 p.m. Council polled: 7 yes/0 no; motion carried.

**ORDINANCE 2007-09** AN ORDINANCE AMENDING SECTION 1143.02 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

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

Ordinance 2007-09 was placed on First Reading without objection.

Moved by Klepacz, seconded by Cichocki, to set a Public Hearing for Tuesday, March 13, 2007, at 6:35 p.m. Council polled: 7 yes/0 no; motion carried.

**ORDINANCE 2007-10** AN ORDINANCE AMENDING SECTION 1303.02 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

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

Ordinance 2007-10 was placed on First Reading without objection.

**ORDINANCE 2007-11** AN ORDINANCE AMENDING SECTION 1107.19 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

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

Ordinance 2007-11 was placed on First Reading without objection.

Moved by Klepacz, seconded by Crooks, to set a Public Hearing for Tuesday, March 13<sup>th</sup> at 6:35 p.m. Council polled: 7 yes/0 no; motion carried.

**ORDINANCE 2007-12** AN ORDINANCE AMENDING CHAPTER 1341 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE REGARDING OHIO BASIC BUILDING CODE AND DECLARING AN EMERGENCY

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

Ordinance 2007-12 was placed on First Reading without objection.

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**ORDINANCE 2007-13** AN ORDINANCE AMENDING SECTION 1309.01 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

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

**ORDINANCE 2007-14** AN ORDINANCE AMENDING SECTION 1111.04(D) OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

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

Ordinance 2007-14 was placed on First Reading without objection.

Moved by Klepacz, seconded by Cichocki, to set a Public Hearing for Tuesday, March 13<sup>th</sup> at 6:35 p.m. Council polled: 7 yes/0 no; motion carried.

**ORDINANCE 2007-15** AN ORDINANCE CHANGING THE NAME OF FRONTAGE ROAD “C” TO PATRIOTS WAY)

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

**ORDINANCE 2007-16** AN ORDINANCE CHANGING THE NAME OF FRONTAGE ROAD “D” TO LIBERTY WAY

Moved by Cichocki, seconded by Crooks, 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.

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

**ORDINANCE 2007-17** AN ORDINANCE CHANGING THE NAME OF FRONTAGE ROAD “G” TO HERITAGE WAY

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

**ORDINANCE 2007-18** AN ORDINANCE CHANGING THE NAME OF FRONTAGE ROAD “H” TO BEN FRANKLIN WAY

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

**RESOLUTION 2007-16** A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH THREE-Z-INC. FOR YARD WASTE PROCESSOR SERVICES FOR THE SERVICE DEPARTMENT 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: 6 yes/0 no/1 abstain (Kurtz); motion carried.

Moved by Cichocki, seconded by Klepacz, to adopt. Council polled: 6 yes/0 no/1 abstain (Kurtz); motion carried.

**RESOLUTION 2007-17** A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH UNITED SURVEY, INC. FOR THE 2006 SANITARY SEWER MAINTENANCE AND REPAIR AND DECLARING AN EMERGENCY

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

**RESOLUTION 2007-18** A RESOLUTION AUTHORIZING THE PURCHASE OF TWO MEDIUM DUTY TRUCKS FOR THE SERVICE DEPARTMENT THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY

Moved by Klepacz, 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 Crooks to adopt.

Discussion: Finance Director Veres stated, I would like to thank Council for their cooperation in agreeing to make these purchases. I want to also thank Purchasing Coordinator Bob Williams for his efforts in saving the City \$35,000.

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

**RESOLUTION 2007-19** A RESOLUTION AUTHORIZING THE PURCHASE OF BASIC HOOK LIFE UNITS TO BE INSTALLED ON TWO MEDIUM DUTY TRUCKS FOR THE SERVICE DEPARTMENT THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM 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 Crooks, seconded by Cichocki, 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.

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**RESOLUTION 2007-20** A RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF A STORM SEWER FROM HUB VALLEY REALTY AND DECLARING AN EMERGENCY

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

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

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

**RESOLUTION 2007-21** A RESOLUTION AUTHORIZING THE PAYMENT OF \$9,030.48 TO DOMINION EAST OHIO REGARDING REMOVAL OF A GATE VALVE BETWEEN BRECKSVILLE ROAD AND ROCKSIDE ROAD PROJECT AND DECLARING AN EMERGENCY

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

Resolution 2007-21 was placed on First Reading without objection.

**RESOLUTION 2007-22** A RESOLUTION ADOPTING THE REVISED 2007 VERSION OF THE COUNTYWIDE ALL NATURAL HAZARDS MITIGATION PLAN FOR CUYAHOGA COUNTY AND DECLARING AN EMERGENCY

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

**RESOLUTION 2007-23** A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF NORMAN CASINI AS THE APPOINTED ARCHITECT BOARD MEMBER TO THE ARCHITECTURAL BOARD OF REVIEW

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

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

**RESOLUTION 2007-24** A RESOLUTION EXPRESSING SUPPORT FOR THE GRANT REQUEST BY THE CITY TO RECEIVE FUNDING FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR RECREATIONAL TRAIL DEVELOPMENT 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 Grendel, 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 2007-25** A RESOLUTION AUTHORIZING THE HIRING OF INTEGRATED CONSULTING SERVICES, LTD. FOR PROFESSIONAL SERVICES TO REPRESENT THE CITY IN MATTERS WITH THE OHIO BUREAU OF WORKERS' COMPENSATION AND IN ADMINISTRATIVE ACTION BEFORE THE OHIO INDUSTRIAL COMMISSION 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 Grendel, seconded by Cichocki, 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 2007-26** A RESOLUTION AMENDING RESOLUTION NO. 2006-02 PROVIDING FOR THE REVISION OF THE RULES OF ORDER FOR SAYING A PUBLIC PRAYER AT THE COMMENCEMENT OF EVERY REGULAR COUNCIL MEETING AND DECLARING AN EMERGENCY

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

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**Resolution 2007-26 was placed on First Reading and referred to the Council Workshop without objection.**

**Moved by Grendel, seconded by Crooks, to adjourn the Regular Council Meeting. Council polled: 7 yes/0 no; motion carried.**

There being no further business to discuss, the Regular Council Meeting was adjourned at 8:03 p.m.

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Susan E. Kurshuk, Clerk of Council

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