

**CITY OF INDEPENDENCE
REGULAR COUNCIL MEETING MINUTES
AUGUST 14, 2007 7:00 P.M.
COUNCIL CHAMBERS**

CAUCUS:

Vice Mayor Kurtz called the meeting to order at 5:12 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 and Executive Assistant White.

Also present was resident builder Bob Marek.

Vice Mayor Kurtz stated, first on the agenda is discussion of a sewer line issue with Bob Marek.

Mayor Ramos stated, Bob is in the process of constructing two homes on Hillside, east of I-77. There was the necessary installation of storm sewers across his parcels. Bob would like to make a request for Council to consider partial, if not full reimbursement for the storm sewers across his property. I hope that Engineer Elewski will also be able to address this.

Vice Mayor Kurtz asked Bob Marek, do you have a visual aid?

Bob Marek replied, I have a topo.

Mayor Ramos asked Bob Marek to give his presentation.

Bob Marek stated, I originally purchased these properties from Dave Snyderburn. He tried to split the properties front and back. He couldn't do that so they were split side by side. At that point I purchased the properties from him. My intent was to tear down the house already there and build two new properties there.

I had two homes sold on the properties. Before starting construction we ran into the gas easement issue. So basically I had to back out of both deals. I had topos made for both of those homes. The only thing shown at the time was on the east property where most of the water catches. There were to be 12-inch yard drains that would be tied into a storm sewer.

Once I got the lots re-split at that point in time it was determined that a 30" storm sewer needed to be put in because there was flooding in that area. Nothing was said when the lots were split. I attended all of the meetings when Dave Snyderburn was getting the lot split and nothing was mentioned at that time of any water problems, the need for a storm sewer or anything like that.

Once I succeeded to get one house sold on there (inaudible) a storm sewer has to be put in to replace the 12" that was on Mrs. Norman's property that wasn't sufficient any longer. I ended up having to do a 30" and then all concrete pipe from the middle of Mrs. Norman's yard and I had to put in 150' west on Hillside Road and then another 200 some feet between the two properties. It was a total of a 373' line with two manholes and a concrete headwall.

When the water survey was done the water was coming off of properties to the west and properties to the east and Gacom's property and then CEI behind Gacom. So all that water drains into this one area. And the storm sewer that was on Mrs. Norman's property line was not sufficient to take care of all of this water drainage.

I agreed to put it in at the time because these lots (inaudible) 14 or 16 months to get everything together and resolved. I had lost the two buyers I had. I needed to get things going. I got a couple of bids and put in the storm sewer.

If it was just for my two properties, I can understand, but I'm draining all the properties surrounding my properties.

Mayor Ramos asked, was this done at the request of the City?

Bob Marek stated, Don Elewski had my surveyor do a large study of the area to see how much was flowing into there. Howard (inaudible) did it. It shows that I'm getting water from properties to the east, west and south. They're all draining through my property.

If it was just my water problem on my property, I understand that we have to drain our water and we've done that in the past. This is a unique situation where I'm improving an existing storm sewer system. The City has done plenty storm sewer updates. I see a lot of it being done because of the rain we've had lately.

The City did extensive work on Dave Snyderburn's property to improve that situation.

I just don't feel it was only my situation. I've improved that area as far as storm water.

Mayor Ramos asked, what was the cost?

Bob Marek replied, the storm sewer was \$36,000 and then there was inspection fees and permits for a total of \$37,726.

Mayor Ramos asked, what would the cost have been if you would have just put in what you normally do?

Bob Marek replied, we normally put in a couple of yard drains at about \$1200 each. It's not that expensive, even if we have to tie them into the main storm upfront it's around \$2,500. It was a big difference.

I got a couple of prices from Fabrizi and everybody. I got it for much less than even Fabrizi's estimate. Everyone knows that Fabrizi is quite reasonable. He's done a lot of the sewer work in the City.

Once again, if it was just the water from these two lots, I can understand. But most of the water is from the other properties. I didn't realize there would be flooding there until I started building

there and talked with the neighbors. I was looking at a 12” drain in the ground that runs to the main upfront, not even a manhole.

Mayor Ramos asked, there was no reason to cross the property?

Bob Marek replied originally, no. But once this had to be done, yes. We established an easement between my two properties that goes 200 and some feet back. We had to put a headwall up. In the right-of-way we did all concrete pipe and then 30” corrugated pipe.

Councilman Crooks stated, when your matter was before the ZBA didn’t we make one of the conditions of approving the variance that you would take care of all the drainage, or potential drainage situation in that area?

Bob Marek replied, at that time, yes. As I mentioned, at that time I had to agree to do that just to get the houses built. I was sitting on these lots for 16 months. I agreed to put it in to keep the project moving at that point in time but not even knowing I was getting that much water from other properties. Originally we were going to put a smaller pipe in but then the engineer’s office wanted an even larger pipe. My surveyor did a water study at that time and that’s when I learned from how far around the property (inaudible).

Councilman Crooks responded, when you submitted the plans and the engineer had to sign off on them, if I remember correctly, that was one of the conditions, correct?

Councilman Crooks asked Don Elewski if he reviewed the plans.

Engineer Elewski replied, yes.

Councilman Crooks asked, and you didn’t foresee this problem at the time?

Engineer Elewski replied, what do you mean foresee?

Councilman Crooks replied, if I’m hearing Mr. Marek correctly, he didn’t realize that flooding was going to be an issue in that area.

Bob Marek responded, originally when I turned in the topo, which is when those two houses were going to be on those lots, (inaudible) had to split the lots, there was a 12-inch drain. That was the topo that was turned into the City. It showed a 12-inch drain in the backyard.

It’s my understanding that Andy Jendre asked the engineer’s office if there was any problems with the lot before we purchased the lot. At that time he was told that there were no major problems. We had plans approved and everything (inaudible) when we found the gas easement (inaudible) property. That’s when I put a hold on everything – returned deposits and (inaudible) and went back to the drawing board to do the lot splits.

Councilman Blaze asked, do you have the topo or something that we can see to try and visualize what you just described?

Bob Marek produced a drawing for Council to review.

Bob Marek stated, this is the original topo that was done for Mr. Jendre's house with a 12-inch catch basin alongside and tying in with the storm sewer. We ended up doing a 20-foot easement between the properties starting in the front of Mrs. Norman's property. It's a 30-inch concrete pipe, put in a large manhole, ran it back to another manhole and then in the backyard put a concrete headwall with a storm sewer. So basically it went from a 12-inch drain to this project.

Councilman Blaze asked, so everything you've done at the street has been in front of one of the two lots?

Bob Marek replied, in front of Mrs. Norman's and the one existing lot.

Vice Mayor Kurtz asked, what is the story across the street?

Bob Marek replied, that's between the excavator and the homeowner. I'm making sure that that gets resolved.

On the other lot we had to do a sanitary and a water tap. Everything is on the other side of the street. The coordinates we got were off. We ended up renting a camera to find out where the actual sewer was, which was in further. That's how the gentleman's driveway got. . .

Vice Mayor Kurtz asked, don't we have a document of all the tie-ins, location of all the pipes?

Engineer Elewski replied, we usually do but is an underground (inaudible).

Vice Mayor Kurtz asked, for our sanitaries?

Engineer Elewski replied, yes. In that particular case the sanitary didn't go straight across. It went off on an angle.

Vice Mayor Kurtz asked, our records don't indicate that?

Engineer Elewski's reply inaudible.

Bob Marek commented, we had to go into the driveway more. We couldn't even find it. We dug where it was supposed to be and couldn't find it. We rented a camera for \$900 which gave us better coordinates on where it was at. It was almost 10 feet off from where it was supposed to be. It will be taken care of. The gentleman wants us to redo the whole driveway.

Vice Mayor Kurtz asked, are you outside of the right-of-way?

Bob Marek replied, the right-of-way goes halfway up the driveway.

Mayor Ramos asked Engineer Elewski if he had any light to shed on the situation.

Engineer Elewski replied, no. The drainage course that comes through the property is picked up from quite a few acres off his property. He's going to sell the houses and the City or someone will have to maintain that sewer. It had to be big enough to catch the drainage area. Originally the drainage went to a small sewer on the next door neighbor's property. She would not let anyone go on her property. That was one issue. He had to pick up the drainage area and bring it out to the street.

Bob Marek responded, by doing this it benefited a wide area.

Engineer Elewski responded, it's a big area but whether they benefited is another story. It's all backland draining toward the area.

Mayor Ramos asked, what would have happened if the pipe had not been installed? What if a normal 12" yard drain was installed?

Bob Marek replied, it probably would have handled most situations. I don't know if it would have handled really large storms.

Engineer Elewski replied, it wouldn't have handled it. There would be a flooding problem and people would be complaining. The people who moved into those two houses would have had a problem.

Mayor Ramos asked, does it benefit anyone other than those two lots?

Bob Marek replied, Mrs. Norman to the east. It's replacing a drain that was on the corner of her property that was insufficient in my opinion. It was a small 12" pipe sticking out of the ground to catch all the water.

Councilwoman Wisnieski asked, she didn't want you on her lot?

Bob Marek replied, she was the one person that was not against the houses, the lot splits and everything else. All the other neighbors were saying they had a problem. She was the one owner that didn't want anything to do with it.

Councilwoman Wisnieski asked, what would have been the alternative if she had agreed to let you on the lot?

Engineer Elewski replied, the line would have had to be replaced (inaudible).

Councilwoman Wisnieski asked, basically the same scenario?

Engineer Elewski responded, only it wouldn't have to go down Hillside. It could go right into the outlet there.

Councilman Blaze asked for the location of the gas easement.

Bob Marek pointed out the easement on the drawing. He also pointed out where the drain was located on the Norman property. It's almost on the property line. Originally we were going to put in a catch basin and tie it into the storm sewer.

Mayor Ramos asked Engineer Elewski, have we ever done this, where we have paid the cost or shared the cost of any other storm sewers in the City.

Engineer Elewski replied, we may have. I don't remember.

Bob Marek responded, a good example is right of the street. Did Dave Snyderburn have to pay for all the improvements on his property?

Councilman Cichocki replied, it wasn't improvements to Mr. Snyderburn's front yard. It was improvements to the sewer that ran underneath the street. It was a project that was on the books for a number of years. You've characterized it several times as improvements to Mr. Snyderburn's property. The Utilities Committee considered it and approved it in advance of it being done.

Councilman Grendel asked, is Mrs. Norman's drain still there?

Bob Marek replied, yes. I would like to take some of her old evergreens that are falling down along that property line out and grade that we could probably do away with that 12" drain. It's not going to be catching much water. Everything is swaled to go to the backyard.

Councilman Grendel commented, the cost was \$37,726?

Councilman Crooks asked, has this been discussed in the Utilities Committee?

Councilwoman Wisnieski replied, no it has not. Mr. Marek has approached me and provided me with some information but I also (inaudible) some information I haven't gotten yet. The biggest problem was that the Utilities Committee did not have enough in the budget to do it.

Councilman Crooks asked, so it's never formally been in committee yet?

Councilwoman Wisnieski replied, no.

Councilman Crooks asked, the issue of the repair, as you indicated, in front of Mr. Snyderburn's house was in Committee?

Councilman Cichocki replied, for years.

Councilwoman Wisnieski added, that was prioritized by the engineer's office. As you know, we are allotted so much money under the maintenance contracts. The engineer's office prioritizes the projects.

Vice Mayor Kurtz asked, is it a hardship? Have we set a precedent? What amount of relief are you looking for, assuming the City is not going to pick it all up?

Bob Marek replied, it was a big chunk of money that I spent.

Vice Mayor Kurtz asked, do we want to put this into the Utilities Committee and get all the information that is available and then look at it and make a recommendation?

Councilman Blaze asked, so you're still waiting for information from the engineer?

Councilwoman Wisnieski replied, that's how I left it. I don't know why it was put on the agenda and why it was such an emergency.

Vice Mayor Kurtz commented, I think we should have a topo of the entire area's drainage.

Engineer Elewski replied, we have that.

Vice Mayor Kurtz replied, but we don't have it.

Councilwoman Wisnieski stated, so in addition, as I mentioned, I have spoken to several people at the engineer's office, maybe some documentation that indicates why this is recommended.

Vice Mayor Kurtz commented, it's not time sensitive because it's already installed. It's a matter of equity and seeing if we can establish if there is any responsibility on the part of the City. I think what Councilwoman Wisnieski suggested is to get engineering information and a larger picture than this specific topo to better understand the impact. Then what I would look at is the amount, the hardship, understanding the bigger picture of what it's really doing. I would also want to make sure that situations with the other utilities have been managed and handled. Bob said that he is handling the issue across the street. Those are issues that I have that need to be incorporated into a decision.

If we can get the engineering information to the Utilities Committee, the Committee can call a meeting and then we can understand the big picture of what was accomplished and what our options are. Bob can make a presentation at the Committee with all the information available. Maybe some of these questions can be answered.

Councilwoman Wisnieski commented, the other issue is there is no money in the budget. I may need to come back and a decision needs to be made in that regard.

Councilman Klepacz asked, what is the selling price on the house?

Bob Marek replied, the one house that was sold was \$464,000. The other one I haven't sold yet.

Councilman Klepacz asked, if you had not split the lot, you would not have had to put in this sewer? Is that correct?

Bob Marek replied, I don't know.

Councilman Klepacz responded, in all likelihood there was already a storm connection somewhere for the existing house, correct?

Bob Marek replied, there were storm connections there but as far as the water situation was.

Councilman Klepacz responded, from hearing Councilman Crooks' remarks and having read the minutes of the Zoning Board of Appeals at that time, the reason most of this occurred was the lot was split, as opposed to the house being razed and replacing it. That was my understanding.

Bob Marek replied, the point I'm trying to make is I didn't split the lots originally. When Dave Snyderburn split the lots I came to all the meetings. Nothing was ever mentioned about a water problem there – at all. Usually when someone goes in front of the Board and before they approve the lot split they see if there are any problems. There were no problems at that time. When I purchased the lots was when we ran into the situation. I didn't purchase one lot and split it.

Finance Director Veres asked Law Director O'Brien, does a lot split guarantee that a lot is buildable?

Law Director O'Brien replied, if the City gives the lot split and the reason why it's not buildable is because it violates some Codified Ordinance, generally you're looking at granting a variance so that something can be built because tantamount to the lot split and giving someone a permanent parcel on that subplot is telling them that they can effectively build something. That's why lot splits are looked at very stringently.

Mayor Ramos added, a lot split may be granted but there may be some responsibility as far as storm water and things like that.

Law Director O'Brien added, I think my letter fully addressed what our Code speaks to and the responsibility of the developer when they develop the property.

Mayor Ramos added, I just want to make sure that the engineer is going to provide all the information to the Utilities Committee at the Utilities Committee meeting. What are you providing the Utilities Committee to assist them?

Engineer Elewski replied, provide an overall drainage map and the plans that show the drainage calculations.

Mayor Ramos added, Councilwoman Wisnieski also asked you to include what your office relied upon in order to require this 30" drain. Is that right?

Councilwoman Wisnieski replied, correct.

Mayor Ramos stated, you required a 30" pipe to be installed. You have to support that as well.

Engineer Elewski replied, that's what it will be – the drainage area that goes into that and the calculations that show the size of the pipe.

Bob Marek responded, I did attend all the meetings when Dave Snyderburn did the lot split. When he got the split you guys go through everyone and it went through the engineer's office too to see if there were any problems with it. It was stated no at the time. I was at the meeting when it happened. That's why when I hear that and all of a sudden I go to build I can put yard drains in but it's a big difference between yard drains and a large storm sewer.

Engineer Elewski asked, you had the property split once or twice?

Bob Marek replied, when it was split the first time it was owned by Dave Snyderburn. When it was re-split I still had to maintain on that second parcel and treat it as it was a 100' lot – put side yard lines and (inaudible) where the house was going to be positioned on the lot from the first split to the second.

Engineer Elewski commented, the thing that changed it was the gas easement.

Councilman Klepacz asked, what was the reason for the second lot split?

Bob Marek replied, there was a 50' gas easement found.

Mayor Ramos added, the split went to the gas easement. You couldn't construct anything over the gas easement so they had to vacate that and do it again in order to leave the line open.

Councilman Klepacz asked, so in the first lot split that did not become public knowledge that there was a gas easement there?

Vice Mayor Kurtz replied, it should show up in the title report.

Mayor Ramos responded, it showed up on the title report.

Councilman Klepacz asked, when did the first split occur and when did the second split occur?

Bob Marek replied, Dave Snyderburn had the first split I believe in September of 2005. The second split wasn't until probably August of 2006 or September.

Councilman Klepacz asked, when did you purchase the property?

Bob Marek replied, August of 2005. It took over a year.

Mayor Ramos commented, the lot was split, Bob bought it and then found out about the gas easement.

Councilman Klepacz asked, the title report came in after you bought it from Dave Snyderburn?

Bob Marek replied, yes.

Councilman Blaze asked, at approximately what point did Don Elewski recommend a much bigger sewer?

Bob Marek replied, when my surveyor was doing the topos of the lot he found the gas easement.

Engineer Elewski commented, then he had to get a variance on the second lot.

Bob Marek replied, yes, because of the size. The house had to be maintained as if it were a 100 foot lot.

Councilman Blaze asked, and then Don's recommendation for the larger storm sewer came even after the August of 2006 split?

Bob Marek replied, yes, while getting topos done for the first home, right before the approval of the second lot split.

Vice Mayor Kurtz stated, we'll gather the information. Bob will be invited to attend the Utilities Committee meeting.

The Utilities Committee scheduled a meeting for Wednesday, August 22nd at 7 p.m.

Moved by Grendel, seconded by Cichocki, to recess the Council Caucus for an Executive Session to discuss land acquisition and litigation. Council polled: 7 yes/0 no; motion carried.

The Council Caucus was recessed at 5:44 p.m.

The Executive Session was convened at 5:45 p.m. Present were Mayor Ramos, Council Members Blaze, Cichocki, Crooks, Grendel, Klepacz, Kurtz and Wisnieski. Also present were Law Director O'Brien, Assistant Law Director Hema Prabu, Finance Director Veres and Executive Assistant Ron White.

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

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

Council Caucus was reconvened at 6:50 p.m.

Vice Mayor Kurtz stated, on Second Reading is Ordinance 2007-37, the amended appropriation.

Councilman Blaze stated, Finance Director Veres indicates in his memo that this does not change the general fund expenditures. It allows for the completion of Frontage Road E without having to borrow at this point.

Finance Director Veres replied, correct.

There were no objections noted to passing Ordinance 2007-37.

Vice Mayor Kurtz stated, Ordinance 2007-40, the Five Year Capital Improvement Plan.

Councilman Blaze stated, Ordinances 2007-40 and 2007-41 were both discussed at the Finance Committee meeting. Finance Director Veres is onboard with these two ordinances. This is formalizing the Best Practices by Government Finance Officers Association – doing a Five Year Capital Improvement Plan. The other is doing a Comprehensive Annual Financial Report. It's a little more comprehensive than what we put out now. It enhances our financial reporting and puts us more in line with communities of our stature in how we do report our financial status to whoever is interested.

Councilman Grendel commented, I concur with Councilman Blaze on these two ordinances and recommend passage.

Councilman Cichocki asked, do we review the Five Year Capital Improvement Plan every year?

Councilman Blaze replied, yes. There would be the first one for the next five years and then every year that year falls off and we add another year on the backend so that you're always looking a little further out. As Finance Director Veres indicated in the Sun Newspaper article, now that we've gotten through with out two major projects that have tied up most of our capital in the last few years – Rockside Road and the Shared Use Facility, now we have to start getting back into the roads, sewers and infrastructure and many more projects of smaller scale. To do those and not be in a reactionary mode, we need to be able to look ahead at both what needs to be done, how much the cost is going to be to complete those items and then where the funding is going to be coming from.

I had a few examples of Five Year Finance Plans from Brunswick and Westlake. Many communities do this. We're not breaking new territory here. This is also recommended by the Government Finance Officers' Association.

Councilman Grendel commented, so you can revise it as emergencies come up.

Councilman Blaze responded, figuratively speaking you do these in pencil. You can't project to the dollar to the exact project a couple of years out, but you need an idea of where you're going to go so you have some direction. Circumstances do change such as the June 22nd flood last year, which throws a lot of things off and you have to reallocate and re-prioritize but at least you have something to work with.

There were no objections noted to passing Ordinances 2007-40 and 2007-41.

Vice Mayor Kurtz stated, next is Resolution 2007-95, the donation agreement with Independence Hotel Partners.

There were no objections noted to passing Resolution 2007-95.

Vice Mayor Kurtz stated, on First reading is Resolution 2007-116, Duke Realty.

Councilman Blaze asked, is this a result of something in the Planning Commission?

Vice Mayor Kurtz replied, yes. This is a housecleaning thing.

There were no objections noted to passing Resolution 2007-116.

Vice Mayor Kurtz stated, Resolution 2007-117, \$93,307 for insurance, down 6% from last year.

Councilman Blaze asked, did we competitively bid this?

Finance Director Veres replied, that's what the insurance broker does for us – NeaceLukens.

Councilman Blaze asked, does he provide us with what he sent out to market and what he got back?

Finance Director Veres replied, yes. I just got an e-mail today. I can provide that in packets if you wish.

Councilman Blaze asked, and you're comfortable that they shopped around and got the best prices and this is the best of what he received?

Finance Director Veres replied, yes.

There were no objections noted to passing Resolution 2007-117.

Vice Mayor Kurtz stated, Resolution 2007-118 would be the various services for Elewski. Is there any problem with adoption?

Councilwoman Wisnieski asked, what is the total amount?

Vice Mayor Kurtz replied, \$155,000 plus or minus.

Councilman Blaze asked, we're still paying for the Filip/Archwood reconstruction engineering?

Councilman Cichocki commented, it looks nice over there. They did a good job.

Several people speaking at once.

Councilman Blaze commented on Wisnieski Parkway.

Vice Mayor Kurtz replied, we gave direction to start the plans.

Councilman Blaze responded, but we didn't even choose an option – grind and overlay or total reconstruction.

Vice Mayor Kurtz replied, in early conversations we talked about checking the sewer lines, widening it, lowering it. There were a variety of different engineering aspects of that looked at at one time – look at, not necessarily do it.

Finance Director Veres commented, the \$12,000 amount caps it off. We don't want anymore work done on it.

Mayor Ramos asked, are we going to be making a decision on what we're going to be doing with that?

Engineer Elewski commented, we did two estimates.

Vice Mayor Kurtz commented, we got two estimates. One was to grind and overlay and one was to grind and use the new recycling method. The question is, what do we want to do with Wisnieski – plane 3 inches and then put two courses down or are we going to do a single pass and recycle?

Councilman Blaze commented, I don't think this is the forum or the time to make a decision.

Vice Mayor Kurtz replied, if anyone has questions, we can call a meeting.

Councilman Crooks asked, what takes place between the original amount and the revised amount that takes us, for example, from \$7500 to \$21,000 on the Cavs roadway?

Vice Mayor Kurtz replied, different work performed.

Engineer Elewski replied, we continue to work on it.

Finance Director Veres commented, poor estimates.

Councilman Blaze asked, what changes were there to the Cavs roadway? They proposed the roadway. Did we ask them to make changes after they submitted plans and we approved the roadway?

Engineer Elewski replied, most of it has been watching the construction of the project.

Vice Mayor Kurtz added, inspection.

Finance Director Veres asked, and that's done now, right?

Engineer Elewski replied, right.

Councilman Grendel asked, does Don recommend one option over the other for Wisnieski Parkway?

Engineer Elewski replied, plane and pave.

Councilman Grendel asked, it would have a longer life?

Engineer Elewski replied, yes.

Councilman Grendel commented, there is approximately a \$5,000 difference between the two.

Councilman Blaze asked, is Resolution 2007-118 time sensitive? Is this all work that has been done? We basically have no choice but to approve this?

Engineer Elewski replied, most of the work has been done.

Mayor Ramos asked, when is the decision going to be made for Wisnieski Parkway? It's August and if we're going to do it, I would suggest we do it before year end. Is it dependent upon money?

Councilman Blaze replied, for me it's money and scope. We've received proposals anywhere from \$56,000 to \$400,000 plus. Before I'm prepared to make a decision I need to know what our end goal is there. Are we just doing the bare minimum to get by for a couple of years? Are we going to do it right this time or are we going to do something in between? Then, whatever option we choose, where is the money going to come from and how does it fit in with all of our other capital projects?

Mayor Ramos replied, I think we all agree we're not going to do the \$450,000 project. Consequently we have it narrowed down to the two other options - \$56,000 and \$61,000. I would like to ask Streets & Sidewalks to have a meeting. My recommendation is going along with the engineer for \$61,000.

Engineer Elewski added, we have the bid opening August 22nd for the road maintenance contract for 2007/2008. We're going to wait and use those unit prices to do that project.

Councilman Blaze asked, weren't we going to switch that to a calendar year?

Engineer Elewski replied, yes. The bid that's being opened on the 22nd will be to the end of 2007 and all of 2008.

Vice Mayor Kurtz asked, so after the bid is open you'll take those numbers and apply them to these quantities?

Engineer Elewski replied, yes.

Vice Mayor Kurtz asked, and then you'll have a new number? Will we still be able to do it this year?

Engineer Elewski replied, we'll have a different number.

Vice Mayor Kurtz asked Finance Director Veres, is that okay with you?

Finance Director Veres replied, I don't think the Streets Committee has allocated the \$150,000 yet for projects.

Councilman Blaze asked, it's next year's budgetary item even though the expenditure might have to occur this year.

Councilwoman Wisnieski asked, so there are funds available?

Finance Director Veres replied, (inaudible).

Several people speaking at once.

Mayor Ramos commented, since we're not doing the inside of City Hall we can certainly move that money over. It doesn't look like we'll be doing it this year.

Vice Mayor Kurtz responded, good – we have the money. So the money is available and the project is available. Now we want to wait until the bid comes in on the 22nd.

Engineer Elewski commented, we need the prices from the bid. We're not going to use the 2006 contract.

Several people speaking at once.

Mayor Ramos asked, so these estimates are 2006 numbers?

Engineer Elewski replied, upgraded.

Several people speaking at once.

Vice Mayor Kurtz asked, would the contractor we have right now have to do it for that price?

Engineer Elewski replied, his contract is up.

Vice Mayor Kurtz asked, so we can't do this until the bid is opened?

Councilman Cichocki commented, and it could cost more then.

Vice Mayor Kurtz commented, I don't think there is any resistance to getting the project done. Now it's just getting the right price locked in to do the job.

Mayor Ramos commented, I would like to ask the Finance Director to please indicate what outstanding capital projects or purchases were not made.

Finance Director Veres replied, about the only other one is the body shop. The service director would like to encumber half that amount this year so they can get started on the project, which was \$69,000.

Vice Mayor Kurtz asked, so that's not going to get done this year?

Service Director Snyderburn replied, no.

Vice Mayor Kurtz stated, so continue with 2007-118, there were questions on some of the amounts and why the increases.

Councilman Blaze replied, the question is with all of them.

Vice Mayor Kurtz asked Engineer Elewski, these are all for inspections?

Engineer Elewski replied, you're being mislead on how it's going from one figure to another. There are steps in between.

Vice Mayor Kurtz asked, and that means?

Finance Director Veres replied, the first proposal should have been what you expected it to be.

Vice Mayor Kurtz replied, with all due respect, there are proposals where the figures were changed by us to a lower number – not necessarily these proposals. For example, \$40,000 was scratched out and lowered to \$12,000.

Finance Director Veres replied, because we don't want the work to continue on a project that the City is not going to do.

Vice Mayor Kurtz asked, so with the Cavs roadway?

Finance Director Veres replied, that's a different example. He estimated \$7,500 and then he jumped it to \$13,000 and then \$21,000. What I'm saying is that the first proposal should have said \$21,000.

Vice Mayor Kurtz asked about the example of the crossed out number being the case with the Cavs roadway.

Finance Director Veres replied, no.

Councilman Blaze commented, I assume the typed number is what he asked for and the handwritten number is what the Finance Director is recommending.

Vice Mayor Kurtz replied, right.

Finance Director Veres responded, the only one that was crossed out and lowered was a project that the City did not want to continue doing engineering services on, as opposed to the Cavs project being done. Originally it was \$7,500.

Vice Mayor Kurtz asked, and somewhere along the line it got bumped to \$13,000?

Finance Director Veres replied, correct.

Vice Mayor Kurtz asked, and now another \$8,000 is being added on?

Finance Director Veres replied, right.

Vice Mayor Kurtz asked Engineer Elewski, and you're saying the scope of work changed?

Engineer Elewski replied, no. It's continuing – that's all. We're billing as we go. We're at the mercy of the contractor. As long as he's there, we're there.

Councilman Blaze commented, if this was a private sector job we would have no way of accurately determining our costs upfront on a job for any of these projects.

Finance Director Veres replied, which is why the proposal form was created – to try and capture a better idea of what the engineering costs were going to be. They don't do it until they bill us. That's backwards.

Vice Mayor Kurtz asked, are there any other questions?

Councilman Blaze replied, I've stated my issues with it.

Vice Mayor Kurtz stated, next is Resolution 2007-119, the Brookside intersection light upgrade.

Councilman Grendel stated, this was part of our Safety Committee meeting. We wanted to start a program where we would do at least one intersection each year to update it. Brookside is one of the oldest systems. We budgeted \$45,000. This came in \$23,000 more. If we cut back on the body shop we can cover this.

Finance Director Veres replied, yes.

Councilman Grendel commented, I think this is critical. This includes mast arms and the preemptive system.

Councilman Blaze asked Director Snyderburn, did you have input regarding this light?

Director Snyderburn replied, no, but I'm glad to hear it includes the mast arms.

Councilman Blaze commented, my issue is making sure it's like the light at Pleasant Valley where it cycles differently at different times of the day.

Councilman Grendel replied, I believe they can do that.

There were no objections noted to passing Resolution 2007-119.

Vice Mayor Kurtz stated, Resolution 2007-120 regarding Spa K-9.

Councilman Blaze asked, why are Resolution 2007-120 and 2007-121 for Bombay Tan coming before Council?

Law Director O'Brien replied, under permitted uses there is a catchall for any other use that the Planning Commission and Council deem appropriate so Council has to approve this as well.

Councilman Blaze asked, did they get a unanimous recommendation from the Planning Commission?

Mayor Ramos replied, unanimous approval with conditions.

Councilwoman Wisnieski asked, what type of conditions.

Mayor Ramos responded, this was approved conditionally but the conditions are not stated in the legislation.

Law Director O'Brien replied, they're in the Planning Commission but they should be incorporated into the legislation also.

Vice Mayor Kurtz asked, so the conditions will be added to 20 and 21. Is that right?

Law Director O'Brien replied, yes.

Vice Mayor Kurtz stated, next is Resolution 2007-122, preemption at the three lights in the center of town.

Councilman Grendel replied, this was also discussed at the last Safety Committee meeting. Everything is updated except for the preemptive system. This was precipitated by a near accident that occurred this summer at Chestnut and Route 21. Chief Nelson thought this would be a good idea. The cost is \$9,000 per intersection. Everything between Selig and Rockside would have preemption.

Councilman Blaze responded, I'm concerned about Finance Director Veres' comment that this was not budgeted for.

Finance Director Veres replied, I hate to put Dave Snyderburn on the spot but if the body shop is not going to be done then there is money available.

Chairman Grendel commented, I think this is critical.

Director Snyderburn replied, if you need the money. I wanted enough money to begin the block work.

Finance Director Veres asked, you'd have around \$12,000 left. Would that be enough?

Director Snyderburn commented, if you're going to put mast arm poles at Brookside I would like to see the skirts on them or bezels on the bottom like on Rockside and Route 21. If we don't do that and they're all just poles it costs \$1,700 per pole to put them on later.

Finance Director Veres replied, there goes the \$12,000 for the block.

Councilwoman Wisnieski asked, when are they going to start this? School begins next week.

Several people speaking at once.

Vice Mayor Kurtz replied, as soon as Director Snyderburn gets authorization.

Resolution 2007-123 is the settlement agreement with Rockside Square 1 for \$15,000.

Law Director O'Brien commented, this was settled awhile back. We just never appropriated.

Mayor Ramos commented, Ronal Sposit is here from the Clark at the intersection of Sprague and Route 21. There was an objection filed on their liquor permit applications. Apparently I indicated that there were some concerns. Those concerns have been resolved. Are there any further objections to their liquor permit applications?

There were no objections noted.

Moved by Cichocki, seconded by Kurtz, to amend Resolutions 2007-120 and 2007-121, Section 1 at the end of the sentence, and subject to the conditions set forth by the Planning Commission at the Special Planning Commission meeting of July 24, 2007. Council polled: 7 yes/0 no; motion carried.

Councilwoman Wisnieski stated, I would like to see those conditions.

COUNCIL MEETING:

Mayor Fred Ramos called the meeting to order at 7:20 p.m. Present were Council Members Blaze, 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, Recreation Director Kostyack, Building Commissioner Opatrny, Fire Chief Nelson and Police Chief Nicastro.

In the absence of Father Makowski, Councilman Crooks said the opening prayer.

The Pledge of Allegiance followed.

AUDIENCE PARTICIPATION:

Resident Pat Woodrick came forward to speak.

Ms. Woodrick stated, for four years we have asked this administration to do something about the traffic on Vineyard. The noise is unacceptable – the boomboxes, the loud mufflers and the drag racing. It has to stop. There are several police chiefs that have agreed that there is just too much traffic on Vineyard. We have 12 homes. Three are for sale and five are already rented because the owners moved because of the noise. They couldn't take it anymore.

This administration must still be looking into it because nothing has been done.

Nobody else in the City has to put up with it. Why do we have to put up with it?

We have talked about this in the past and nothing has been done. It's unacceptable.

Right now I feel the administration is wasting the taxpayer's money for a few people on Brookside who have no right to complain about traffic and noise. Let them come and live around the Civic Center, the park, the schools and the rest of the City buildings. Then they would have the right to complain.

If millions of dollars were not spent on the property next to the cemetery which should have been taken by eminent domain seniors would have a step of senior housing. The City could have purchased Marycrest. I applaud Father Pete for going to court and taking a stand on this issue. But it's a shame the taxpayers are going to be the one who are going to pay for this.

Mayor Ramos stated in response to Ms. Woodrick's previous comments, we have been taking steps to address the issues. I will be speaking to Chief Nicastro about it again. Thank you for bringing it to our attention. I did not realize there was such a serious problem with boomboxes and noise. I don't think anyone should tolerate that and I will ask Chief Nicastro to give special attention to that area.

Ms. Woodrick replied that Chief Nicastro has been very cooperative on these issues.

Resident Denise Mindzora stepped forward to speak.

Ms. Mindzora stated that she was here to speak about the Spa K-9 going in at 6491 Brecksville Road. She wanted everyone to be aware that she had called the building owner on three separate occasions in the past six to nine months asking him for space to run the exact same business as is there now. She was denied with no reasoning except that he wanted absolutely no dogs. He wanted all officer. She became very upset when she saw the Spa K-9 sign.

Mayor Ramos responded that he would speak with the building owner as he indicated to her earlier.

Councilman Cichocki commented that the City has no control over who Mr. Sutula leases his property to. We all share your concern but there is nothing that we can do.

APPROVAL OF MINUTES:

Moved by Grendel, seconded by Wisnieski, to approve the minutes of the July 10, 2007 Public Hearing. Council polled: 7 yes/0 no; motion carried.

Moved by Cichocki, seconded by Grendel, to approve the minutes of the Regular Council Meeting of July 10, 2007. Council polled: 7 yes/0 no; motion carried.

MAYOR’S REPORT:

Mayor Ramos stated, I know I would miss someone if I tried to name all the people that were responsible for our successful 2007 Home Days. They are simply too numerous to mention. As much time and commitment spent by all the departments involved from the parade, entertainment, the booths, the technical part, the safety part, the games and everything else involved. I received numerous e-mails and phone calls about what a successful Home Days it was. I must applaud all the staff, all the employees, everyone in the City who was involved. I also want to thank and applaud all the organizations that participated, all the people behind the scenes that in some way contributed to the success of Home Days. It was one of our most successful Home Days as far as turnout. Even though it’s only a day and a half event, there is much time that goes into it.

We’ll be meeting within the next week or so to brainstorm on how to make Home Days even better, which I find a very difficult thing to do.

I am soliciting any ideas as far as a theme for next year’s Home Days. We choose a theme and then focus on it for purposes of entertainment and the parade. If anyone has any ideas, please contact the Mayor’s Office. We’ve had the 50’s, country western, Caribbean, La Fiesta and many other themes. We are open to any theme suggestions for next year.

OFFICIALS’ REPORTS:

ENGINEER:

Engineer Elewski reported that the Rockside Road Project is moving along well. I’ve been told that by Thursday or Friday Frontage Road E pavement should be completed. Brick pavers and flower boxes will be installed. Within the next week all pavement will be complete and only odds and ends will be left to be done.

We’re inspecting the Dalebrook sanitary connections that are being photographed and cleaned. The Twin Creeks Subdivision is under construction. They’re starting on the sanitary. The

cemetery roadway is under construction. It should be complete within another week or so. The Dalebrook storm outlet materials have been ordered. That will be under construction soon. Cracksealing is about half done on Route 21. They're doing the work at night.

FINANCE DIRECTOR:

Finance Director Veres reported that on the agenda tonight are a few ordinances that he would like to talk about.

Ordinance 2007-37, which is the Amended Appropriation is necessary because Council is hesitant to borrow more money for the Rockside Road Project. Should the \$23 million in estimated revenue from municipal income tax not be reached, I might need to come back to Council in late 2007, early 2008 to borrow the money for the excess over estimates on the Rockside Road Project. Currently, that estimate would be around \$1.5 million. We would need to average nearly \$200,000 more a month over the next four months when compared to those months in 2006 to reach that goal – a goal that is possible but one that I'm not comfortable with.

I do not recommend that we reduce our cash on hand to pay for long-term assets, especially those eligible for TIF reimbursement, however, at this time passage of this Ordinance is necessary to be able to encumber funds for Frontage Road E of the Rockside Road Project.

Also on the agenda tonight is Ordinance 2007-40, which would require a 5-year capital plan. This Ordinance, discussed in a recent Finance Committee meeting is a logical continuation of the non-formal 5-year plan that was in place over the past five years, namely the Rockside Road Project along with the Shared Facilities Project. Those two projects, coupled with the implementation of the Planned Capital Purchase Program in 2003 have acted as our 5-year plan.

This Ordinance is a continuation of that and will help everyone involved in planning for large purchases over a 5-year period.

Ordinance 2007-41 would require a CAFR (Comprehensive Annual Financial Report) be prepared. A CAFR can only be performed if the government entity is on an annual audit cycle. When I first took office in 2000 the City was audited every two years. I helped introduce legislation to require the City to be audited every year. In talking with the auditors at the time, they recommended that we wait until the City made the conversion to GASB 34 and then begin the CAFR reporting. We are now at a point in time to being the CAFR reporting.

Finally, know that the Cavaliers facility will be fully operational by our next Council Meeting, I would like to welcome them to our community. During the construction period they have been very accommodating and have confirmed that they are a first class operation. The renderings do not do justice to the final building and entranceway. Everything is First Class. I have no doubt that this facility will be the finest in the NBA and bring a Championship to the organization.

Mayor Ramos commented that Council and the Planning Commission will be invited to tour the new facility at the end of August.

SERVICE DIRECTOR:

Director Snyderburn commented, the Cavaliers facility is beautiful. No expense was spared.

A week ago we had over two inches of rain in a very short period of time. We received approximately ten phone calls. A few of those calls were to congratulate all of us on fixing some major issues on Old Rockside. I was very pleased. It was a test and we came out shining. The problems that we did have were very minor.

They are cleaning sewers right now on Dalebrook. We are preparing to clean approximately 15 home sewer lines. We found that out by cameraing the mains and locating calcium deposits.

Leaf pickup will not begin until October 1st. Please contain the leaves until October 1st.

Please don't put your garbage at the curb prior to 24 hours before pickup. Recently I have seen garbage out three and four days early. It's not fair to your neighbors and makes the City look unsightly.

Mayor Ramos commented, my compliments to Dave Snyderburn and his department for taking care of many of the storm water issues. Thanks also to Don Elewski's department for helping out. I also appreciate the input of the Utilities Committee and Finance Committee regarding the expenditures necessary to address some of the issues that we had.

The storm water issue is not going to be resolved overnight. However, we are trying to address some of the more serious problems and obviously this is paying off.

My compliments to everyone involved with that.

COMMUNITY SERVICES DIRECTOR:

Director Buc stated, I want to thank all the departments who helped out on the parade. I also want to thank VIPS and CERT for helping out with sweeping and safety. The parade went very well.

The Spotlight is coming out September 1st. Registration dates are September 4th and 5th. We will also be signing up for Fall Fest vendors on September 1st.

We will be taking a Lakefront trip to Pennsylvania. It will be our first trip out of state. That will be exciting. We will also be taking another trip to the Indian's game for Independence Day at Jacob's Field on Friday, September 21st.

Our new banquet tables have been ordered for the Civic Center and we are preparing for those to come in. We are cleaning the carpeting and the tile floors.

RECREATION DIRECTOR:

Director Kostyack reported that the 2007 Little League Program is over. I would like to thank all the managers and coaches for a successful season. We hosted the Emerald Necklace Tournament in the end of July. I would like to thank Tom Sirna, Mike Osysko and Paul Molnar for a well run tournament.

Soccer teams are being established. Flag football will begin in the end of August.

On September 15th and 16th we're hosting a Taiquando Tournament at the field house. Kiwanis will be running the concessions.

On Saturday, September 8th we're holding a pool party for dogs. We'll have contests, prizes, vendors and the K-9 Unit. Bring your dog down to the pool.

TECHNICAL SERVICES DIRECTOR:

Director Avsec reported that the family changing room is complete. We're waiting on toilet partitions, lockers and the door hardware. They should all be here within a couple of weeks and immediately installed.

The wallcoverings for the Police Department renovation are being installed as we speak. The carpeting is slated to be shipped on August 24th and that installation will take place immediately upon delivery.

The Civic Center roof began last week and as of right now we're about 40% complete. Southwest is doing a great installation job.

BUILDING COMMISSIONER:

Commissioner Opatrny stated, as previously mentioned, the Cavs practice facility is almost complete. We have issued their time limit occupancy, which will be up on the 27th of this month. Prior to that time we hope to give them a permanent occupancy certificate.

Chester's restaurant on Quarry Lane has also received a time limit occupancy. They are nearly complete and have applied for the liquor license. They should be open within the next week or so.

We have one new house under construction at Lake Charles. The construction of new housing is very slow right now as it is everywhere.

Road construction and utility installation is underway at Twin Creeks on Hillside.

The dialysis center on Acorn is under construction.

FIRE CHIEF:

Chief Nelson reported that the City of Independence Fire Department has received a grant in the amount of \$4,000 from the Department of Public Safety, Division of Emergency Medical Services for equipment for the rescue squad.

Our seniors, who are signed up for our Health Watch Program, have received a letter stating that their units will be replaced. I would like to inform them to disregard that letter. Yes, your units will be replaced but we will do that from the Fire Department. There will be no cost to seniors using that unit. The Health Watch has been bought by Lifeline. There will be no change in the cost.

On behalf of all of the firefighters I would like to send condolences to Firefighter Mark Coyner. He lost his brother just recently and suddenly due to complications of a bee sting. He was only 43 years old and leaves behind a wife and three young children. Please keep him in your thoughts.

POLICE CHIEF:

Chief Nicastro reported that the Rockside Road Project is winding down. Within the next month it should be done. There have been a lot of traffic sensors that have been disrupted in that area due to the construction and timing of lights has been changed to compensate as the construction crews moving around. When the project is complete there will be a traffic engineer who works for the City that will retime that entire corridor. We should see improvement so please bear with us for another month.

Patrolman Jim Green is the second member of our K-9 Unit. Jim and his dog, Paddo, passed all of their state certifications. They'll finish training this week and he'll join Shane Bates on the road by the end of this month.

As Chief Nelson mentioned, they were able to purchase some new equipment. They were able to give us some of their older AED's. We're going to issue those to police officers that live in the City. They will have them in their cars when they're patrolling and off duty.

Mayor Ramos commented on the new Dodge Chargers that were purchased for the Police Department and asked everyone to take a look at them.

LAW DIRECTOR:

No report.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE – (BLAZE):

Chairman Blaze stated, there are a few finance related pieces of legislation on the agenda tonight. I'll be commenting on two of them.

Ordinance 2007-41, which requires the City next year for fiscal year 2007 to prepare a Comprehensive Annual Financial Report. It's a little more comprehensive than the report that the City currently puts forward. The attempt here is to raise the bar on the City's financial reporting. I'm glad to see that on the agenda tonight.

Ordinance 2007-40, is creating a 5-year Capital Improvement Plan to be implemented beginning in 2008. The Government Finance Officers' Association recommends a 5-year Capital Improvement Plan for municipalities as part of their "Best Practices in Public Budgeting." It's one of a number of them that they put forward.

I found in my research that a number of cities in Northeast Ohio of comparable stature to Independence already complete 5-year Capital Improvement Plan. The attempt of this piece of legislation is to bring us up to that level and get us a little more forward thinking.

About a month or two ago I commended Drug Mart for their family living here in Independence and being so successful via a list of the top privately held companies based here in Northeast Ohio.

In July, Crain's Cleveland Business had a list of the largest money managers here in Northeast Ohio. On that list was First Fiduciary Investment Counsel. The Chief Investment Officer and top local executive of that firm is Mary Anderson, a resident of Independence. I would like to send our congratulations out to Mary and her firm for being quite successful. They listed her company at the end of 2007 as having \$291 million under management. This is quite an accomplishment for her. I wanted to recognize another resident running a successful business in Northeast Ohio.

RULES AND ORDINANCES COMMITTEE – (KLEPACZ):

Councilman Klepacz stated, congratulations to all those who made this year's Home Days another rousing success. The Service and Technical Services Departments, Community Services and Recreation, as well as the Fire and Police Departments all went above and beyond in performance of their duties.

My four year old grandson, Will, who came in from Minnesota was not only impressed by the rides, but he especially was thrilled by all the fire engines and the Service Department's big trucks. He enjoyed running through the spray from the sprinkler truck on a steamy Saturday afternoon. However, he was disappointed that he missed Sparky the fire dog.

Our adult guests all praised our Kiwanis hamburgers and french fries as the best ever, which reminds me that the Kiwanis fall Chicken BBQ is Sunday, September 16th from 11:30 a.m. to 4:00 p.m. The fall BBQ not only has that wonderful chicken and unbeatable french fries, but has sweet corn as well.

Praise is in order for all the CERT and VIPS volunteers who helped out at Home Days. CERT volunteers will also be assisting the Community Services Department with the Senior Flu Vaccination Program on November 8th.

New CERT training classes are being offered this fall and enrollment forms are available on the City's website. Click on the CERT link for full details. Today's Plain Dealer article about Cuyahoga County's evacuation plan in case of a disaster brings home the importance of being prepared in case of a manmade or natural calamity.

PUBLIC LANDS AND BUILDINGS – (CROOKS):

Chairman Crooks reported that the Public Lands & Building Committee will meet in the next few weeks to further discuss the concept of eminent domain in connection with the Marycrest property. Some have called to inquire about a meeting date and time. My response has been that I and some of my colleagues as well were interested in discussing some of these matter with the representatives of St. Maron's Church in Executive Session, which we had the opportunity to do tonight. The public can expect a scheduling of a meeting by the end of this week.

The Zoning Board of Appeals has had a rather quiet month. The Board is scheduled to meet this Thursday.

Finally, I would like to thank all the participants who helped to square away our participation in Home Days. I would also like to thank Natalie Buc's brother-in-law, Mike, for driving me and my wife in the parade.

COMMUNITY SERVICES – (CICHOCKI):

Councilman Cichocki stated, I too would like commend all the people associated and involved with Home Days this year. It seems like the crowd was bigger than ever. Everything ran smoothly. In particular, I would like to thank the City for picking the La Fiesta theme. My wife is one of a handful of Hispanic people in this town and she thought it was very nice for you to welcome her with that theme.

I would like to compliment Dave Snyderburn and the Service Department. I think the downtown looks better than it has ever looked with the improvements he's done in the Square around the bandstand and the additional flowers.

I would be remiss if I didn't mention my Zinnias. They have all come to bloom now. They're all over my deck. My neighbor planted them in the ground. I think it was a great idea and I would like to see that continue.

Finally, it's hard to believe that summer vacation is already winding down and school starts a week from this Thursday. The first football game will be this Friday. Drive carefully and look out for the school zones and watch for right turns on red during school hours.

STREETS AND SIDEWALKS COMMITTEE – (KURTZ):

Vice Mayor Kurtz stated, reporting from the Planning Commission we had several matters before us in August, beginning with the Wisnieski property at 6990 Brecksville Road. There

was lengthy discussion with all affected parties and neighbors with the goal being to determine the best long-term solution for the area in terms of development. It was determined that the west most property would become one lot. Eugene Drive would be vacated and the east portion of Archwood from Brecksville Road would become a dedicated street, thereby creating frontage for the remaining houses on the east leg of the property.

Several concerns were raised including the impact to adjoining properties. The Planning Commission was able to frame parameters for an agreement. The law department will create a draft agreement and distribute to all for review and discussion at the next meeting.

Also discussed was the MSZ office building proposal north of Drug Mart on Brecksville Road. After discussion and review, it was agreed that the long-term goal should be to allow the City to incorporate a marginal road plan and own part of the property. The plan has been reconfigured to accommodate the City's long-term growth potential and incorporate benefits for neighbors who may want to tie into the site.

The Planning Commission gave the proposal conditional approval, subject to review by the law department and appropriate City departmental staff. Once this review is complete, and any issues are addressed, the project can be finalized.

Finally, at the last Planning Commission meeting we agreed to form a group to blend alternatives for next year's senior housing initiative. From my perspective, I believe it is critical that any plan we develop must include options that are specifically designed to meet the ever changing needs of our Independence senior population. We must remember: seniors have a continuum of care – not just one. Their needs change over time. Therefore our proposal must address senior needs as they change, not just for today or tomorrow, but for the next year, the year after that and five years down the road. We must plan ahead. We must look to the future. The environment is dynamic, it changes. We, as community leaders, must respond accordingly. If we are able to address the continuum of care for our seniors, I'm confident we can gain the support of the community and they will support the proposal at the ballot.

Relative to this debate, which I plan to champion in a comprehensive manner, today the New York Times contained an article entitled, "A Grass Roots Effort to Grow Old at Home." It talks about communities around Washington and Boston that are adopting my "No Place Like Home" concept. It sites a recent AARP study that concludes, 9 in 10 Americans over 60 prefer to grow old in familiar surroundings. What is more, experts are saying that many seniors are prematurely moving from their homes, often in response to minor problems, which are either overreactions or can be avoided or postponed.

A Grass-Roots Effort to Grow Old at Home

WASHINGTON – On a bluff overlooking the Potomac River, George and Anne Allen, both 82, struggle to remain in their beloved three-story house and neighborhood, despite the frailty, danger and isolation of old age.

Mr. Allen has been hobbled since he fractured his spine in a fall down the stairs, and he expects to lose his driver's license when it comes up for renewal. Mrs. Allen recently broke four ribs getting out of bed. Neither can climb a ladder to change a light bulb or crouch under the kitchen sink to fix a leak. Stores and public transportation are an uncomfortable hike.

So the Allens have banded together with their neighbors, who are equally determined to avoid being forced from their homes by dependence. Along with more than 100 communities nationwide – a dozen of them planned here in Washington and its suburbs – their group is part of a movement to make neighborhoods comfortable places to grow old, both for elderly men and women in need of help and for baby boomers anticipating the future.

“We are totally dependent on ourselves,” Mr. Allen said. “But I want to live in a mixed community, not just with the elderly. And as long as we can do it here, that's what we want.”

Their group has registered as a nonprofit corporation, is setting membership dues, and is lining up providers of transportation, home repair, companionship, security and other services to meet their needs at home for as long as possible.

Urban planners and senior housing experts say this movement, organized by residents rather than government agencies or social services providers, could make “aging in place” safe and affordable for a majority of elderly people. Almost 9 in 10 Americans over the age of 60, according to AARP polls, share the Allens' wish to live out their lives in familiar surroundings.

Many of these self-help communities are calling themselves villages, playing on the notion that it takes a village to raise a child and also support the aged in their decline. Some are expected to open this fall on Capital Hill; in Cambridge, Mass.; New Canaan, Conn.; Palo Alto, Calif.; and Bronxville, N.Y.

“Providers don't always need to do things for the elderly,” said Philip McCallion, director of the Center for Excellence in Aging Services at the State University of New York at Albany, “There are plenty of ideas how to do this within the aging community.”

Although not a panacea for those with complicated medical needs, the approach addresses what experts say can be a premature decision by older people to give up their homes in response to relatively minor problems: No way to get to the grocery store, Tradesmen unwilling to take on small repairs, The isolation of a snowy winter.

As these small problems mount, sometimes accompanied by pressure from adult children, experts say, the elderly homeowner is caught off guard. Remaining at home without sufficient help is frightening. But moving to an assisted-living center is often an overreaction that can be avoided or postponed.

“A few neighborhood-based, relatively inexpensive strategies can have an enormous effect,” Mr. McCallion said, “If people don't feel so overwhelmed, they don't feel pushed into precipitous decisions that can't always be reversed.”

For inspiration, the nascent groups looked into Beacon Hill Village in Boston, which pioneered the approach six years ago. Beacon Hill's 400 members pay yearly dues - \$580 for an individual and \$780 for a couple, plus a la carte fees – in exchange for the security of knowing that a prescreened carpenter, chef, computer expert or home health aide is one phone call away.

Experts in aging say the self-help approach provides a sense of mastery, often lost with the move to an institution or even an adult child's spare bedroom. That can-do spirit is attractive to baby boomers like Alisia Juarrero, 59, who is a board member of the Allens' group, which spans the Palisades neighborhood, an enclave of single-family houses northwest of Georgetown, and Foxhall, an adjacent area of attached Tudor homes.

Ms. Juarrero is mindful of the future because of the struggles of her 89-year-old mother and 92-year-old aunt in Coral Gables, Fla. "This is where we're all headed," she said, "If I help set this up, it'll be there when I need it."

So far, most of the villages are in places where residents are well connected and skilled in finance, law, medicine and philanthropy as a result of their own careers. That raises the question of whether the model is viable only in neighborhoods of privilege. But experts point out that most care for the elderly is already out of reach for all but the wealthy.

The amenities of an assisted-living center are far more expensive than a village's membership fee. Medicare does not pay for long-term care, and private help is costly. Only the destitute are protected in old age because Medicaid pays their nursing home fees.

A few villages are cropping up where low-income families live, such as in the Richmond District of San Francisco, with its recent wave of Russian immigrants; Falmouth, Mass., where year-round residents struggle when the summer crowd is gone; and in pockets of Westchester County, like Yonkers, with diverse populations.

In such locations, social service organizations are likely to organize the project, instead of the older residents, and they rely on volunteers or bartered services to keep fees down. One member fixes another's faucet, banks the time and in exchange gets a ride to a medical appointment.

Groups also share expertise online and at local and national conferences, including several this past spring. Some have access to regional resource centers that help with matters like hiring an executive director or buying liability insurance.

In terms of government support, New York State is at the forefront, with a 20-year-old model known as a NORC, or naturally occurring retirement community. Since 1995, the state had financed social services, including nurses and case managers, in many apartment buildings with a concentration of residents over 60. Last year, it added a few suburban neighborhoods, so-called horizontal NORCs.

On the federal level, Congress authorized experiments in aging in place in the 2006 Older American Act but did not finance them.

The Sprawl of suburbia presents challenges to the elderly once they cannot drive. Amid the rolling hills of Fairfax County, Va., one group is grappling with how to serve prospective members in a place with a single general store and five-acre lots. Taxi vouchers may be too costly when running errands can take hours. Recruiting volunteer drivers from 118 home owners' associations and 17 churches presents liability issues.

“The question is distance and time, and the money that relates to that,” said William Cole, 77, the founder of the group. Mr. Cole anticipates yearly dues of \$1,000, which may be prohibitive for neighbors who are real estate rich but cash poor. One likely service, Mr. Cole said, will be advice about reverse mortgages.

Many of the villages are concerned about whether they can provide adequate support once the founding members, who tend to be vigorous regardless of age, decline either physically or cognitively. In this regard, the New Canaan group, with annual dues of \$360 and \$480, may be less vulnerable than most. The suburb already has a home health care agency, an assisted-living center and a nursing home, thanks to years of advocacy by local physician, an 87-year-old board member.

Because of that, “we have the confidence to live without these problems getting the best of us,” said Tom Towers, 69, the board president of the group, Staying Put in Canaan. “And if they do, we take care of it right here.”

The first village in the Washington area is expected to be on Capital Hill. When it opens for business on October 1, annual membership will be \$750 for a couple and \$500 for an individual.

Among those eager to join are Marie Spiro, 74, and Georgine Reed, 78, who share a rambling house that they insist they will only leave “feet first.” Between them, Ms. Spiro, an emeritus professor of art history and archaeology, and Ms. Reed, a retired designer of museum exhibits, have already endured three knee replacements and an array of other ailments.

Ms. Spiro describes huffing and puffing while grocery shopping; Ms. Reed is increasingly reluctant to visit friends across town. Both women, who are childless, would already welcome help with meals, transportation and paperwork. If they need home care, Capital Hill Village will be able to organize that.

“I’ve never had to rely on other people, and I never wanted to,” Ms. Spiro said, “but I’d rather pay a fee than have to ask favors.”

Members of all these groups share an independent streak – and the willingness to plan for the future. Those characteristics were on view recently in a living room in Hollin Hills, a post-World War II development in Alexandria, Va., where a half-dozen neighbors who once organized baby-sitting co-ops are now organizing their final years.

Now, in their 70’s and 80’s, they still drive, play tennis and travel the world. None has yet lost a spouse, but they fear what will happen to the one left behind.

“The vast majority of people don’t have the capacity to be realistic,” said Ruth Morduch, 71. “We don’t know what’s going to happen in X number of years, but we know we’re going to need help. In my own home, that’s less likely to be humiliating. And an organization like this gives me the sense that we’re all in this together, our last grand adventure.”

If we as a community are to progressively seek answers to our needs, like the senior needs solution, we as leaders must have the courage to be bold, visionary and on the cutting edge of this issue. We need to take the ideas from this article and make them a reality in Independence.

The Streets and Sidewalks Committee is reviewing the entire City – some 147 streets – to determine which streets are in need of repairs, and the level of repairs that are needed. Given the City’s financial constraints, we will need to prioritize so that the worst streets are addressed first. Others will have to wait. The Streets and Sidewalks work will also be used to create a Streets and Sidewalks Master Plan. Later this month bids will be accepted for our annual street maintenance contract. We will look at allocating part of our 2008 budget for the interim resurfacing of the section of road in front of the Elmwood Park Pool Building.

Finally, I’d like to commend Councilman Blaze on his introduction of the legislation for the Finance Director to produce a CAFR on a yearly basis and also to create the 5-year capital plan. This type of legislation will help to put the City in a better position to control its destiny in the long-term.

I would also like to commend Vern on receiving his Master of Public Administration Degree. Congratulations Vern. I’m sure his hard work will continue to benefit the City and its residents.

SAFETY COMMITTEE – (GRENDL):

Chairman Grendel reported, on Wednesday, July 11th, there was a Safety Committee Meeting. During that meeting we discussed the ongoing deer issue. Also discussed were vicious dogs. We received quite a bit of research material on this topic from the Law Department and the Clerk.

We discussed traffic light preemption with Chief Nelson and Chief Nicasto. As a result of that, there are two pieces of legislation on tonight’s agenda. The first is Resolution 2007-119, accepting the bid of Signal Service for the signalization of Route 21 and Brookside. This is one of our oldest traffic signals in the City. The replacement will include updated signalization with preemption and mast arm poles. This will bring that intersection up to date and at the same time improve it aesthetically. This is something we budgeted for this year.

Also as a result of our meeting is Resolution 2007-122, authorizing the purchase of traffic signal preemption equipment from Signal Service in an amount not to exceed \$30,000. This is for the intersections of Route 21 and Chestnut, St. Michael’s exit driveway and Stone Road. We had a near accident that took place this summer in that area and the result of this installation will be increased safety for both motorists and our safety forces.

Each year we would like to update one of our older intersections. The Hillside and Route 21 intersection is slated for update next year.

There will be another Safety Committee meeting on Wednesday, August 22nd.

I was disappointed to miss our Home Days while I was on vacation with my family. I didn't realize when scheduling the vacation that it was Home Days weekend. Again this year the Mayor came through with wonderful weather. I know that all those involved did a super job and I would like to commend them. The downtown looks beautiful all the way down to the Gateway sign. We can be proud of our City.

UTILITIES COMMITTEE – (WISNIESKI):

Councilwoman Wisnieski stated, thanks to the Mayor and all those involved for another memorable Home Days. I had an opportunity to talk to a couple of policemen regarding the K-9 Unit and how much value that brings to Independence. It was also nice to catch up with old friends and meet new residents. I heard nothing but favorable comments regarding the festivities. The addition of the corn hole tournament and the fantastic entertainment (inaudible).

I have a suggestion for a theme for Home Days next year. We should welcome the Cavs to Independence. We can have a Cavs motif and ask Dan Gilbert or LeBron to be honorary chairperson of the parade.

The Utilities Committee will meet on August 22nd to finalize the funds that are still available under the maintenance contract. An updated list of available funds and pending projects has been requested from the City engineer. The Utilities Committee oversees the sanitary and creek maintenance contracts.

With all the rain and thunderstorms we've had, I have to mention that I've had several calls from residents regarding what the City is doing to address the flooding problem. Some of them are minor problems and are being addressed by the sewer crew of the Service Department. They have really done a terrific job.

I also continue to let them know what is being done as far as major projects or problems, which are \$50,000 and above. I am still waiting on recommendations from Hydrosphere for the three targeted areas – Brookside, Kingscote and Commerce Park Oval. A plan of action has to be developed.

When Hydrosphere made their original presentation to Council we passed legislation and I had hoped at that time we would better define a process that could be followed in addressing all areas of the City that still need to be reviewed and infrastructure upgrades completed.

Chairwoman Wisnieski asked Mayor Ramos if he could give an update on where Hydrosphere is on their work.

Mayor Ramos replied, I'll try to have a representative from Hydrosphere at the upcoming Utilities Meeting. Did you want a written report or just a verbal report?

Chairwoman Wisnieski replied, we had them at a Caucus a couple of months ago. I think they were going to come back with the results of the surveys they were taking on Brookside. We were waiting for them to get back to us with their observations and a synopsis of what needs to be done in that area.

Finally, be careful while driving when the kids return to school.

LEGISLATION:

SECOND READING

ORDINANCE 2007-37 2007 AMENDED 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 Grendel, seconded by Cichocki, to adopt. Council polled: 7 yes/0 no; motion carried.

ORDINANCE 2007-40 AN ORDINANCE ADOPTING A FIVE YEAR CAPITAL
IMPROVEMENT PLAN AND DECLARING AN EMERGENCY

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

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

ORDINANCE 2007-41 AN ORDINANCE REQUIRING THE FINANCE DIRECTOR TO
PREPARE AN ANNUAL COMPREHENSIVE ANNUAL
FINANCIAL REPORT 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 adopt. Council polled: 7 yes/0 no; motion carried.

RESOLUTION 2007-95 A RESOLUTION ACCEPTING THE TERMS AND
CONDITIONS OF THE DONATION AGREEMENT WITH
INDEPENDENT HOTEL PARTNERS, LLC (PPNS 562-32-006
AND 007) 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 Crooks, to adopt. Council polled: 7 yes/0 no; motion carried.

FIRST READING

RESOLUTION 2007-116 A RESOLUTION APPROVING THE LOT SPLIT, CONSOLIDATION AND VACATION OF PROPERTY (PPNS 561-18-006, 561-18-012, AND 561-18-013) OWNED BY DUKE REALTY, OHIO RELATIVE TO FREEDOM SQUARE DRIVE 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 Grendel, seconded by Cichocki, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.

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

RESOLUTION 2007-117 A RESOLUTION ACCEPTING A PROPOSAL FOR PROPERTY, INLAND MARINE CRIME, AUTOMOBILE AND CERTIFIED TERRORISM INSURANCE WITH NEACE LUKENS 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 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 2007-118 A RESOLUTION AUTHORIZING THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR VARIOUS ADDITIONAL PROFESSIONAL ENGINEERING SERVICES AND DECLARING AN EMERGENCY

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

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

Moved by Crooks, seconded by Wisnieski, to adopt. Council polled: 5 yes/ 2 no (Blaze, Crooks); motion carried.

RESOLUTION 2007-119 A RESOLUTION AUTHORIZING THE PURCHASE FROM SIGNAL SERVICE COMPANY FOR THE TRAFFIC SIGNALIZATION AT THE INTERSECTION OF BROOKSIDE ROAD AND ROUTE 21 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 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.

RESOLUTION 2007-120 A RESOLUTION GRANTING SPA K-9 PERMISSION TO UTILIZE THE PROPERTY LOCATED AT 6491 BRECKSVILLE ROAD 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 Grendel, 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.

RESOLUTION 2007-121 A RESOLUTION GRANTING BOMBAY TAN PERMISSION TO UTILIZE THE PROPERTY LOCATED AT 6479 BRECKSVILLE ROAD 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 Grendel, seconded by Crooks, to adopt. Council polled: 7 yes/0 no; motion carried.

RESOLUTION 2007-122 A RESOLUTION AUTHORIZING THE PURCHASE FROM SIGNAL SERVICE COMPANY FOR THE INSTALLATION OF SIREN ACTIVATED PREEMPTION TRAFFIC SIGNAL

EQUIPMENT AT THE INTERSECTIONS OF ROUTE 21 AND CHESTNUT ROAD, ST. MICHAEL'S EXIT DRIVEWAY AND STONE ROAD 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 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 2007-123 A RESOLUTION AUTHORIZING THE SETTLEMENT PAYMENT TO ROCKSIDE SQUARE 1 (PPNS 561-22-009 & 561-221-010) RELATIVE TO THE ROCKSIDE ROAD WIDENING PROJECT 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 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.

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 8:14 p.m.

Susan E. Kurshuk, Clerk of Council
