

**CITY OF INDEPENDENCE
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 11, 2007 7:00 P.M.
COUNCIL CHAMBERS**

CAUCUS:

Vice Mayor Kurtz called the meeting to order at 5:33 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, Community Services Director Buc, Senior Services Coordinator Kapusta, Marilyn Senick from Community Services, Service Director Snyderburn, Engineer Elewski, Executive Assistant White and David James from Brecksville Road Transit.

Vice Mayor Kurtz stated, on Second Reading is Ordinance 2007-32 creating a rental occupancy permit.

Mayor Ramos stated, I haven't gotten all the information to Council yet. We can leave this on Second Reading.

There were no objections noted to leaving Ordinance 2007-32 on second reading.

Vice Mayor Kurtz stated, Ordinance 2007-38 the income tax allocation. I believe the Finance Director Veres weighed in on this and revised it.

Finance Director Veres replied, we revised the percentages and I think we're still going to be working on some "what if" scenarios. I think the plan was to leave it on second reading.

Councilman Blaze added, second reading while we go over the scenarios. Finance Director Veres is aware of two other pieces in other communities that dealt with these issues in a somewhat similar fashion. We wanted to get a hold of those and review those at the next Finance Committee meeting probably later this month or early in October.

Mayor Ramos stated, I'd like to ask the law department to look at these two ordinances to make sure that this Council can make a policy with regard to future councils and whether or not this is contrary to our Charter. I did have discussion with the law department and this will give them a little time to check into that.

Councilman Cichocki asked, what was our municipal income tax last year? How much did we bring in?

Finance Director Veres replied, \$21 million.

Councilman Cichocki asked, how much did we allocate to capital improvements this year?

Finance Director Veres replied, percentage wise it was close to 48%.

Councilwoman Wisnieski asked, are you including Rockside Road?

Finance Director Veres replied, yes.

Councilwoman Wisnieski asked, the borrowed?

Finance Director Veres replied, yes.

Councilman Blaze asked Finance Director Veres to e-mail Councilman Cichocki a worksheet that was broken down for the last few years. It averaged in the mid teens.

Finance Director Veres stated, I did a spreadsheet showing the last five years of history of the transfer percentages so I can get that to you. It includes this year's transfers compared to last year's.

Councilman Cichocki stated, our biggest expense is wages and benefits. Those are going to continue to increase as well. I can't see that we're going to be able to allocate a third of our budget.

Finance Director Veres replied, keep in mind that this is just municipal income tax. We collected another \$6 million in other revenue - \$1 million in bed tax, \$2 million from the county.

Councilman Cichocki responded, so with \$27 million we'd be spending under 30%, around \$9 million in capital improvements?

Councilman Blaze replied, if you're using \$21 million, around 25% which would be \$5.5 million.

Councilman Cichocki responded, I question whether or not these percentages are realistic.

Finance Director Veres replied, I'll get you the spreadsheet.

Councilman Blaze commented, I wanted it so there wouldn't be any sudden, drastic change to any of the operating budgets. It would gradually go up 2 1/2% per year so it's like a seamless transition.

Finance Director Veres added, it's seamless to get to 2011. Also, money transferred to the TIF Funds that are paying back for capital improvements should be included as well. So our historic percentages from the last couple of years are going to be even more than I showed earlier once I include those transfers or advances to those TIF Funds.

Councilman Blaze stated, we spent a lot of time in the Finance Committee on Ordinance 2007-38. We didn't spend a lot of time on Ordinance 2007-39. Finance Director Veres brought up that Wooster and Westlake both have companion pieces of legislation that he wanted to get copies of for the Finance Committee to see how they play into either one of these or not.

Councilwoman Wisnieski asked, when was that meeting?

Finance Director Veres replied, August 28th.

Councilwoman Wisnieski asked, and we don't have those minutes yet?

The Clerk replied, no.

Councilwoman Wisnieski stated I think it would be helpful if we had those minutes and the document at you mentioned.

Several people speaking at once.

Vice Mayor Kurtz stated, so Ordinance 2007-38 and 2007-39 will be left on second reading.

Councilman Cichocki asked, what are our total revenues for this year?

Finance Director Veres replied, in the Finance meeting we used \$30 million as our estimated total recurring revenues.

Councilman Cichocki asked, and what is our current general obligation?

Finance Director Veres replied, there remains a gray area. I called and voted debt is still considered general obligation date by theory. If we can use non-voted debt and short-term notes then that would be a better all inclusive way to say it so there is no gray area there.

Vice Mayor Kurtz asked, so you want to change it to unvoted debt?

Finance Director Veres replied, I would say unvoted debt. I don't even know if you have to make a distinction between short-term or long-term if you're calling it unvoted debt.

Councilman Blaze stated, the bottom line is that it's a work in progress.

Finance Director Veres added, there is going to be a scale added to this as well because right now we're over the 100%. I have some rough draft numbers. I think it starts at 107.5% and goes down to 105%, then 102.5% and then 100%. Then even under 100% because my thought was that as your income increases does that mean that you're debt limit should increase as well? I think I brought it down to 97% as the bottom number. Again, that is up for discussion.

Vice Mayor Kurtz stated, next is Resolution 2007-126, the purchase of the Motor Coach bus. You have all received a copy of a letter from Mr. Goebel giving his opinion on this bus.

Vice Mayor Kurtz asked David James of BRT (Brecksville Road Transit) if he would like to speak.

David James replied, I would just like to express my concern. My father and I own and operate a company that has served this community for almost 100 years. My concern is that this is a big piece of equipment. When MCI started building buses in the 1960's they came out and said they're going to build a bus that will be able to go a million miles in ten years with very little maintenance. That being said, those are designed to be on the road 100,000 to 125,000 miles per year.

I agree what Mr. Goebel has to say in his letter. I was looking at a comparable coach that I operate that this year ran at almost \$.90 per mile in maintenance expenses and fuel, just to give you an idea of where you're at.

Another concern I have is the Motor Carrier Enforcement arm of the State Highway Patrol inspects all motor coaches in the State of Ohio before we're allowed to get a license plate. As far as I can tell, you guys aren't under any inspection program whatsoever. And please remember that this is the exact model that burned to the ground in Texas due to lack of maintenance in their brake system.

I think the residents deserve a motor coach or vehicle, a bus that can handle wheelchairs. There is no question in my mind that you need a wheelchair accessible coach, but the way I looked at the numbers, you barely needed that coach eight times a month, eight days out of 30. That's a utilization rate that is way out of line.

The number last discussed was 483 trips were needed for a large vehicle over five years. If you divide that down to months, that comes out to around eight trips per month where a large vehicle is needed. I think your money is well spent to buy a smaller vehicle that is on a truck chassis that is more recognizable by your mechanics, to be workable. They can work on it.

As Tom Goebel pointed out in his letter, these things GVW (gross vehicle weight) out at 50,000 to 55,000 pounds. That's gross vehicle weight with everybody onboard. That's a lot of weight. Just think of RTA buses being 25% heavier. This thing has no turning radius. The tag axle does not lift. It's dragged when you're making turns. So those tag tires are getting dragged and they're wearing three times faster than the steering axle when you're always making turns, especially in city traffic.

We watch these things all the time. We spend a lot of time and effort as my \$.90 per mile proves in trying to keep this coach maintained to top standards.

The salt that we put on the highways today is attacking the electronics on your coaches like you can't believe. If you want to hang on to this coach for ten or fifteen years it's not the first four years, it's the ten years beyond that that you could spend big bucks trying to maintain a nice piece of equipment. Whereas, I think you can buy a very nice comfortable piece of equipment that can handle a wheelchair on your shorter trips. Contact licensed, certified operators in the area – Brecksville, Lakefront Lines, Cleveland Southeastern, Anderson, Midtown Express are all very capable operators who handle and operate the same kind of equipment, with and without wheelchairs.

Director Snyderburn asked, how many MCI buses do you own?

David James replied, we own six.

Director Snyderburn asked, and how old are they?

David James replied, they run from 1990 to 1999. The 1999 is the one with the wheelchair lift.

Director Snyderburn asked, so you own buses that are 17 years old?

David James replied yes. They will run circles around anything you have here.

Director Snyderburn responded, so MCI is a very good bus.

David James responded, it is. MCI, Prevo and Cetra are all top manufacturers. They don't survive the North American market if they're not.

Vice Mayor Kurtz commented, I hear what you're saying but you're only saying that the size of the bus is what we should be concerned about.

David James replied, the size. This vehicle is huge.

Vice Mayor Kurtz asked Director Snyderburn, you mentioned at the last meeting that you can't do the electronics?

Director Snyderburn replied, no, I can't. I would not be able to do the electronics unless I had somebody trained. It was mentioned that we're not under state inspection and a bus burned to the ground because of the brakes. My mechanics inspect our vehicle all the time. I'm not saying that it doesn't break down but we have a 1995 and had plenty of problems with it. My mechanics have fixed every single one. We very rarely would take that bus back to Bluebird. I want it noted that our mechanics are very knowledgeable and know these buses.

You are right that they will probably not have diagnostic qualifications for the electrical components on this bus. I would have to send them to school.

You talk about a smaller bus but these MCI buses are very good buses.

David James replied, yes they are. They are a very good coach. I think there was some information sent over to you on coaches coming out of ADC that have a very solid chassis. You ought to look into them. MCI is not the largest manufacturer of coaches in the world. They may have the biggest chunk of North America. Daimler Chrysler comes out of Germany. Van (inaudible) comes out of Belgium.

I have four Prevos right now that are averaging 100,000 plus miles per year. They don't have wheelchairs on them but I'm able to get around \$.55 per mile as my maintenance expense.

Vice Mayor Kurtz asked, will we have problems if we only put 15,000 miles a year on it?

David James replied, that's nothing.

Vice Mayor Kurtz asked, in terms of the life of the bus. Does that mean we'll get much more life out of it?

David James replied, no. More than anything, sitting buses get out on the highway and get the stuff underneath and a chemical keeps salt active much longer. The bus sits. It doesn't get cleaned or washed and it sits too long, it causes more problems from sitting too much.

When operators go looking for used equipment they try and find equipment that has not been sitting in the yards for one, two or three years.

I know the coach you're looking at is used and it has not been sitting very long and it's an opportunity, but I also know some great bus salesmen that will sell ice to an Eskimo too.

Vice Mayor Kurtz asked, is the warranty important?

David James replied, warranty is important for those of us who operate and run them on a heavy schedule. Is there any warranty involved here?

Vice Mayor Kurtz replied, it expires I believe in August of this year.

David James replied, you can buy an extended warranty on the transmission and the engine. The chassis comes to an end. You're on your own.

Director Snyderburn commented, it began in January of 2005 so the warranty would pretty much be up.

Councilman Crooks asked, who is part of the group that when a bus comes to the City or an opportunity comes before the City, who is part of the group that will review the bus?

Mayor Ramos replied, Bob Williams, Dave Snyderburn, all the mechanics, the drivers, Kathleen Kapusta, Marilyn Senick and Natalie Buc are involved in the process.

When we inspected the buses that came to our attention all of us were involved and we also extended an invitation to everyone to come and take a look at it if they wished.

We've gotten the input of a lot of people. We've gone through the process. We've been putting money aside over the past three to four years. This is not anything that we decided to do on the spur of the moment. This has been contemplated over the past three or four years. This is the last payment. We looked at all the options. We looked at smaller buses. With all due respect to Mr. James, it's a practical thing. There are a lot of intangibles. I think that Kathleen, Marilyn and Natalie have been able to tell you about the intangibles.

The problem is that we're very service oriented. Things change rather quickly. If we're talking about the bottom line being the price, I agree with Mr. James wholeheartedly. If you're talking price, you're absolutely right. If that's the bottom line then we don't need to act on this resolution if we're only looking at price.

In the operation of this City, whether it be bus, garbage pickup, snow removal or cutting down trees, we don't just look at the bottom line being the price. We look at service. We look at what we do for our residents. We look at the types of programs that we have and things like that. That's all I'm asking Council to take into consideration.

We have a bus here for \$388,000. Mr. James indicated that he's had one for 17 years. If we have that investment over a 17 year period, and I understand the maintenance and I understand the manpower and everything else involved, but I think there are a lot of intangibles that need to be taken into consideration.

How much they're worth is another thing. It's almost a balancing. If you're just looking at price, then we should not buy the bus because we should just rent a bus. But if you're looking at price plus the intangibles, plus the other things we talked about – different programs, different types of trips and combining with Brecksville, it becomes a little bit more gray.

Councilman Crooks replied, I understand and I respect your comments. It makes sense. My follow up to that is to the team who evaluates these buses or who are presented with these opportunities, are the prospects so dim, or is there the likelihood that we will receive more buses like this before us that may not cause concerns with some of these experts or even the Finance Director that we have to make a decision on this bus?

Vice Mayor Kurtz responded, there is a new product coming on the market by ABC, a midsize, midrange bus with 37 to 39 passengers, wheelchair accessible. It looks like a big bus. I think it's in the range of \$225,000 to \$275,000 laid out. Van (inaudible), did you say that's a comparable bus.

David James replied, yes. Actually, that chassis is being made here in North America for the most part if I'm not mistaken.

Vice Mayor Kurtz responded, so it will be American built.

David James responded, North American built.

Mayor Ramos asked, how does that compare to MCI?

David James replied, I would say you would have at least a ten year life span on that coach. But then again, we haven't seen it on the market yet. Many of us in the industry are looking for that kind of a coach. Quite frankly, our groups are not as big as they used to be. The school groups are still fairly large but the senior market has been dropping off.

Vice Mayor Kurtz asked Marilyn Senick, is this the bus that would go to Amish Country?

Marilyn Senick replied, this could go, yes.

Vice Mayor Kurtz asked, would this be taken to shopping?

Marilyn Senick replied, no, the mini bus is usually used for shopping. This bus would be for our regular trips. We've gone to Amish Country, Columbus, Cincinnati, downtown. It's an array of trips.

Councilman Grendel asked, they're always in the state?

Marilyn Senick replied, yes, although we have been looking into doing some out of state trips.

I can't speak to the mechanics of the bus. I can tell you about the service that we provide. I don't think there is a day that doesn't go by that I don't have three to five seniors after a trip say, I don't know what I would do if you didn't have trips and we didn't do everything we did. I don't know what I would do if we couldn't bring our neighbors or our friends on these trips.

They come in and say, Marilyn, we need a bathroom.

We need a wheelchair. If you're going to get a 37 passenger bus or a 39 passenger bus, you're going to lose four seats. I have four trips this month that already have 41 people going.

A couple of weeks back when I checked with two of the major transportation companies and they did not have wheelchair available for me through the end of the year. One company only had one wheelchair. So if we want to meet the needs of our disabled people, I would not be able to get a wheelchair. Another company had no wheelchairs. So there are other issues. In black and white it's easy to say that it looks good. We've said this before and I tried to get numbers last time, but in a five year span, based on the trips that I did, it would have cost us \$371,000 to lease a bus just for the trips that I had with over 24 passengers. Some of those trips were 33 passengers. Some of those trips were 37 passengers. There were no wheelchairs. We didn't accommodate anyone who needed a bathroom. Those are the things you're not going to see on papers.

I can tell you what the seniors are asking for and what other residents are asking for. My concern is that when I tried to get a bus this past week nobody had a bus available. Our bus broke down four days before the trip. Again, I'm saying that two months out I can't get a wheelchair from the two companies that I checked with. So those are concerns of mine. It's not as simple as saying that you don't use 41 passengers. Maybe I could use 50. I can't guarantee you that, but I know that we have the need. If I have five or six trips a month and all the organizations are doing trips, that bus is out every single day. There may be a couple of Sundays that it's not out. There have been two Sunday trips that have 30 and 35 people on it.

Vice Mayor Kurtz asked, they're mostly relatively short trips then? We only put 13,000 miles per year?

Director Snyderburn replied, 15,000 or maybe 20,000 a year. They're all relatively short trips.

Marilyn Senick added, they don't go overnight – Cincinnati, Marietta. I don't do that every month. I do that's maybe ten times a year.

Several people speaking at once.

Marilyn Senick commented, with 37 passengers we've already lost four people with one wheelchair. We're talking about two wheelchairs.

Vice Mayor Kurtz asked David James, how much would you charge to rent a bus?

David James replied, you can figure around \$1,000 per day. My price structure runs around \$460 for the bus plus \$1.35 per mile.

Director Snyderburn commented, 200 miles is already \$800. That would be for a round trip.

Vice Mayor Kurtz stated I talked to Bob Williams and he said that our cost was \$4.35 per mile.

David James replied, that may be all of your fixed expenses rolled into a mileage rate. There are operators in the area getting \$3.75 per mile for that size coach.

Marilyn Senick stated, I checked out five, ten, fifteen trips with a bus company and the average was \$800. Some were \$1200 per day. If you're going downtown it's \$700.

Director Snyderburn commented, if you wanted to go 100 miles, and if it's \$3.75 per mile, the guy isn't going to give you a bus for \$375.

David James responded, we have minimum rates.

Marilyn Senick stated, when I tried to get a bus for the trip on Saturday he said it's a flat rate of \$800 wherever you're going.

Mayor Ramos stated to David James, say it's 100 mile trip one way so it's 200 miles round trip. What would you have to charge?

David James replied, to look at it one way it would be \$460 plus the 200 x \$1.35 per mile so you're probably pushing \$800. Some operators will price it and say, how many hours are you going to be gone? Are you going to be gone 12 hours?

Mayor Ramos asked, is that factored in?

David James replied, different people price differently. Between the four companies that Marilyn contacted, none of us price the same. We all come in pretty close. We'll probably all get to the same end number.

Marilyn Senick stated, I don't know if you can put a price on this one, but when we went to Catawba and there were two Lakefront buses there filled for the yacht club and our bus was out there. There were 200 people there and there wasn't a person that didn't walk by and say, wow, City of Independence. You have your own bus?

Vice Mayor Kurtz responded, I don't know that anyone is questioning getting a bus. Maybe the end result is we buy a bus but then we still rent one when we have a large trip like with Brecksville, because who wants the liability of all those people on that bus?

Marilyn Senick responded, again, the question is, how far in advance?

Vice Mayor Kurtz replied, you know your schedule.

Marilyn Senick replied, but you don't know the number of people on that bus.

Vice Mayor Kurtz responded, but you're going to rent a bus. A bus is a bus. The bus doesn't know if you have 25 or 45.

Marilyn Senick responded, if you have 25 you're paying the \$800, the same as with 45. I'm saying that in five years strictly with the trips we have, we'd spend close to \$400,000.

Vice Mayor Kurtz responded, I don't know if you can use that as a barometer because you're not taking into consideration your costs of operating, your cost of labor, your cost of maintenance, your cost of wear and tear, your cost of insurance. You have the same factors that they have.

Marilyn Senick responded, I understand what you're saying but if the bus lasted ten years then there's five more years onto that and basically you've paid for your bus.

Vice Mayor Kurtz replied, that's not true because when you buy a vehicle you're supposed to have your first three, four or five years with less maintenance because it's new. You're maintenance factor then goes up exponentially in the last five years of your bus.

Marilyn Senick responded, you mentioned a 37 passenger bus. That would take us down to 32 seats.

Vice Mayor Kurtz replied, I don't know. They're building these midrange buses now with a different configuration. I don't know how many you're going to lose.

As far as the bathroom, I think in one of your reports you said that 25% of the people use it when you make a stop. This bathroom was more or less identified as an outhouse. You don't want 25% of the people using that bathroom because the poor people sitting near it are in bad shape. When I took a trip to Washington we had stops. You build that into your program. You stopped and everyone went to the bathroom and got back on. I think a bathroom would be for emergency purposes only. It's not supposed to be to avoid a stop.

Marilyn Senick replied, you stop but I'm saying they may not have gotten off the bus. I don't know. Maybe they got off the bus to stretch their legs. I'm just saying that that's how many people got off the bus.

Councilman Grendel asked, this bathroom doesn't have a sink does it?

David James replied, most do not.

Vice Mayor Kurtz added, no, you have an outhouse.

David James stated, you should have a handwipe or sanitizer in there but there is no sink in there. It's a holding tank.

Councilman Crooks asked, to the team who would evaluate these buses or to whom the opportunities will be brought, is it unlikely that an opportunity like this is going to come before us anytime soon, where we would have to make a decision on this bus in particular?

Mayor Ramos replied, there may be. We had an opportunity to buy a bus many a year older about two weeks ago. We've been keeping an eye on it because we were initially looking at buying a new vehicle but the new vehicles were running in the high 400's and 500's. Consequently, we scaled down our sites into looking at vehicles that have around 100,000 miles due to the fact that most of these buses have a million mile life. We felt that rather than paying a half million dollars, we'll pay \$120,000 less.

Are there going to be other opportunities? There may be. I can't say that it's going to be a better bus. It might an older bus. It might be a newer bus. I'm sure that there are always some other opportunities coming down the pike because this is the second or third bus that we looked at. This is the second one that we looked at. The first one had issues and wasn't in as good of shape as this one. This one is probably the top of the line and in very good shape. The mechanics went over it. Everyone went through all the issues. There are a lot of upgrades to it that may not be present on the third, fourth, fifth or sixth vehicle, or maybe there will be. I don't know.

Councilman Blaze asked David James, in your company do you buy all new? Do you buy a mixture of some new and some used?

David James replied, I buy a mixture. It depends on its usage. For my casino line operation I was going with new equipment because I wanted that warranty time. Quite frankly, in 30 months I was well over 200,000 and 300,000 miles. We're really cranking it out there. When I'm buying coaches for the school market I'm buying good used equipment. I shop hard. I know who the operators are. You have really got to keep an eye on the market and spend a lot of time. There are a lot of coaches out there sitting in a lot of yards. You see more coaches coming back into those yards. Leases are running out. You could buy a coach that is 10 years old with a wheelchair lift, 55 seats, comparable to the RTA design, you could probably get it in the \$225,000 to \$250,000 range. It might need a little bit more maintenance. It might have a little older electronics that his mechanics would be familiar with. This is not the newer stuff. It might still last you another ten years, but you have to be able to know what you're looking at and you have to know what you're shopping for.

Mayor Ramos commented, our concern with the Bluebird is that when we were talking about trading in our Bluebird they wouldn't give us anything for it. They didn't even want their own bus back.

David James responded, I don't think they're manufacturing anymore either.

Councilman Grendel asked, when we bought our current bus did we buy it new?

Vice Mayor Kurtz replied, yes.

Councilman Grendel asked, who in the City is looking? We don't have an expert.

Director Snyderburn replied, we take a look at it. That's why I said MCI. It's like buying a Cadillac. That's why we went to MCI. We asked, who builds the best bus. When you look at the bus it's under warranty. You look at the engine. My mechanics look at it. Obviously I didn't have a bus manufacturer look at it. The guy that's selling us the bus is going to say that it's the best bus. We could have an independent guy look at it but it has 100,000 miles on it. It has been running good. We've seen the maintenance schedule on it. We figure we're buying a used bus – so far so good. If you're asking if I had an independent expert look at the bus, no, we didn't. We could.

Councilman Cichocki asked, if we don't buy this bus, what will we do for our trips in the next three to six months?

Mayor Ramos replied, we're going to continue using our current bus. On the longer trips we're probably going to lease a bus. I'll be honest with you. It's getting to the point where we have to start doing that.

Director Snyderburn assures me it was not a big thing but we had an incident. We went to Blossom. There was something within the bus that the bus shut down when it overheated. It was something with the radiator. So the bus was shutting down which it was supposed to do. That's how the system was designed. The problem was that the bus shut down around 25 times between Blossom and here. This was at midnight. They're coming down country roads. It's a concern.

When I heard that, I told Marilyn to look into renting a bus because I think it was going to Wooster. Until I was given assurances that the current bus was fully operative I'm not going to send it out. I certainly don't want to jeopardize the safety of the residents. When you breakdown someplace it's kind of alarming. It's no consolation in telling the people that that was the way the system was designed, to shut down. They want to get home.

We're guarded right now. If it gets to the point, we will start leasing a bus. The problem with leasing a bus is being able to lease a bus on such short notice.

Marilyn Senick added, we couldn't. I called a larger bus company and they had nothing available for that week. Then I talked to Tim Tomko and he assured me that the bus was going to be ready. And it was.

I called the woman in charge after the trip and she said everything was great. But, I couldn't get a bus on such short notice.

Marilyn Senick stated to David James, I'm not putting you on the spot but I did call before Council Meeting last month and I was told by the person in charge that you had no buses until next April or May. I'm saying that the feedback I got from the bus companies that I checked with, the words were don't bother even asking me for April and May. We're booked.

David James responded, if you're asking for Saturdays in April and May.

Marilyn Senick replied, I wasn't. I never asked for a specific date. I may have been given wrong information but I came back and reported that. I'm told by a large bus company that I can't get a bus in April and May. I have a lot of trips in April and May.

Director Snyderburn commented, our responsibility is for the bus to be safe. We're looking for the safety of the passengers. I would never send that bus out if I didn't feel it was safe.

It shut down that many times because it has a Kaiser system on it. It functioned exactly the way it's supposed to function. The problem is, I don't want to see that bus shutting down 20 times in the middle of a highway and the driver doesn't have any steering. That's where the safety factor comes in. It did it because it needed a new radiator. We put in a new radiator and everything is fine. Still, the fatigue on the frame of this bus is a concern. We just inspected it again. The frame is starting to roll. Right now we said we'd keep an eye on it.

We need to do something. I told you a year ago it's going to last a year. Whatever you do I don't want to be the one responsible for saying that I told you that frame was safe and then something happens.

David James is right. The salt takes a toll on every piece of equipment and there is more and more salt. They're now using liquid calcium and it's eating everything up.

If you're asking me how much longer we can use this bus, maybe three to six months, but maybe not. I'm saying that you need to get a bus, or you need to lease a bus.

Councilman Cichocki commented, I'm hearing David James say there are a lot of buses available out there and I'm hearing the City saying that we're not finding the right buses. I'm wondering if someone like David James would be available to be a consultant to the City in the purchase of a bus.

David James responded, yes. I'm looking for buses right now myself. I found two or three 2005's for less than \$300,000 a piece.

Vice Mayor Kurtz asked, would you consult to us to make sure that we get the right product?

David James replied, yes.

Vice Mayor Kurtz stated, he's in the field. He's out there and he can apply our needs to the market and then have the City people go over it. I'm not for a used bus. I'm really struggling with a used bus, but if you look at a used bus for five years and then replace it with another used bus for five years, rather than try to hang onto a new bus where the best life is the first five years, all of a sudden you're struggling the last five years like we're struggling now in the third trimester of a fifteen year lifespan. Maybe that's something we should look at rather than focus on a ten or fifteen year life and the last five to seven years there are concerns.

Mayor Ramos responded, I'm open to it. The problem that comes in is when you start talking about two wheelchairs it takes away eight seats. So if we want to have 43 people on the bus, plus to wheelchairs, we need a 51 passenger bus. That's what it takes it up to. If we're going to order a 35 passenger bus plus two wheelchairs, that takes it up to 43. That's why we got to the point of such a big bus. We needed two wheelchairs to accommodate people because right now we can't accommodate them. That's how the passenger limit was boosted up. If we sat down and said, these are our specifications, you can be rest assured that we're looking at anywhere between a 47 and 64 passenger bus in order to accommodate two wheelchairs.

Vice Mayor Kurtz responded, how often do you need a two wheelchair bus and 47 people?

Marilyn Senick replied, I don't know because we've never offered it.

Vice Mayor Kurtz asked, when you offer it you would lock in your plan, right?

Marilyn Senick replied, right.

Vice Mayor Kurtz replied, maybe that's when we lease it, for those specific trips. Sometimes maybe we just can't accommodate everyone. Like kids on a baseball team, if they don't sign up early enough, maybe they're just not going to make the team.

Marilyn Senick responded, as far as registration so the wheelchair registration wouldn't hold up everything, we would require their registration first. That way both would be accommodated.

The other issue though was the fact that I called for all the trips throughout the year and they just had one bus available or a bus wasn't available.

Vice Mayor Kurtz replied, I would venture to say that various bus companies around here work as a consortium to help each other. They would have to find you something. If you lock in with one of them, they would have to find you something within the network of buses to accommodate your needs.

Marilyn Senick replied, I didn't ask those questions.

Vice Mayor Kurtz asked David James, do you work as a consortium where if you don't have what someone needs then you'll go to another bus company?

David James replied, we start looking around.

Marilyn Senick asked David James, how many wheelchair buses do you have?

David James replied, one.

Marilyn Senick responded, the Goebel family has five. One is always out. I talked to the bus companies. What are the chances that if you've only got five buses, that you haven't accommodated a gambling trip? How many buses are out on these for days or weeks?

David James replied, it varies. I have availability on Mondays and Tuesdays all over the place. It's not that we're solidly sold out. I don't think the questions were interpreted right by my staff correctly. Currently for ADA requirements you call me and request a wheelchair lift, we have to try to accommodate you to the best of our ability up to 72 hours before the trip.

Marilyn Senick asked, what do you do if you only have one wheelchair bus?

David James replied, we start calling some of the other operators.

Marilyn Senick asked, hypothetically, what if I called and they didn't have a bus available?

David James replied, sometimes it does happen. Change your date.

Marilyn Senick replied, you know that that's not that easy. I've been doing this for ten years. There are only certain weeks they have a certain show. There are only certain days I can go to a particular program. Every program or every trip isn't seven days a week. It may be only two out of a year.

Vice Mayor Kurtz commented, maybe we have to do what was suggested. If Mr. James is willing to invest a little time with us to help us understand what is best for the City of Independence, as a taxpayer, homeowner you have a vested interest in us making the best decision in the long-term. Does it make sense to sit down with out people? If I can be assured that a bus is available on Monday and Tuesday, maybe our trips become Monday and Tuesday trips. Maybe there are answers that we don't know. I know a little bit about transportation because I own trucks but that doesn't mean that I have an understanding of your needs. When you're spending \$400,000 on something and it's a specialized piece of equipment and I understand that when you load up a wheelchair it's six feet off the ground and you're crooked and you have to be level then you have to reposition. It takes a half hour to do that. If you have seniors on there waiting for somebody to get on it's not going to be an easy situation.

Councilman Klepacz commented, I think any bus that we get has to have a bathroom, as was pointed out, for emergencies. We're dealing with an older age group. I am very familiar with some older people. If you don't have a bathroom, it's like the wheelchair, you are eliminating

those people who for whatever reason cannot go for more than 20 minutes, a half hour or an hour without using the bathroom.

Why is it that we need to purchase a bus? Have we looked at leasing a bus? People lease cars. They don't buy them. Basically, the leasing company is taking over the maintenance etc. For example, this particular bus we're talking about, would that seller be willing to lease the bus for a period of time, or look at another 51 passenger bus that we can lease instead of buy?

Mayor Ramos asked, I think we provided information regarding leasing didn't we?

Councilman Blaze responded, it may have been in our packet at one time. I don't know if BRT leases any buses but I'm under the impression that if you do lease, the maintenance burden is still on your shoulders as the lessee. Secondly, leasing is really just another term for financing. I think there was an imputed interest rate of about 4.6% included in those calculations that you gave us last month in regard to possibly leasing this bus. If we've been setting aside the cash on a periodic basis for the last four or five years to pay for this, my initial reaction would be, why go out and pay 4.5% interest when we have the cash designated for this use? I wouldn't shut the door on it either. It's an option on the table. It's just not the first option for me.

Vice Mayor Kurtz commented, we have an issue on the table. I've heard a variety of suggestions. What does Council want to do?

Councilman Grendel replied, I agree with Councilman Cichocki's suggestion of having an expert work with us and advise us.

Vice Mayor Kurtz responded, it makes more sense to me than jumping in.

Councilman Cichocki commented, I don't think there is a majority that supports this legislation.

Mayor Ramos commented, with all due respect, we didn't jump into this. This has been going on for over a year. We've been studying this for a year.

Vice Mayor Kurtz replied, jump in based on dialogue that was around this table. We're talking about a variety of different opinions at this table and before we just jump in, I was suggesting that we listen to everybody at this table.

Councilman Crooks asked, this would have to be done sooner rather than later then if we follow your path?

Vice Mayor Kurtz replied, realistically, this particular bus will probably not be purchased. Mr. James will give us the right direction and help us apply the right logic with respect to the overall interests of the City. That's what I'm hearing everybody saying.

Vice Mayor Kurtz asked David James, are you willing to do that?

David James replied, yes.

Vice Mayor Kurtz asked, is that the consensus of Council?

Councilman Blaze replied, in the second whereas clause it says that the City has received bids. Did we actually receive a number of bids or are we just counting all the buses we've looked at in the last year?

Mayor Ramos replied, I think we received a number of them.

The Clerk added, we've bid for a new bus twice but the bids submitted were not what we were looking for. I believe there were only one or two bidders on each one. There were very few.

Vice Mayor Kurtz asked, are you allowed to say we took bids if it's a used bus?

Director Snyderburn replied, we took bids on a new bus.

Vice Mayor Kurtz replied, but if somebody reads this legislation it looks like we took bids and this is the bid we received.

Law Director O'Brien asked, did we offer bids or were these proposals?

The Clerk replied, we bid twice but none were accepted.

Law Director O'Brien stated, so these would be proposals. So the language should be changed.

Vice Mayor Kurtz replied, I guess it's a moot point at this point. So we're going to remove Resolution 2007-126 and the Mayor will coordinate.

Mayor Ramos replied, I'm the sponsor of this and I don't remember removing it.

Vice Mayor Kurtz asked, what would you like to do?

Mayor Ramos replied, we'll see.

Councilman Klepacz asked, so we're going to proceed with this?

Mayor Ramos replied, yes. With all due respect for David James, this has been ongoing for many years. We've been looking at this issue for over a year. We've been putting money aside. We've been discussing this. I have a lot of trust and confidence in the staff as far as our needs. The staff is going to go back to Dave and say, we need something in the area of 47 to 52 passengers. There is a finite number of buses available in that range. It's not like there is going to be ten different buses. There is a finite number. Of that finite number, the MCI is going to end up on top because it is on top. It's as simple as that. We've been going around and around and around and around. We provided all the information that we had. We were asked to provide numbers of the numbers of trips, how many people were on the bus and how much it costs. I guess I'm a little disappointed in the process.

Councilman Grendel responded, as John Veres indicated, where is the \$58,000 shortfall going to come from? We've been setting aside money every year and all of a sudden this year we didn't set aside anything. That should have been part of the process early in the year if we were short, if we were looking for buses in this price range. We should have set aside according to schedule.

Mayor Ramos responded, four years ago they anticipated that the bus was going to be in the area of \$400,000. Consequently, we took five years and divided it into that and put money aside accordingly. This is really no surprise as to the price.

Councilman Grendel responded, but nothing was set aside in 2007.

Mayor Ramos replied, because around the time of the budget there was a question whether we should put money aside because we should look at the possibility of finding a smaller bus.

Councilman Grendel responded, if we'd set something aside earlier this year I would feel a lot more comfortable that we have the money.

Councilman Blaze commented, I'm hesitant to approve a piece of legislation that we don't have all the money encumbered for right now. Is that possible? We can't just consummate a transaction until we do amend the appropriation ordinance.

Law Director O'Brien replied, the contract couldn't be signed until John Veres would sign the certificate saying that the money is available and encumbered.

Councilwoman Wisnieski stated, the Vice Mayor alluded to the cooperation with Brecksville regarding the buses. Can I hear more about that program? I don't know that I've received any information on that.

Marilyn Senick replied, Brecksville approached us about possibly having their residents come with us on bus trips to go out of state. We don't go out of state. They wanted to do an out of state trip so that is how we came about working with Brecksville. It wasn't to be an every month trip but maybe three times a year at this stage. This is to offer something more to our residents. Our Senior Organization was doing trips and the two people that were handling the out of state trips retired so we wanted to continue to offer that option to our residents. We thought it would be a good marriage to try something with Brecksville. That's how that came about. We would never offer a trip and shut our residents out. Our residents are primary. That was just a separate trip to go out of state and maybe two others throughout the year at this stage.

Councilwoman Wisnieski asked, what does Brecksville do for bus trips? They have a small passenger bus. That's how few people they take. They may lease a bus. They have to have a certain amount on the bus.

David James stated, they charter buses all the time.

Marilyn Senick responded, but they don't do as many trips as I do. They don't have the volume of trips of 20 to 25 trips a month. They offer maybe one or two a month.

Vice Mayor Kurtz asked, so you want to combine efforts to go out of state.

Marilyn Senick replied, yes, out of state trips.

Vice Mayor Kurtz asked, is there anything else on Resolution 2007-126?

There were none.

Vice Mayor Kurtz stated, next is Resolution 2007-127, a change to Council Rules.

Councilman Blaze stated, this was a piece of legislation I had on First Reading in an attempt to speed up the roll call process. Some of my colleagues had problems with Rule 13 regarding voting, with the exception of abstaining, no member of Council has a right to explain their voting. That clause raised some questions.

Law Director O'Brien replied, if you looked at current Council Rules, in the absence of any Charter provision, ordinance or rule (inaudible) Council shall be governed by Robert's Rules. Roberts Rules specifically says that when a motion is on the table for a vote that no discussion shall be had. We don't follow that rule. You can also put in here the contrary. You can say that Council Members will be allowed to opine prior to a vote. A lot of times they do that in their own report. That was something that we put in there just to follow the genesis of what you were trying to do. Again, you can do the flip side and Robert's Rules would not be valid.

On reviewing this, if you are going to go to an oral (inaudible) vote, it's going to be hard for the Clerk to tally those votes. I would suggest that we move her from her current position with Council approval to facing or perpendicular so she can view the vote.

The only other thing is that we could add that in addition to saying yes they raise their right hand.

Councilman Blaze stated, Rule 13 was another option. We could specifically state in there that we want to deviate from Robert's Rules and prior to adoption any council member has the right to explain their vote. I would ask you to make that amendment. There is no hurry on this. I don't have a problem keeping it on second reading and get a revised version back to us.

Councilwoman Wisnieski asked, is the purpose of this legislation to speed up the council meeting? Is that the main goal?

Councilman Blaze replied, I've seen it done and I thought it worked quite well. For our legislation, our names are 21 times for each piece of legislation. Through this method it could be three times – all in favor for title only, motion to suspend the rules and then motion to adopt.

Vice Mayor Kurtz added, with the motion to adopt there is an opportunity for questions so anyone can still talk.

Councilman Cichocki asked, how about a hybrid? We always suspend the rules and we always do title only. Why don't we just do those by voice vote of everybody and then an individual vote on the adoption of the legislation itself?

Councilman Klepacz commented, I'm glad you suggested that. I was going to say that there was no way I would ever give up my right to a roll call vote on the adoption.

Councilwoman Wisnieski asked, is the goal to speed up Council Meeting?

Councilman Blaze replied, I think it would speed things up tremendously.

Councilwoman Wisnieski asked, speed for time?

Councilman Blaze replied for simplification.

Councilman Cichocki commented, it's kind of a formality for title only and suspension. I have no problem with it for those.

Councilman Blaze replied, if that's what the majority of Council wants to do, then I don't have a problem with that.

Law Director O'Brien stated, I hope you don't mind but in my conversation with Councilman Blaze he inferred that if we were to quicken the perfunctory nature it would give Council an opportunity to go out and talk with constituents before (inaudible) discussion in all fairness.

Councilwoman Wisnieski responded, that's what I thought was part of the impetus behind this legislation. I guess I would look at the alternative of having two council meetings a month if you can't spend quality time at the meeting.

Several people speaking at once.

Councilman Blaze commented, it's not quality time if the emphasis is just rotely calling our names off and it's just yes, yes, yes, yes. It's more efficient and speeds thing up if it's done at one time.

Councilwoman Wisnieski responded, I just want everyone to have the ability to speak whenever they want.

Several people speaking at once.

Councilman Blaze stated, I don't have a problem with that.

Vice Mayor Kurtz asked, what does the majority want to do?

Councilwoman Wisnieski replied, I'd like to see this go to Rules & Ordinances.

Councilman Grendel stated, for title only and suspension is pretty perfunctory but then have a roll call.

Councilman Crooks commented, I think it's a great idea. I've seen it done before. To say are we speeding things up is not the best way to put it. I think it's a matter of efficiency. If time makes it more efficient or we cut down on time it falls under the umbrella of efficiency.

Vice Mayor Kurtz asked, is anyone objecting to that procedure that Councilman Cichocki proposed? Mayor?

Mayor Ramos replied, fine with me either way – title by voice vote, suspend the rules by voice vote and then roll call for adoption. Title and suspension are usually 7-0 anyway.

Councilwoman Wisnieski asked, what was the reason for voting in rotating alphabetical order?

Councilman Cichocki replied, that was because certain people always had the option of controlling the legislation if you have a close call.

Councilwoman Wisnieski asked, so that would eliminate the rotating?

Councilman Cichocki replied, it would still be a rotating format.

Councilman Grendel added, that was only on the adoption.

Vice Mayor Kurtz added, so you just rotate the adoption.

Councilman Klepacz commented, there is no way that I would agree to eliminate the rotation by alphabetical order on the adoption.

Vice Mayor Kurtz stated, we may get this done right now if everyone agrees to a voice vote for title and suspension and then a rotating on adoption.

Several people speaking at once.

Councilwoman Wisnieski stated, I'd like to leave this on second reading and have that revised.

There were no objections to leaving Resolution 2007-127 on Second Reading and revised as discussed.

Vice Mayor Kurtz asked, going back to Resolution 2007-126, do we have to amend that and take out the lowest and best bid and put in proposals?

Law Director O'Brien replied, yes.

Moved by Cichocki, seconded by Grendel, to removed lowest and best bid and replace with proposal. Council polled: 7 yes/0 no; motion carried.

Vice Mayor Kurtz stated on First Reading we have Ordinance 2007-42, the amended appropriation ordinance.

There were no objections noted to passing Ordinance 2007-42.

Vice Mayor Kurtz stated, Ordinance 2007-43 was as a result of the Planning Commission. It's just vacating Eugene Drive.

This is a paper street off of Elmerge that is not there. When we redid Elmerge we didn't make a provision for the curb. If you drive down Elmerge you won't know it ever existed. It's all grass. So when Planning Commission approved the lot split and utilization of the property to the north, it was determined that there was no longer any need for Eugene Drive. Every interested party signed off and so it's part of legislation so we can vacate it.

Law Director O'Brien added, it will be divided in half and given to each adjoining property owner.

Councilman Grendel asked, on the map it says no county record for parcel 103?

Councilman Blaze replied, 102 and 103 could be combined and may not have that little squiggle there. It might all be listed under 102.

Councilman Cichocki asked, why didn't you clean up the rest of the Dora/Elmerge paper streets in the process?

Vice Mayor Kurtz replied, I think the only reason is that this came before the Planning Commission.

Mayor Ramos added, also there is pending litigation too.

Law Director O'Brien added, we currently have a pending case. It's required that they have to (inaudible) to join interested property owners. It's obvious why the two adjoining properties are signing off. For the applicant that came in and divided up the big piece of property they have access along that north road. They need a secondary access.

Councilman Blaze asked, does the City technically own what is referred to as Eugene?

Law Director O'Brien replied, technically yes. The City has the right-of-way.

Councilman Blaze asked, is it the same issue that we had with the fire truck - we're donating a City asset?

Law Director O'Brien replied no. By statute it's provided for. This is the way you dispose of it. The statute presupposes that it has no viable use so it would go to the adjoining property owners.

Vice Mayor Kurtz asked, for the fire truck is that a factor – no viable use?

Law Director O'Brien replied, we're talking real property. That's personal property.

Vice Mayor Kurtz asked, can you use no viable use for personal property?

Law Director O'Brien replied, there are always arguments you can make.

Vice Mayor Kurtz stated, we agreed at the Public Lands & Buildings meeting that the Law Director would draft something for the fire truck. My question is if there is no viable use, is that a factor?

Law Director O'Brien replied, you make in a resolution that it's (inaudible) in nature and has no value and you pass it on emergency, technically.

Councilman Crooks asked, when you say that all interested parties signed off, who does that include?

Vice Mayor Kurtz replied, the lot split on the vacation of Eugene – the three parties to the north, east and west. It's all part of this legislation.

Discussion ensued that there may be the need for an easement to provide City access to the creek for maintenance purposes.

It was determined that there would be no amendment needed.

Councilwoman Wisnieski stated, I will be abstaining on this piece of legislation. I don't own any of the parcels but some family members abut up to it.

Vice Mayor Kurtz stated, next is Ordinance 2007-44 regarding vicious/dangerous dogs.

Councilman Grendel stated, this is a result of our last couple of Safety Committee meetings. We want to keep this on first reading and in the Safety Committee. We want to discuss it further at our upcoming meeting. The same goes for Ordinance 2007-45 regarding hunting.

If anyone has any questions, please let us know.

Councilman Cichocki stated, on Ordinance 2007-44, I'd like the Law Director to look at Section A, 4 – a vicious dog means a dog without provocation meets any of the following. Should that be either of the following? Between A and B there is "and" as opposed to "or." Then, there is no sanctioning in here for an animal that kills another animal. Do we have the ability to pass an ordinance that makes something a felony? I don't think we do.

Mayor Ramos replied, we don't.

Councilman Cichocki stated, I'd like the Law Department to look at those.

Also, in subsection 5C, as opposed to verbiage for \$100,000 as a result of damage or bodily injury to or the death of a person, why don't we just put providing liability coverage in the line before that?

Law Director O'Brien replied, as long as we put bond. It's my understanding that when this came out of Committee if had not been determined that you can't get liability coverage in this area.

Councilman Cichocki responded, it's still bond.

Did we ever resolve the issue of whether or not the 1994 ordinance was passed or not passed?

The Clerk replied, if passed, this ordinance would wipe the 1994 ordinance out. If this shouldn't pass, the 1994 ordinance would go in the Codified Ordinance book.

Vice Mayor Kurtz stated, so first reading for Ordinances 2007-44 and 2007-45 and refer to Safety.

Vice Mayor Kurtz stated, next is Resolution 2007-128 regarding the Civic Center roof. Is this a result of the previous conversation where they were going to give us the shingles and we were just advancing the money? Are we being reimbursed for this?

Director Avsec replied, correct. We're still negotiating.

Vice Mayor Kurtz asked, do you want us to approve this tonight?

Director Avsec replied, yes, it would help.

There were no objections noted to passing Resolution 2007-128.

Vice Mayor Kurtz asked Director Avsec to report back to Council when the matter is concluded as to the final outcome.

Director Avsec agreed.

Vice Mayor Kurtz stated, Resolution 2007-129 the heating system for the courtyard for \$21,283. There was information attached in support of that cost.

At one time we talked about just heating the center portion. What did we end up doing?

Director Avsec replied, I don't recall talking about anything but heating the entire area and that's what we did.

Vice Mayor Kurtz asked, this is the additional cost to get it working?

Director Avsec replied, correct.

Vice Mayor Kurtz asked, so there won't be any additional cost other than the \$21,283?

Director Avsec replied, other than operating costs.

Vice Mayor Kurtz asked, how many BTU's are we going to use?

Director Avsec replied, 550,000.

Councilwoman Wisnieski asked, is it already installed?

Director Avsec replied, we set the project up so in the future if we wanted to heat the concrete we would be able to in preparation for the 2008 budget. When I talked to the guy he brought up a very good point when I told him we were going to do this in 2008. He said we might want to rethink it. We have a pad with 2 inches insulation underneath it. When nothing else out here has snow on it, no other asphalt or concrete, that will because it's insulated. That's why I'd really like to have it done this year.

Councilwoman Wisnieski asked, so there is no further construction that needs to be done? Everything is in place and you don't have to rip anything up?

Director Avsec replied, we have to do a trench but it's on the side areas in the grass. Under the concrete is already prepped for it.

Councilman Cichocki asked, where do the two boilers go?

Director Avsec replied, they're going to go in the police garage just to the right of the courtyard. You won't be able to see them.

Vice Mayor Kurtz asked, are the zones separated so that you could zone off the center as one zone?

Director Avsec replied, it's in three sections.

Vice Mayor Kurtz commented, in my experience the only problem you're going to have is until the ground freezes underneath the Styrofoam then it will be the same accumulation of snow. So until the ground freezes the insulation acts as a barrier so the snow stays on top.

Councilman Blaze commented, I had a bunch of questions that Tom and I have been conversing a little bit about. Just getting this in the packet over the weekend and just seeing it Monday morning for the first time there hasn't been enough time for him, Bob Williams or John Veres to give all of the data for the questions that I have so I probably won't be voting in the affirmative on this this evening.

Councilman Crooks asked, do you want to put it in Public Lands & Buildings? We're going to have a meeting soon.

Director Avsec responded, I'll be doing it in December then.

Vice Mayor Kurtz asked, so this \$23,283 is it? There will be no additional costs?

Director Avsec replied, this is it.

There were no other objections noted to passing Resolution 2007-129.

Vice Mayor Kurtz stated, we have Resolution 2007-130 Cargill Salt. This is the second year bid.

Councilman Blaze stated, I just assume that we did go out and check with others.

Director Snyderburn replied, this is a consortium and a pretty good price.

Councilman Blaze asked, it's better or at least equal to what you can buy? I see that this is a price that was quoted last year and is a second year price.

Director Snyderburn replied, it's very competitive. It's almost the same price as for the state. We are happy with Cargill. It was \$32.97 last year and it's about \$1.20 difference this year.

Councilman Klepacz asked, did you check with Morton this year?

Director Snyderburn replied, we didn't go out to bid. There are people that went out to bid and the bids came in higher.

Councilman Klepacz stated, I'll be voting against this.

Councilman Cichocki commented that he noted that based on Bob Williams figures we use 7500 tons per year. That's around one ton of salt per resident.

Mayor Ramos commented that's \$35 per resident.

There were no objections noted to passing Resolution 2007-131 and 2007-132.

Vice Mayor Kurtz stated, next is Resolution 2007-133, Elewski for various engineering.

Councilman Grendel commented, first reading.

There were no objections noted to placing Resolution 2007-133 on First Reading.

Vice Mayor Kurtz stated, next is Resolution 2007-134 regarding Wisnieski Parkway. I'm confused by this. I thought we adopted the legislation for the contract at the Special Council meeting.

Mayor Ramos replied, we did. Are we going forward with Wisnieski Parkway?

Vice Mayor Kurtz replied, we were waiting for Don Elewski to do some test holes to determine if the subbase was suitable for an overlay or a full replacement. Isn't that right?

Engineer Elewski replied, right.

Mayor Ramos asked, did you do that?

Engineer Elewski replied, they've been ordered and should be back within the next week.

Vice Mayor Kurtz asked Mayor Ramos, what do you want to do?

Mayor Ramos replied, as long as it was approved we'll just wait for the report and remove it from the agenda.

Vice Mayor Kurtz replied, what was approved was Allega Cement contract.

Mayor Ramos asked, was Wisnieski Parkway approved?

Vice Mayor Kurtz replied, that was not approved because we were going to wait for the test results.

Mayor Ramos replied, okay. Let's put it on First Reading.

Councilman Klepacz commented, I think that we informally agreed that assuming it could be overlaid we were going to go ahead and do that.

Vice Mayor Kurtz replied, no. We were going to see. We had another issue of how the Committee wants to spend the money. For sure we know we're not going to do it if it's full depth. The only option we would have would be grind and overlay. Engineer Elewski gave us the updated numbers on that.

When Engineer Elewski gets the information he'll let us know and we'll call a meeting.

Vice Mayor Kurtz asked, what do we want to do with this?

Mayor Ramos replied, just leave it on First Reading.

Vice Mayor Kurtz asked, refer to Streets & Sidewalks?

Councilman Grendel asked, will we have a Special Council Meeting next month to approve this?

Vice Mayor Kurtz stated, put this on First Reading and refer it to Streets & Sidewalks because we've never done this this way before.

Mayor Ramos replied, we need to move along.

Vice Mayor Kurtz responded, we have never done this when we've approved the contract already.

Mayor Ramos asked, then we don't need any other legislation?

Vice Mayor Kurtz replied, we don't need legislation.

Mayor Ramos responded, so we can do it?

Vice Mayor Kurtz replied, no. We're waiting for the tests. If you want to do something through the body, do it through the body. You don't do it when the contract has already been adopted.

Mayor Ramos replied, so the contract has been adopted, so Council doesn't need to take any other action, right?

Vice Mayor Kurtz replied, no.

Mayor Ramos asked, what other action do you want to take?

Vice Mayor Kurtz replied, unless you don't want to involve any Council Committees in the decision.

Mayor Ramos replied, I don't have a problem involving Council Committee. I just need Council to act on it quickly.

Several people speaking at once.

Vice Mayor Kurtz stated, we'll remove that from the agenda.

Everyone speaking at once.

Vice Mayor Kurtz stated, if you're going to start doing legislation for every time.

Mayor Ramos responded, we need to move things along.

Everyone speaking at once.

COUNCIL MEETING:

Mayor Fred Ramos called the meeting to order at 7:22 p.m. Present were Council Members Blaze, Cichocki, Crooks, Grendel, Klepacz, Kurtz and Wisnieski. Also present were Law Director O'Brien, Engineer Elewski, Community Services Director Buc, Technical Services Director Avsec, Service Director Snyderburn, Building Commissioner Opatrny, Fire Chief Nelson and Asst Police Chief Kotabish. Absent were Finance Director Veres and Recreation Director Kostyack.

Rev. James Vincent of St. Michael's Catholic Church said the prayer.

The Pledge of Allegiance followed.

APPROVAL OF MINUTES:

Moved by Wisnieski, seconded by Crooks, to approve the minutes of the Regular Council meeting of August 14, 2007. Council polled: 7 yes/0 no; motion carried.

Moved by Grendel, seconded by Crooks, to approve the minutes of the Special Council meeting of August 28, 2007. Council polled: 7 yes/0 no; motion carried.

MAYOR'S REPORT:

Mayor Ramos stated, I want to thank Reverend Jim Vincent for his prayer tonight. Appropriately, it reminded us of the 9/11 six years ago. I think it's important that we all reflect back on that and remember the men and women who died, the lives that have been affected as well as the courage and the grief that has been expressed by our country as a whole. This is something that should be remembered everyday, not just on this day. Please take the time to reflect on your family, friends, our great country and the freedoms that we obtained through the service of so many.

I wanted to remind everyone of casting your vote in the November election. There are four mayoral candidates, twelve council candidates and three school board candidates. It's very important that you vote. It's important that you become educated about all the candidates and the issues that will be submitted. Please take the time to educate yourself about the candidates, to talk with them individually because they will have an affect on what will be happening in your homes, in your neighborhoods and in your schools for the upcoming years. An educated vote is essential and the only way to do that is to obtain as much information as you can.

As a reminder, anyone can vote an absentee ballot. All you need to do is submit a request and one will be sent to you. You do not have to specify a reason. Please take advantage of that.

OFFICIALS' REPORTS:

ENGINEER:

Engineer Elewski reported, Rockside Road is winding down. It should be completed in the next couple of weeks. We have completed the sanitary sewer work in the Dalebrook area. We are monitoring the Twin Creeks Subdivision. They're in the process of installing waterlines and then paving will be done.

FINANCE DIRECTOR:

No report.

SERVICE DIRECTOR:

Director Snyderburn reported, the grand opening of Rockside Road is September 28th.

In the spring of 2008, ODOT will begin replacing the bridge over Rockside, so the construction is not ended in that area.

September is tire roundup month. If you have any old tires, call us and we'll pick them up. They will be delivered to the Cuyahoga County Solid Waste District. All those tires will be recycled.

There is a piece of legislation on tonight's agenda for Cargill Salt. Salt is going to be approximately \$34.22 per ton. Last year it was around \$33.00 per ton. Councilman Cichocki pointed out that we use approximately 7,000 tons of salt a year. That's around a ton of salt per resident. That's quite a bit of salt.

COMMUNITY SERVICES DIRECTOR:

Natalie Buc reported, our snow removal forms are in the Spotlight. We are currently accepting applications. You must reapply every year and pay \$1.00.

Fall Fest is scheduled for September 30th. We invite all the residents and their families to join us. We welcome all City organizations to participate.

We opened up our room rental book yesterday for our banquet room for 2008.

We will be starting our new programming this month.

RECREATION DIRECTOR:

No report.

TECHNICAL SERVICES DIRECTOR:

Director Avsec reported that the family changing room at the Civic Center is now open. The lockers were on backorder. I found out today that they are in transit. The total completion should be by the end of next week. However, it is open and can be used.

The police department renovation is around 75% complete. The carpet tile is being installed as we speak. The entire project should be completed this week.

The Civic Center roof installation is almost complete. The ridge vent is the last item to be completed. Weather has hindered the installation.

We're also negotiating with Elk Manufacturing regarding shading variations on the north section of the indoor pool building.

We're in the process of fabricating banner hangers for the light poles on Rockside Road west of I-77. That should be completed sometime in mid-October.

Finally, preventative maintenance inspections are being performed on the HVAC systems in all City-owned buildings in preparation of the heating season.

BUILDING COMMISSIONER:

Commissioner Opatrny reported that the Cavs have received their final occupancy permit. They are in the process of touching up some things there and should be ready for the Cavs to go in there in the next couple of weeks.

The footers are being poured for the dialysis center. That should be coming out of the ground soon.

The new dog daycare, Spa K-9, in the former Independence Hardware is open.

The utilities and road are under construction in the Twin Creeks Subdivision.

Bombay Tanning is under construction, which is adjacent to Spa K-9. That should be opening sometime in October.

Shell Oil applied for a permit for an entrance and egress off of Brecksville Road. We're reviewing that.

FIRE CHIEF:

Chief Nelson stated, I'm happy to announce that the Fire Department received a grant from FEMA through the Department of Homeland Security in the amount of \$10,400. The award was for fire safety equipment. We will be taking advantage of that award shortly by purchasing equipment.

Also, Fire Prevention Week is October 7th through the 13th. The theme this year is, Practice Your Escape Plan. I encourage all residents to visit the City website under the Hot Link and select "National Fire Prevention Week" and that will take you to the National Fire Protection website where there is information as well as activities to get involved in.

On behalf of all the firefighters, we would like to extend our condolences to Bruce Flower and his family on the sudden loss of his brother, who passed away this past weekend.

POLICE CHIEF:

Asst. Chief Kotabish reported that the City's animal control officer picked up a two to three foot long iguana. Please contact the police department if you have any information regarding the owner.

LAW DIRECTOR:

Law Director O'Brien reported, last month we filed a Motion to Dismiss in Federal Court on the St. Maron's case. A hearing was conducted on the matter and the judge stayed the proceedings until December 14th it was ordered to give the City additional time to rule on the application submitted by St. Maron's.

A Motion to Dismiss was filed by the law department on a case brought by Officer Tinnirello against the City of Independence regarding a promotional issue. He brought that motion to the Court of Appeals and the City has filed a Motion to Dismiss in that action. We anticipate a ruling within the next six weeks.

We have been working on the Rockside Road Project and other issues that face the City on a month to month basis.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE – (BLAZE):

Chairman Blaze reported that the Finance Committee has a number of pieces of legislation on the agenda this evening. I will make a brief comment on Ordinances 2007-38 and 2007-39. Those were introduced a month or two ago. They were debated and discussed initially at the last Finance Committee meeting during the last week of August. They are works in progress at this point. We're gathering input from Council, the Administration and from other cities in an effort to hone those pieces of legislation to a final version that the Finance Committee would then be in position to recommend to Council as a whole. These are on Second Reading this evening and no vote will be taken on them.

This is the last meeting prior to the election where comments will be in the Newsletter before the election. I want to comment on the Renewal Operating Levy for the Independence Public School District.

Those of you who know me, know that as a political conservative, new taxes are not generally looked on favorably by me. The levy that is on the ballot this November *does not increase anyone's property taxes*. It's simply a renewal of the taxes that are currently in place. Because it is not a tax increase, I fully support and publicly endorse the school district's Operating Levy on the ballot this November. I am encouraging the residents to do the same.

RULES AND ORDINANCES COMMITTEE – (KLEPACZ):

Councilman Klepacz stated, on this anniversary of the tragic events that occurred when our country was attacked by terrorists, it is appropriate to reflect upon what our City has done to prepare for disasters, whether caused by humans or nature.

The City Administration, fire and police forces, service, technical services and the community services departments have all coordinated and developed a disaster preparedness plan for the City. The City of Independence has been a leader in developing a Community Emergency Response Team (CERT), which was mandated for all communities by the federal government after the 9/11 attack.

We all hope there will never be another attack, but unfortunately, we cannot be assured of our safety. (Parenthetically, I would like to remind our residents that new CERT training classes are beginning next week and one can sign up by going to the City website and clicking on the CERT link.) So, perhaps it is fitting that Ordinance 2007-32 appears on the September 11th Council Agenda.

Most residents of the City have probably noticed the increase in the number of homes which are now being used as rentals, rather than as owner occupied houses. Ordinance 2007-32 would require that owners of rental units in the City of Independence obtain a rental occupancy permit beginning January 1, 2008. The permit would list the owner of the unit, as well as the names of those who are living in the house. The Building Department will make an inspection of the property before the permit is issued. Making sure that the property values of the City are maintained through strict enforcement of our Building Code is important, but it is even more important to know who is living in the City. Those of us who occupy our own homes are already in the City's database. But that is not true of those who live in rented houses. Our disaster preparedness plan and our CERT plans emphasize a concern for the safety of all the residents of the City of Independence. Obviously, it is important to be able to contact everyone in the event of an emergency.

Part of our CERT preparation requires that we prepare and practice for a mass inoculation in the event of a biological attack. The logistics involved in preparing a schedule for vaccinating everyone in the Quad Cities is mind boggling and requires that each resident report at a specific time. That preparation cannot be done if we do not now who is living in our City.

But probably even more relevant is the fact that people have to be contacted and advised about disruptions that might occur from tornadoes, power outages, chemical spills, local fires and severe snow storms. Thus, the goal of this legislation is twofold: to further the safety factor of all our residents and to help maintain our property values, and so I urge my colleagues to pass this ordinance at the next Council Meeting.

I would also like to recognize the school levy. I also support the passage of the renewal levy and I will be signing a letter in support of that renewal levy.

Finally, I will again be voting against buying road salt from Cargill Corporation because of their management's philosophy.

PUBLIC LANDS AND BUILDINGS – (CROOKS):

Chairman Crooks reported that the Public Lands & Buildings Committee met several times in the last month to discuss several topics, including Resolution 2007-126, authorizing the purchase of

a bus for our seniors. We received very detailed information at those Committee meetings and then over the past week or so about the use of our current bus and the bus proposed for purchasing. The details we received about the bus lead me to believe that further discussion of some alternative action may be best for the City.

First of all, the Finance Director raised some concerns about purchase and suggested exploring the potential of renting or leasing of a bus as apposed to purchasing one that is meant for highway touring.

Next, information also indicated that this is a used bus. I wonder if there are any other options out there for the purchase of a new bus that we can continue to explore before our current bus is determined unusable.

Finally, I understand that the City has been setting aside money for this purchase for the last couple of years and as a means to honor that discipline to set money aside, I think searching for the very best option is found is in order.

Also discussed at a recent Public Lands & Buildings Committee meeting was initial exploration of a public purpose on the Marycrest property. Specifically, the Committee looked at the possibility of the westernmost and easternmost part of this property serving as areas to accommodate excessive drain water. The City authorized the engineer to assess what the City needs to do with possible drain water mitigation in that area and he will then report back at an upcoming Committee meeting.

Last year during the third week of October, the Committee and some other Council Members met to partake in a tour of some public buildings that would require our attention in the upcoming year. Included on that tour were the police department and the Civic Center. Both of those are undergoing projects right now. At our next meeting, as Chairman, I'll ask the Committee to once again consider a public buildings tour, and with the help of the Mayor and the Technical Services Director identify some of the public facilities that may require our attention in 2008 and then to take the tour of those some time in October. The point of the tour is for some of our City officials to get a hands on practical look and to help with the inventorying, updating and upgrading our facilities in the years to come.

As Council representative to the Zoning Board of Appeals, our next meeting is September 20th at 7:00 p.m.

As some have already mentioned as far as today being September 11th, I would like to bring attention to a former Independence resident whose family still lives here. He was in Tower 2 of the World Trade Center six years ago when it was impacted by the second terrorist plane. His name is Jason Rottinger. He was actually evacuated in the staircase of the Tower when he felt the plane crash into the building some 40 stories above him. It seems like everyone has a personal connection or knows someone involved directly in the terrorist attack, whether it was in Pennsylvania, Washington DC or New York City. I think that the community is fortunate that he made it out that day.

COMMUNITY SERVICES – (CICHOCKI):

Councilman Cichocki stated, I would like to begin my remarks by complimenting the Reverend James Vincent of St. Michael's Church for delivering a prayer that does not advance a particular faith. I know it took some thought to put that prayer together. I opposed the legislation requiring starting our meeting off with a prayer. It's not that I'm against prayer, but rather I don't want to exclude any member of any religion who is not included in the prayer. I think the Reverend Vincent went to great lengths to include everyone and for that I must compliment him.

On the agenda tonight is the First Reading of Ordinance 2007-45, which would create a new Section 618.151 regarding deer hunting. This was in the Safety Committee. I have to applaud Dave Grendel and other members of the Committee for pursuing this. We brought the topic up maybe ten or twelve years ago and it got to be rather divisive. Half the people didn't like the damage by deer. They were concerned about motor vehicle accidents resulting in injury to people, and overall thought we should do something. The other half enjoyed seeing the deer outside their door and in the community and we kind of got lost in where we were headed with that ordinance and nothing came out of it.

At this point I think it's time to revisit the issue of deer in our town. We had a resident appear before the Committee who related to us his extreme physical injuries he sustained when his vehicle collided with a deer. I personally collided with a deer some eight or nine years ago while driving a minivan. The deer did \$3,000 worth of damage, didn't cause any injuries but it was a certainly a frightening experience.

As someone who has grown up in the general vicinity, I can recall as a child it was almost impossible to find a deer in these woods. I remember when my cousin saw a deer it was big news. Nowadays, I have a herd that lives in my backyard and I see them on a regular basis. My wife has taken to naming them. My neighbor feeds them and the population continues to grow and grow and grow.

Ordinance 2007-45 tries to take a major step toward culling the herds by permitting bow hunting at designated spots to be supervised by the police department. The Safety Committee has taken all measures possible to make these secluded areas where there is little, if any, risk to the human population but will cull the herd a little bit. I hope that this will be a no-brainer and will be realized one day.

On Saturday I attended my first dog swim at the outdoor pool. Not only did I get married and acquire a wife and a stepson, but I now have a 5-year old black Lab. I never saw so many happy dogs. They were just loving it. I hope we continue to have that in the future.

Finally, I would like to join my colleagues, Vern Blaze and George Klepacz, in supporting the operating levy that is coming up this fall for the schools. No one likes to pay taxes and there are very few opportunities for us to show our disdain for taxes because so many of them are forced upon us and we have no options, I think there is a tendency for people to vote against whatever taxes come up, regardless of the merits, just because it's the only time they have a voice. However, this is a renewal. This is not a tax increase. We passed a similar levy three years ago.

I think the schools, the school board and the administration have displayed fiscal prudence in the management of our dollars. Until the legislature fixes the problem with school funding, we'll have no choice but to see continued operating levies on the ballot. To have a first class city, first class residents and first class homes we need first class schools. I think it's important that this passes and I urge every resident to vote in favor of the renewal.

STREETS AND SIDEWALKS COMMITTEE – (KURTZ):

Vice Mayor Kurtz stated, reporting from the Planning Commission, a lot split for 6990 Brecksville Road (the Wisnieski property) was approved; 3 lots were created. One has a frontage on Brecksville Road, while two have frontage on Archwood, one east and one west. Eugene Drive, a paper street, was vacated. In order to protect trees and provide drainage in the area, two conservation easements were created in favor of the City.

A request by Perrico to reconfigure several lots in its subdivision (new section of Chestnut Woods) off Chestnut was heard. There are a number of factors to consider. Accordingly, the Law Department will review the homeowners' association bylaws, while the Building Department will investigate the current progress of the subdivision for any non-conforming conditions. Each department will report back to the Planning Commission before any further action is taken.

Finally, the Planning Commission discussed the various senior housing proposals. The Law Director will review the proposals to determine where consensus has been achieved and identify areas to be reconciled. The Commission will review and discuss the summary at its next meeting.

The Streets and Sidewalks Committee met on August 28th. Since funds are limited, it was determined that safety was to be given high priority when allocating Street and Sidewalk Maintenance Fund contracts. One such area includes Stone Road, where Phase 1 for sidewalks would include extension from the top of the hill to the first house. Phase 2 would continue from there to Tulip Trail, and should be complete sometime next year.

The north side of Grandview and Sprague Road are being considered for sidewalks as well, principally out of concern for safety.

Tonight we're considering Resolution 2007-126, which concerns acquisition of a used bus for \$388,000. At Council Caucus it was suggested that experts in the mass transit industry (who happen to be residents) assist the City leadership team in acquiring a new bus for municipal purposes, a proposal I support.

At this time I'd like to respond to several comments I've heard in the last few months concerning the Cleveland Clinic's signage on the new Cleveland Cavaliers practice facility. Questions have been raised whether the Clinic's involvement with the Cavaliers makes the Cavaliers a not-for-profit entity, since the Clinic is a not-for-profit entity. To respond to these questions, and others in the community, the answer is "no." The Cavaliers' practice facility will pay the fair market value as determined by the Cuyahoga County Auditors offices. I assume the Clinic's

involvement is one of pure marketing strategy, and that they paid the Cavaliers some fee for naming rights on the practice facility.

Finally, as you all know, today is 9/11. On this date six years ago our nation's innocence was stripped away by radical fundamentalists who oppose the freedoms that we cherish; freedoms that make this the greatest country in the world. Tonight, I would ask that you keep the families who lost loved ones, and the families of our military, in your thoughts and prayers.

Thank you, and God Bless America.

SAFETY COMMITTEE – (GRENDL):

Chairman Grendel reported that the Safety Committee held a meeting on Wednesday, August 22nd and in that meeting we discussed the placement of reflectors on the islands on Rockside Road. Ptl. Savioli reported that the cost was \$600 and it will hopefully prevent accidents occurring due to people running into the islands at night.

We also discussed other issues on Rockside as well as the upcoming I-77 construction and the impact that it may have on our community.

We told Ptl. Savioli that he is always welcome to attend future Safety Committee meetings to discuss traffic and safety issues and keep us abreast on those matters.

We also discussed two ordinances that are being introduced at tonight's meeting, Ordinances 2007-44, dealing with amending Section 618.01 regarding dangerous or vicious dogs, and Ordinance 2007-45, which is a new section regarding deer hunting. I commend my fellow Committee Members, Chuck and Patti, for their input. We ask the other Council Members to review this legislation. We welcome any recommendations or thoughts.

I also want to thank Chief John Nicastro for the hard work that he has put into both of these ordinances, as well as our Law Department.

Hopefully these will make our community a little safer. We're taking our time because we want to make sure we do it the best way possible. Hopefully they will be up for adoption at the October Council meeting.

I want to congratulate Chief Nelson on the FEMA award. He and his staff do excellent work in obtaining grants from various sources.

I want to join my colleagues in passage of the renewal school levy. I look at the quality education received by my family. My brother is a doctor. I'm a lawyer and I have two children that are doing very well at Hiram. It does prepare you well if you have good parenting. That's the key to a good educational system – parents that insist on their children being good students. Independence provides a wealth of opportunities. Passage of the renewal levy will keep our school system sustaining the high quality that we received in the past.

As far as Resolution 2007-126 regarding the purchase of a bus, the need for a bus is a fact and we have set aside \$330,000 over the last four years for that purchase. Our finance director has not given us an indication where the \$58,000 shortfall will come from. I'm not convinced this is the right decision. It's a big investment. I've heard a lot of pros and cons regarding this bus. Again, something of this nature is an investment for a number of years. No money was set aside this year toward this purchase. I just don't feel comfortable with this particular bus. I do commend the staff involved for all the hard work they've put into this.

Our football team has had a few rough times. They commiserate with the Cleveland Browns. Hopefully they'll bounce back with the game against the Cardinals this Friday. They'll turn around. It's a young team.

The golf team is doing very well. They're contenders for a league championship as well as the boys soccer team. The girls soccer team has shown drastic improvement over last year. The volleyball team has performed well. Cross country has also done very well.

The majority of our students are involved with either sports or the band. The band is outstanding too.

Finally, if you can find time, please say a prayer for Mike Kurent, a long time former basketball coach in Independence. He was also a special education teacher. Mike was the one who got me involved in coaching at the high school level. For the last four years he's been suffering with Lou Gehrig's disease. It has been advancing rapidly in the last number of months. It's a terrible disease. If you have an opportunity, please consider contributing toward research in trying to find some kind of cure or at least something to remedy the ravages of it.

Please also pray for Lucille Swatba who was a member of the Senior Advisory Council. She is in the final stages of a critical disease.

UTILITIES COMMITTEE – (WISNIESKI):

Councilwoman Wisnieski stated, condolences go out to Tom Bowers in our Service Department. In the past month he has lost both of his parents. Our thoughts and prayers go out to him.

This past Saturday my husband, I and many other Independence residents and students participated in a walk for ALS in honor of Mike Kurent. Mike is a long time resident and was a teacher and coach at the high school. It's a great charity and there was a good showing. If you know him, call or write him a note of encouragement. It will certainly lift his spirits.

The Utilities Committee met on August 22nd to finalize expenditures under both sanitary and creek maintenance budgets. We received an update on progress from the City Engineer. All the funds have been designated to complete the projects that have been authorized.

The Utilities Committee has not sponsored any legislation on tonight's agenda but there is one piece of legislation I'd like to comment on, and that is Ordinance 2007-38, requiring a certain percentage of the City's municipal income tax revenues be allocated to capital improvements. I

have asked that my name be added to this piece of legislation. I would also like to thank John Veres and Vern Blaze for all the work they have done on getting this legislation initiated.

In my opinion, addressing the overall planning of the City's capital improvement expenses has been a longstanding deficiency in our budget process. During the process what has traditionally been happening is the Mayor and Finance Director present Council their initial budget. We would begin to review the line items of the budget. It seems at the end there is very little left to address the capital improvement projects. If we designate these funds maybe can really begin to do a better job on some of our longstanding issues. Thank you again John and Vern.

Regarding the Perrico development, I would like to ask the Law Department to look into several issues. As long as the developer on this project is coming before the Planning Commission, can we take this opportunity to thoroughly review the homeowners association agreement? Is it still intact as we originally intended it to be? Over the weekend it was mentioned to me that possibly the agreement had been amended. It was explained to me that until a certain number of homes are in that development, the developer has the ability to amend that document. If we could check that agreement and make sure that it addresses rental and the housing scenarios that we seem to be encountering over there, if we could possibly get that into the homeowners association agreement if necessary, or at least make sure we're enforcing the outstanding problems that we've been addressing there, it would be appreciated.

On the sixth anniversary of 9/11 I would like to ask for a moment of silence as a remembrance and out of respect to all the families and friends that have lost loved ones in the terrorist attacks of 9/11. Our thoughts and prayers are with all of you.

LEGISLATION:

SECOND READING

ORDINANCE 2007-32 AN ORDINANCE ENACTING NEW CHAPTER 1366 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE CREATING A RENTAL OCCUPANCY PERMIT AND DECLARING AN EMERGENCY

Ordinance 2007-32 remained on Second Reading without objection.

ORDINANCE 2007-38 AN ORDINANCE REQUIRING A CERTAIN PERCENTAGE OF THE CITY'S MUNICIPAL INCOME TAX REVENUES BE ALLOCATED TO CAPITAL IMPROVEMENTS AND DECLARING AN EMERGENCY

Ordinance 2007-38 remained on Second Reading without objection.

ORDINANCE 2007-39 AN ORDINANCE LIMITING THE OVERALL GENERAL OBLIGATION DEBT LIMIT FOR THE CITY AND DECLARING AN EMERGENCY

Ordinance 2007-39 remained on Second Reading without objection.

RESOLUTION 2007-126 A RESOLUTION AUTHORIZING THE PURCHASE FROM MOTOR COACH INDUSTRIES FOR A BUS FOR THE COMMUNITY SERVICES DEPARTMENT AND DECLARING AN EMERGENCY

Resolution 2007-126 remained on Second Reading without objection.

RESOLUTION 2007-127 A RESOLUTION AMENDING RESOLUTION 2007-26 REGARDING COUNCIL RULES

Resolution 2007-127 remained on Second Reading without objection

FIRST READING

ORDINANCE 2007-42 2007 AMENDED ANNUAL APPROPRIATION ORDINANCE AND DECLARING AND 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.

ORDINANCE 2007-43 AN ORDINANCE VACATING EUGENE ROAD (50 FEET WIDE) AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no/1 abstain (Wisnieski); motion carried.

Moved by Cichocki, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 6 yes/0 no/1 abstain (Wisnieski); motion carried.

Moved by Grendel, seconded by Crooks, to adopt. Council polled: 6 yes/0 no/1 abstain (Wisnieski); motion carried.

ORDINANCE 2007-44 AN ORDINANCE AMENDING SECTION 618.01 OF THE CODIFIED ORDINANCES OF THE CITY OF

INDEPENDENCE RELATING TO ANIMALS AND
DECLARING AN EMERGENCY

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

Ordinance 2007-44 was placed on First Reading and referred to the Safety Committee without objection.

ORDINANCE 2007-45 AN ORDINANCE ENACTING NEW SECTION 618.151 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO ANIMALS AND DECLARING AN EMERGENCY

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

Ordinance 2007-45 was placed on First Reading and referred to the Safety Committee without objection.

RESOLUTION 2007-128 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR ADDITIONAL SHINGLE ROOF REPLACEMENT FOR THE CIVIC CENTER 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 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 2007-129 A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF EQUIPMENT FOR THE CONCRETE HEATING SYSTEM FOR THE CITY HALL COURTYARD 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 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: 6 yes/1 no (Blaze); motion carried.

RESOLUTION 2007-130 A RESOLUTION ACCEPTING THE BID OF CARGILL INC., SALT DIVISION FOR THE PROVIDING OF ROCK SALT TO THE CITY FOR 2007-2008 PURSUANT TO THE JOINT MUNICIPAL IMPROVEMENT CONSORTIUM 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 Crooks, to adopt. Council polled: 6 yes/1 no (Klepacz); motion carried.

RESOLUTION 2007-131 A RESOLUTION PROCLAIMING SEPTEMBER 14, 2007 AS NATIONAL ANTHEM DAY AND DECLARING AN EMERGENCY

Moved by Crooks, seconded by Wisnieski, 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.

RESOLUTION 2007-132 A RESOLUTION PROCLAIMING THE MONTH OF SEPTEMBER 2007 AS NATIONAL SAVE A LIFE MONTH AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Cichocki, to read by title only. 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 2007-133 A RESOLUTION AUTHORIZING THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR VARIOUS ADDITIONAL PROFESSIONAL ENGINEERING SERVICES AND DECLARING AN EMERGENCY

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

Discussion: Vice Mayor Kurtz asked Mayor Ramos if he would submit his review and recommendation on this resolution so Council would be in a position to act on this in October.

Mayor Ramos replied that he would supply that information.

Resolution 2007-133 was placed on First Reading without objection.

RESOLUTION 2007-134 A RESOLUTION AUTHORIZING A STREET IMPROVEMENT BY ANTHONY ALLEGA CEMENT CONTRACTOR FOR W. PETE WISNIESKI PARKWAY AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Crooks, to read by title only. Council polled: 6 yes/1 no (Kurtz); motion carried.

Resolution 2007-134 was placed on First Reading and referred to the Streets & Sidewalks Committee without objection.

Moved by Klepacz, 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 8:23 p.m.

Susan E. Kurshuk, Clerk of Council
