

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

**CAUCUS:**

Vice Mayor Kurtz called the meeting to order at 5:42 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, Service Director Snyderburn (arrived at 6:15p.m.), IT Coordinator Jim Gibbs, Building Inspector Lynch, Engineer Elewski and Executive Assistant White.

Vice Mayor Kurtz stated, on Second Reading is Ordinance 2007-32, the rental occupancy permit. At the last meeting it was suggested that information be presented from the building department. There were 160 complaints about owner-occupied or not confirmed as renters. Of those 160, there were four complaints confirmed at rental units. What is Council's pleasure with regard to this?

Also, the question was asked about the position of the building department in formulating this legislation. I believe at the time it was understood that the building department was in favor of this legislation.

Dave Lynch responded, we've had several discussions in the building department about residential certificates of occupancy. I put another memo in everyone's packet regarding the county auditor's office. They have started a program where people who rent their homes have to disclose the information. By the auditor office's own admission they haven't been policing this as diligently as they should. They're going to start to work on it. They have disclaimers on 12 rental properties in Independence, which I find hard to believe. I think there are more than 12, especially with the housing market the way it is.

Vice Mayor Kurtz asked, are you supportive of this legislation?

Dave Lynch replied, speaking for the building department, at this time I don't think the timing of it is good right now. We can't police it. The only way you can actually police something like this, and it's not foolproof, is to check the county auditor's website to see where the tax bills are going. That's one way to do it. But remember, you're going to have to have somebody doing that on a continuous basis. I think that if we can find a better way to police this, and not be discriminatory toward people who rent, there are a lot of people out there who live in their own homes in Independence that for one reason or another, elderly, fixed income, physically handicapped, who can't take care of their property as they should.

Councilman Blaze pointed out that one of the four rentals is really family occupied, so there are really only three.

Vice Mayor Kurtz asked, are there any other comments?

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Councilwoman Wisnieski asked, is there a form of this legislation that the building department could enforce? I know that was one of my key questions last month – whether the building department was involved with the formulating of this legislation and whether they could enforce this.

Dave Lynch replied, they could enforce it but I think you would have to increase your manpower in the building department – one person who does nothing but this.

A lot of communities in the area do this but a lot of communities have gotten away from it due to economic issues right now. Trying to find someone who owns a property is tough, or trying to find the people who are holding the mortgage on the property. You go round and round and round.

Councilman Klepacz responded, so you're saying we should allow our properties to deteriorate because it's hard to find out who the owner is? The point of this legislation is for those people who are renting their property in Independence to obtain a permit and the building department then goes and inspects it at that particular time.

Councilman Blaze responded, from the outside only.

Councilman Klepacz replied, sure. The other important point is that we do not know who lives in the City. That is the other important point. We know who lives in our houses, who is a property owner here because they're in our database. What is not in our database is who the rental people are. There is absolutely nothing wrong with renting. That's not the issue. The issue is, we need to know who lives here.

We had an incident in the Perrico Development where it would have been nice to know who was living there. We had the police work at chasing a sexual offender away because he was within 1,000 feet. It would have been nice if we had had this legislation in place at that time. We could have avoided that particular incident. I realize that that was probably an exception.

The other point is that with all of our emergency plans we need to notify the people who live in our City in the event of an emergency. We can't do that unless we know who lives here.

I really find Dave's arguments unsustainable – because it's difficult to enforce, therefore, we should do nothing and let our housing stock fail.

Councilman Blaze replied, correct me if I'm wrong, but Dave's comments weren't about the difficulty in enforcing the exterior property maintenance code. The difficult enforcement is in trying to make sure that all the tenant occupied homes have legitimately complied with this legislation. If nobody comes forward to own up to having a tenant occupied home, what I think Dave is saying is we don't have a mechanism for determining whether we have full compliance with that part.

Councilman Klepacz replied, perhaps we have to determine that mechanism.

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Councilman Blaze stated, in past discussions of this legislation I've said that it's really enforcing the exterior property maintenance code which already exists. All this legislation is doing is forcing it on tenant occupied homes.

We've all been door to door in the past couple of months and we've seen that there are exterior property maintenance issues on any number of homes, whether they're tenant occupied or owner occupied. I would be more in favor of putting together a policy where we have a systematic inspection put into place where every home in the City gets a walk by from somebody in the building department once a year or whatever the policy is. That way, we ensure compliance with the exterior property maintenance code across the board, irrespective of the occupancy inside the dwelling.

Councilman Cichocki responded, if we don't have the manpower to do that, that would be hard.

Councilman Blaze responded, there are still only 2700 homes. With building on Rockside Road being somewhat flat and new residential construction being somewhat flat, builders aren't selling lots to people to build homes on, I'd be hard pressed to say that we couldn't get 200 homes inspected per month. That would be 50 a week on average for somebody to just walk by and get that done with our existing manpower.

Vice Mayor Kurtz stated, we have an issue in the community with exterior maintenance. It's not germane to rental units. It's germane to every dwelling in the community, correct?

Councilman Crooks added, regardless of tenant occupied.

Vice Mayor Kurtz stated, if there is a communication issue concerning identifying who is in the house, I pretty much identified every house I went to just through computers, voter registration and the auditor's office.

Councilman Klepacz responded, that assumes that the people are registered. There are a large number of people who aren't registered.

I would argue that this is not a mutually exclusive issue. We know from other cities that the reality is that rental property is not maintained in general as well as owner occupied property. It is true that there are exceptions. The reality is that as people are leaving their property to relatives, and the relatives can't sell it, as was pointed out earlier, therefore, they're trying to put the least that they can into the property. I would argue that we need to be proactive before this is a problem.

Councilman Blaze responded, that's a generalization though because within a 20-month time period of 160 complaints, three of them are tenant occupied homes on exterior maintenance issues. What is that – 2%?

Councilman Klepacz responded, the point is to be proactive. That statistic is irrelevant to the legislation, which is asking us to find out who lives in a house and inspect it at that time. I'm

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sure that those of you here who own rental property take care of your property. However, as you know, when tenants move out there is a lot of work to be done.

All I want to do is call the question. Let's vote on it. If you don't like it, vote no.

Vice Mayor Kurtz stated, there is one other vehicle that I would like to suggest. I can tell you from an experience I received in New York. I received a letter from a building department. It was a very cordial letter. It offered the suggestion that you have so much time to fix up your property and we're here to help you. If there are extenuating circumstances, please contact us and it provided a contact number.

I called them and told them to come and check my property, but I also have a situation with a rusted old street sign. You take care of your property. Within two weeks it was cleaned up.

I'd like to implement that policy after the first of the year. After some time of watching that develop, if you're not satisfied, reintroduce this. I'd like a policy thing, rather than a law thing.

Councilman Klepacz responded, conversely, again, in Davenport, Iowa, my son-in-law thought his tenant was taking care of the property and he didn't do it. The City of Davenport said, your grass isn't cut, this is your only notice, if it's not cut, you're going to be fined. He was over there that day.

Vice Mayor Kurtz responded, that's the same mechanism we'd use. The owner would receive a letter and he'd know he'd better fix it.

Councilman Blaze commented that issue is almost negated here because I see that each of the four incidences cited by the building all four owners live in Independence so they're right here keeping an eye on them. I don't know what size community Davenport is, but I'm going to guess that it's larger than 7,000 people and 2,700 homes. We can wrap our arms around our community a little easier than some of the larger communities.

Councilman Klepacz responded, I totally agree, that's why I'd like to do this so we can get our arms around it and move forward.

Vice Mayor Kurtz responded, I'd like to try it administratively first. That's my opinion.

Councilwoman Wisnieski stated, last month I asked the question about whether this was formulated through the building department and whether it would help them to enforce it. It was indicated yes. Possibly we could send it back to the building department and let them weigh in on what they think would be of good assistance to them. That's one way that I'll support it.

Councilman Crooks commented, it doesn't sound like the building department had a lot to do with this legislation. Is that correct?

Councilwoman Wisnieski replied, that's my understanding now.

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Dave Lynch added, other than discussions I've had with Carl. He asked me about it. When I worked in Bedford we had point of sale inspections and we had interior and exterior rental inspections and we had exterior property maintenance. It's a different animal in Bedford than here in Independence because we had cooperation between the police department and our own department. If they saw property that was in disrepair the building department was notified, we checked on it and followed up on it. We also did our own inspections.

The thing that you can't do now is you cannot do residential interior inspections because the State shot themselves in the foot because you have to have a certified residential building inspector. You don't just have someone go in and say that the owner has to rewire this and re-plumb that, structurally this garage isn't good.

Councilman Crooks stated, I was the member who asked for the data last month. Based on the data that we received, there were four confirmed rentals I'm not in support of this, and also the input from the building department.

Councilman Grendel stated, the county says it's not really enforcing the new law that much. Was it just within the last year that this was passed?

Law Director O'Brien replied, yes.

Councilman Grendel stated, if given time, I imagine that if they enforced it we would have the information from the county.

Law Director O'Brien replied, I would agree with you. It depends on how much the county puts into it.

Councilman Grendel commented, no sense reinventing the wheel if we're going to get the data.

Councilman Blaze responded, they should be able to enforce it real well because they know if the tax bill is going to an address other than the address of that property, then that should be the tip-off to somebody that maybe it's not an owner occupied home. That should raise a flag for them to investigate it a little bit further.

Councilman Grendel stated, I would think if the county has something and we were to have something duplicating that, that would be too layers of reporting. I don't know how much the county is going to be involved with this.

Vice Mayor Kurtz asked Councilman Klepacz, do you have any problem with the building department looking at it?

Councilman Klepacz replied, I don't have four votes.

Vice Mayor Kurtz asked, do you want to just leave it on Second Reading?

Councilman Klepacz replied, yes.

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Councilman Grendel commented, you want your department who is going to enforce it to be enthusiastic. If they're not, what is the use of having laws on the books if they're not going to enforce it?

Councilman Klepacz commented, that's an interesting argument – the building department is going to choose not to enforce it?

Councilman Grendel replied, if they say it's impossible, or they don't have the manpower to do it.

There were no further comments on Ordinance 2007-32.

Vice Mayor Kurtz stated, next on Second Reading is Resolution 2007-139, the lease with the Independence Cooperative Nursery School.

Councilman Blaze responded, they provided us with the summary sheet. Because their total enrolled is under their total capacity, it looks like no Independence residents have been shut out from the program. It looks like it's a non-issue since they're not at capacity. Even without being at capacity, you can see less than one of two students at that school is an Independence resident.

Councilman Klepacz asked Councilman Crooks, as Chairman of Public Lands & Buildings Committee did you look at this particular building as part of a long-term plan?

Councilman Crooks replied, I don't think so.

Several people speaking at once.

Councilman Crooks added, I don't think we talked about this in the Committee.

Vice Mayor Kurtz asked, it's a one year lease?

Law Director O'Brien replied, it's actually a one year lease with a 30-day out clause.

Vice Mayor Kurtz responded, we wouldn't want to ever disrupt a school year for them. We're all acknowledging that even though it's a month to month lease, we're pretty much accepting the fact that they be allowed to finish a school year, right?

Councilman Blaze replied, there might be a 30-day out but my interpretation is that it's really structured to be more like a one year lease.

Vice Mayor Kurtz commented, the worst case scenario is that if we have a plan for the building, or have a need for it, we know that we're going to have to give a notice for after their school year.

There were no objections noted to passing Resolution 2007-139.

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Vice Mayor Kurtz stated, on First Reading we have Ordinance 2007-55, the amended appropriation. Is this time sensitive?

Finance Director Veres replied, yes.

There were no objections noted to passing Ordinance 2007-55.

Vice Mayor Kurtz stated, next we have Ordinance 2007-56, the change order for the residential tree program. In earlier conversation Director Snyderburn indicated that there was the Ash tree bore issue and some weather related concerns. That was his brief explanation.

Councilman Blaze replied, I'm challenged by this. I'm not saying I won't support it.

Vice Mayor Kurtz stated, next is Ordinance 2007-57 regarding the \$1.00 fee charged for senior snowplowing.

Finance Director Veres responded, this comes from the Finance Department. Without having this in the ordinance, we can't make the \$1.00 fee non-refundable.

Councilman Blaze asked, people have actually asked for that \$1.00 back?

Finance Director Veres replied, yes.

There were no objections noted to passing Ordinance 2007-57.

Vice Mayor Kurtz stated, next is Resolution 2007-147, requesting advance taxes from the county.

There were no objections noted to passing Resolution 2007-147.

Vice Mayor Kurtz stated, Resolution 2007-148, the bid of CDW. Jim can explain that.

Jim Gibbs replied, this is accepting the bid of CDW for the disaster recovery project that was planned at the beginning of the year under capital projects. It creates a shared pool of storage for me to co-locate the data center not only in the Annex building, but over in the police department for disaster recovery. In the event of a fire or anything of that nature in Annex, complete destruction, everything is still up, running and available at the second device in the police department.

Vice Mayor Kurtz asked, so it's actually a dual system?

Jim Gibbs replied, it's a dual pool that (inaudible) across our fiber network.

Vice Mayor Kurtz asked, so if one crashes, you still have the other one so there is uninterrupted service?

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Jim Gibbs replied correct.

Vice Mayor Kurtz asked, do you have to update that periodically?

Jim Gibbs replied, as in upgrade hardware wise? This should take us through around the next five years. At that point, they can be combined into one site and we would only have to replace the primary data center.

There were no objections noted to passing Resolution 2007-148.

Vice Mayor Kurtz stated, Resolution 2007-149 regarding the auction.

Councilman Grendel stated, Friday, November 30<sup>th</sup> at 4 p.m.

Councilman Blaze asked, are we going to use e-Bay as we have in the past?

Finance Director Veres replied we can look at some of the larger items.

Vice Mayor Kurtz asked, are there restrictions about employees not being able to participate?

Finance Director Veres replied no. We just have to make it available to everyone. I'll ask Bob Williams if he's interested in placing anything on e-Bay. We did sell some vehicles over e-Bay in the past.

There were no objections noted to passing Resolution 2007-149.

Vice Mayor Kurtz stated, we have Resolution 2007-150, Ports Petroleum.

Councilman Blaze asked, the price is up by 24%?

Finance Director Veres replied, yes.

Councilman Blaze asked, is that fixed for all of 2008?

Finance Director Veres replied, the base.

There were no objections noted to passing Resolution 2007-150.

Vice Mayor Kurtz stated, Resolution 2007-151, renewing the contract of F.P. Allega. That's the 2008 appropriations.

There were no objections noted to passing Resolution 2007-151.

Vice Mayor Kurtz stated, next is Resolution 2007-152, payment of unused sick time to Dave Lynch. This is the same policy we've had in place for others.

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There were no objections noted to passing Resolution 2007-152.

Vice Mayor Kurtz stated, Resolution 2007-153, renewing Three-Z for yard waste processing. I'll be abstaining on this.

Finance Director Veres commented, this is for 2008 also.

Councilman Blaze asked, at the same prices?

Finance Director Veres replied, yes. It's locked in. This is a renewal.

There were no objections noted to passing Resolution 2007-153.

Vice Mayor Kurtz stated, Resolution 2007-154, Change Order 1 for F.P. Allega for miscellaneous concrete for 2007. I believe this is for \$75,000?

Finance Director Veres replied, correct. There is no need to amend the budget.

Councilman Blaze asked, was the \$75,000 mostly for the courtyard?

Finance Director Veres replied, no. This is mainly street repair and sidewalks.

Vice Mayor Kurtz added, I believe \$30,000 of this will be reimbursed by the Water Department for water related repairs throughout the community.

Councilman Grendel asked, what about the Stone Road sidewalk?

Finance Director Veres replied, Stone Road did eat up a lot of the 2007 contract and limited the other repair work needed.

Vice Mayor Kurtz stated, I'm under the impression that \$30,000 of the \$75,000 is going to be reimbursed from the City of Cleveland.

Finance Director Veres replied, I'll check with Director Snyderburn.

There were no objections noted to passing Resolution 2007-154.

Vice Mayor Kurtz stated, we have Resolution 2007-155, the contract for public health services.

There were no objections noted to passing Resolution 2007-155.

Vice Mayor Kurtz stated, next is Resolution 2007-156, renewal of the various tires needs contract with Tire Distributors. What did we spend on tires last year or this year?

Finance Director Veres replied, it depends on usage. I don't have the spreadsheet with me.

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There were no objections noted to passing Resolution 2007-156.

Vice Mayor Kurtz stated, Resolution 207-157, purchase of a hydraulic hook lift.

Director Snyderburn stated, Council already approved \$23,000. There's a change of only \$2,500 because of the change from a dump body to a hook lift.

Vice Mayor Kurtz asked, when will that be available for service?

Director Snyderburn replied, probably within a month. We just got delivery of the truck, but we didn't have the dump body put on. After looking at it, we decided we'd rather have a hook lift on it than a dump body. We are doing more and more five yard containers.

Vice Mayor Kurtz responded, you have more flexibility.

Director Snyderburn commented, it's \$2,500 more.

Vice Mayor Kurtz asked, how many containers do we have?

Director Snyderburn replied, there are seven 10-yarders and nine or ten 5-yard containers.

Vice Mayor Kurtz asked, will you buy the attachment for salt for this?

Director Snyderburn replied, no, just use it for the truck.

Councilman Klepacz complimented Director Snyderburn on the new red leaf truck. It's unbelievable.

Director Snyderburn replied, we borrowed it from Valley View. We're going to see how we like it. They bought it and then fitted it with the chassis on the back, the platform. There's one guy that stands there and operates everything. It's pretty nice.

There were no objections noted to passing Resolution 2007-157.

Vice Mayor Kurtz stated, Resolution 2007-158, the Coastal Grant Program.

Councilman Crooks asked, is this just to apply?

Ron White replied, that's all it is. This is just another effort that West Creek is doing to help us offset the City's portion. The \$75,000 is small but it's money.

Councilman Grendel asked, have we applied for the others that they mentioned?

Ron White replied, yes. They're all applied for. They're works in process, and this is another one.

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Councilman Grendel asked, is it March that the money is needed?

Ron White replied, yes.

Finance Director Veres commented, that area is being looked at to solve our water quality needs for Rockside Road for the Central Section.

Ron White responded, right. We're required to deal with water quality off of Rockside Road. By doing this offsite at the Confluence we can satisfy that requirement.

Finance Director Veres added, so it's making it an infrastructure improvement under TIF, so the \$650,000 that was just going to be gone is now a TIF.

Vice Mayor Kurtz stated, the Get Go is attempting to put together and consolidate property at West Creek and Rockside Road, and one piece is ours. That was part of that deal we talked about selling to Carrabine. What they're proposing is that in order to expedite and not miss an opportunity, they've asked us to set a public hearing for next month

Law Director O'Brien stated, we need a motion to set a public hearing. From now until next month the information will be funneled to you. Everyone knows the concept. We've talked in Executive Session about what they're proposing. You will actually see the drawings that are before the ARB currently. They were submitted to the Planning Commission for the November meeting, which was canceled. Whether or not there is another meeting in November, I don't know. I know Get Go has asked for a meeting to discuss it. That application will certainly be discussed by the Planning Commission at the December meeting. Whether or not we go forward with the public hearing because Council believes there is enough information or it's adjourned and postponed until January, certainly it's their prerogative. I just want to meet our agreed to guidelines with them that we informally agreed to early on when we signed those various agreements to explore this transaction.

Vice Mayor Kurtz stated, I read the minutes of the Architectural Board and they have not taken any action. They gave some thoughts and recommendations. There are issues in terms of materials, in terms of location of various components that they're proposing. They have reserved judgment on it at this point from what I read in the minutes.

Law Director O'Brien replied, that's correct.

Councilman Blaze asked, if it's in an overlay district, why the need?

Law Director O'Brien replied, it's not in an overlay. In the master plan it calls for a gas station but that was farther back when the hotel was going to be built.

Councilman Blaze asked, so we have to entertain a rezoning of that piece?

Law Director O'Brien replied, whether or not we did an overlay or an actual rezoning of that area, you would have to have a public hearing.

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Vice Mayor Kurtz responded, so you're suggesting that we don't take our options away or condense the timeframe for approval? You're just basically saying that if we set it, we can retain the concept. If we don't reach accord or have an understanding before that point, we'll just listen at the public hearing but won't have to take action?

Law Director O'Brien replied, yes. I would assume based upon (inaudible) with the ARB, that may be the case, but considering they have a closing date to pay us money at the end of December, it's an option I want to keep open. I'm not suggesting or naïve to think that with a very substantial decision like that you have to make that you have to make that in one night.

Vice Mayor Kurtz asked, the option is extendable?

Law Director O'Brien replied, by our prerogative. They sent out a couple of overtures that they would like to continue. Basically, I told them that we want to hold to that deadline. We would like to be paid if they get everything that they need to get done prior to the end of the year.

**Moved by Grendel, seconded by Klepacz to set a public hearing for Tuesday, December 11, 2007 at 6:45 p.m., to rezone property at the intersection of Rockside Road and West Creek. Council polled: 7 yes/0 no; motion carried.**

Law Director O'Brien stated, I'd like to go into Executive Session to get a little bit of direction on pending litigation.

Councilman Blaze asked, don't we have a public hearing at 6:30?

Law Director O'Brien replied, as far as the public hearing for senior housing, because the Planning Commission did not meet you have an integrated ordinance, which I sent to you on October 19<sup>th</sup> by e-mail, but I feel uncomfortable not having the Planning Commission weigh in on it. I realize the deadline that we set was rather tight, to say the least. I really think that Council ought to really look at the ordinance and provide anymore suggestions if they have any.

Also, just an observation throughout this whole process, everyone has agreed that you're going to need total Council support for any ordinance that you have. You have three new members coming in. I would ask that we have them weigh in because we're not going to be able to change substantially some of this before it gets on the ballot.

Councilman Klepacz asked, don't we need a public hearing in order for us to put this on the ballot?

Law Director O'Brien replied, you need to have a public hearing, and you're going to have to have a special council meeting prior to December 4<sup>th</sup>, I believe.

Councilman Klepacz asked, what is the deadline for getting it to the Board of Elections?

The Mayor has to sign it and send it to the Clerk of Council by December 5, 2007 – the day after the Planning Commission.

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Councilman Klepacz asked, so we're skipping the public hearing today?

Law Director O'Brien replied, you can have the public hearing. To get it done right, I would ask that we either commit many, many meetings over the next month, which is probably not the most realistic, or we commit to a more practical timeframe to put this on the ballot, which for many reasons I believe would be November of 2008.

Councilman Crooks asked, so we will or will not have a public hearing tonight?

Law Director O'Brien replied, I think if Council accepts the practical aspect of it, and I know that Council wants to do it right – this current Council and the new members. I'm sure the new members will want to weigh in in some aspect. We should let the public know that we're committed to it. No one is putting this on the backburner in perpetuity, but that we're committed to this and we're going to continue to have meetings and get this on the ballot for November. If we have the public hearing tonight, that's fine. I just don't know how feasible it is to get everything we need and get this ordinance fully vetted with the Planning Commission, and have the new members weigh in and have it down to the Board of Elections by December 5<sup>th</sup>.

Councilman Cichocki asked, so are you saying there is not much point in having a public hearing today?

Law Director O'Brien replied, yes.

Vice Mayor Kurtz commented, I don't have any problem with it. I'm committed to putting it on the ballot one more time and doing it right. I don't want to speak for the three new members of Council. I don't think that this Council wants to speak for the new Council members.

Councilman Klepacz asked, but we're still going to have the public hearing tonight?

Councilman Blaze replied, it's our choice.

Law Director O'Brien replied, I can reiterate what I'm saying here out on the floor.

Vice Mayor Kurtz stated, somebody said in the past that the only way we're going to get this passed is if everyone is onboard and everyone agrees to participate.

Law Director O'Brien commented, if your soldiers are going to be the seniors who have to pound the pavement to do this, March is not the time to put it on when they're traditionally out of the City.

Councilman Blaze added, or here but inside their homes.

Law Director O'Brien added, they'd have to be out in February.

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Vice Mayor Kurtz stated, we should go out there and tell them that we're going to do it the right way and let the new Council weigh in 100%, rather than from a distance.

Vice Mayor Kurtz stated I have one more unrelated comment to Engineer Elewski. At the Public Lands & Buildings Committee you were asked to prepare a formal presentation for the Marycrest property. I believe it was Jeff Skoczen who presented a summary based on the new ordinances regarding water quality and water management. Your office had defined two distinct areas that the City should look at to compliment the proposed ordinances as far as water quality. Do you have that complete, or when will you have that complete?

Engineer Elewski replied, we don't have it complete yet but we will.

Vice Mayor Kurtz asked, how soon? The reason is that we're on a timetable – federal orders. When can we expect to have your final?

Engineer Elewski replied, when do you want it?

Vice Mayor Kurtz replied, this week. I'm not sure we have to have another meeting to go over it. Law Director O'Brien needs that information to present to them.

I suggest we go into Executive Session and that the new members of Council be there.

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

The Council Caucus was recessed at 6:29 p.m.

The Executive Session was convened at 6:30 p.m. Present were Mayor Ramos, Council Members Blaze, Cichocki, Crooks, Grendel, Klepacz, Kurtz and Wisnieski. Also present were Law Director O'Brien, Councilmen Elect Togliatti, Narduzzi and Riley.

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

The Executive Session was adjourned at 6:50 p.m.

The Council Caucus was reconvened at 6:51 p.m.

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

Council Caucus was adjourned at 6:52 p.m.

**COUNCIL MEETING:**

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Mayor Fred Ramos called the meeting to order at 7:09 p.m. Present were Council Members Blaze, Cichocki, Crooks, Grendel, Klepacz, Kurtz and Wisnieski. Also present were Finance Director Veres, Law Director O'Brien, Engineer Elewski, Community Services Director Buc, Service Director Snyderburn, Recreation Director Kostyack, David Lynch in the absence of Building Commissioner Opatrny, Fire Chief Nelson and Police Chief Nicaastro.

Reverend Robert Hendrix of Concordia Lutheran Church said the prayer.

The Pledge of Allegiance followed.

**AUDIENCE PARTICIPATION:**

Mayor Ramos called resident John Cengic forward to speak.

John Cengic stated, the garage that stands at 6340 Poplar Drive is, as of this date, still the same illegal building that was originally put up in 2006. With the exception of a relocated west wall, nothing has changed, just the paperwork and reversed engineering documents, which we have an ordinance against. The violations still exist. Some still require variances and others are the result of the broken promises made to the various City of Independence boards. At the 11/16/06 BZA meeting the board stated the variance requested was substantial. They also said the garage affected the characteristics of the neighborhood. Using *Duncan vs. Middlefield* as a standard, there was no compelling reason to grant the variances. The Board voted and said to either move it or tear it down. What happened over the last year? The building still stands as built with the exception of a relocated west wall, which none of us can see.

Just because the ARB now says it's okay, does that void what the BZA said? Does it negate the concerns of the neighbors who signed a petition dated 10/12/06 making it known that a commercial sized building was being built on a residential lot with no permits, no inspections and no City approval? We want action.

The owner of the garage has shown total disregard for the City ordinances, the BZA decisions and the neighbors' concerns.

With a new council assuming control in a few months, let us clean up some old business as soon as possible.

Councilpersons Klepacz, Blaze and Wisnieski please be advised of the following: rumor has it that the November 28<sup>th</sup> ARB meeting the above mentioned violations, variance requirements and broken promises to various City boards will be overlooked and final approval will be granted to the property owner. This is contrary to the City Ordinance 2007-09, enacted March 13, 2007, which states the ARB no longer has the ability to address such (inaudible). The issue must now go to the BZA.

Please help us stop the injustice that we have been subject to over the last year.

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Mayor Ramos responded, I was under the impression from your attorney that everything was resolved.

John Cengic replied, no it wasn't. They made concessions and they just did as they pleased again.

Mayor Ramos asked, so the resolution that was worked out did not take place?

John Cengic replied, for example, the 12-foot pine trees are not 12 feet. You asked for 9-foot doors and they're 10-foot doors. It's exactly the way it started out to be.

Mayor Ramos asked, so the resolution that was worked out between all the parties involved did not come to fruition?

John Cengic replied, we really never had a resolution. It was said that it went to the Building Department and they were going to take care of it. It was jammed at us through the ARB. We did not feel like we had a fair shake at the ARB. The ARB chairman is in charge of this project and his buddies are voting on it. What's up with that? It's exactly the way it was built.

Mayor Ramos replied, I thought everything had been resolved.

John Cengic replied, it has been one thing after another – let this ride, let that ride. I would really appreciate Council looking into it. Am I right that the ARB no longer has the authority to okay size?

Mayor Ramos replied, yes.

Councilwoman Wisnieski asked Mr. Cengic, what were you trying to make the three council people aware of?

John Cengic replied, weren't you the sponsor of that ordinance?

Councilwoman Wisnieski asked, you're saying it's in my committee right now?

John Cengic replied, I believe you were the sponsor of the ordinance.

Councilwoman Wisnieski asked, what ordinance is that?

John Cengic replied, 2007-09.

**APPROVAL OF MINUTES:**

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

**MAYOR'S REPORT:**

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Mayor Ramos stated, I want to congratulate Vice Mayor Kurtz and all the elected council members on their victory on Tuesday. I must commend all of you for getting involved and must commend all of you for your commitment to the betterment of the City. I wish you all the very, very best.

I want to also take this time to wish everyone a Very Happy Thanksgiving. This is a time to get together with family, but also to count our blessings as far as the many blessings that we have. Please take the time to be with your family and to share Thanksgiving in appreciation for all that we have.

**OFFICIALS' REPORTS:**

**ENGINEER:**

Engineer Elewski reported, we are watching two major projects right now that are coming to an end. The Twins Creeks Subdivision will be finishing the paving tomorrow, weather permitting. That almost wraps up completion of that subdivision. The Dalebrook storm outlet pipe is in and we're looking forward to doing some landscaping there for winter cover.

**FINANCE DIRECTOR:**

Finance Director Veres stated, I'd like to congratulate the newly elected council members, mayor and vice mayor. I look forward to working with the new team. I'll miss working with the outgoing officials and best of luck to you.

On the agenda tonight we have an Amended Appropriation, Ordinance 2007-55. In November we try and predict where the wages are going to end up, where health and the other categories are going to end up. Hopefully this one will be true, but there is always the weather. Sometimes we end up moving some money around for salt. We're trying to capture all the year end needs in this amendment. There is no total increase to the appropriation, just a movement of \$16,000 from the General Fund to the Street Construction Maintenance & Repair Fund. In total, our operating is not increasing.

**SERVICE DIRECTOR:**

Director Snyderburn stated, I would also like to congratulate all the 2008 council members and look forward to working with you and the mayor. To all the outgoing council members, I appreciate everything you've done for me. I know that you have supported the service department in all of our endeavors.

We had a Senior Snow Plowing meeting tonight. It went really well. It's not too late to sign up. It still only costs \$1.00. Sign up at the Civic Center and we'll be happy to plow your driveway. Last year we plowed 12 times.

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We are continuing with leaf pickup which is scheduled on your rubbish day. You don't need to call in. We'll be there. To date, we have been running on schedule. We're in the height of the season right now.

December 1<sup>st</sup> is Tree Lighting. I look forward to seeing everyone there. It should be a nice program this year. I hope the weather cooperates.

**COMMUNITY SERVICES DIRECTOR:**

Director Buc reported, registration last week went very well. Flu shots were given on Thursday with the help of our CERT volunteers. Last Saturday the Veterans' Celebration took place on the Square and at the Civic Center. We had around 200 people in attendance.

We're beginning to start Christmas decorating at the Civic Center and getting ready for Holiday Fest which is Sunday, December 2<sup>nd</sup>. Tree Lighting will take place on December 1<sup>st</sup>.

The Remembrance Celebration will take place on December 9<sup>th</sup>. We ask that you sign up for this event.

**RECREATION DIRECTOR:**

Director Kostyack reported, the Youth Basketball Program is established and will begin Saturday, November 24<sup>th</sup>. We're playing the cities of Brecksville and Broadview Heights.

On September 8<sup>th</sup> we had a pool party for dogs and puppies at the outdoor pool. We raised \$292 which was donated to the Animal Protective League.

**TECHNICAL SERVICES DIRECTOR:**

No report.

**BUILDING COMMISSIONER:**

In the absence of Commission Opatrny, David Lynch reported, currently there is one commercial structure being erected on Acorn Drive, the dialysis center. There are six new housing starts. There are also several home additions going on in town.

**FIRE CHIEF:**

Chief Nelson reported, I would like to share a letter that was sent to the Mayor's Office from a resident who lives with her stepdad. They had an emergency and three of our men were there to take care of them. One was Ed Teare from the Fire Department and another Chris Cross from the Police Department. They had no electricity. Her dad was on oxygen and she has Lyme Disease. They needed to be put up at a hotel. Ed Teare even volunteered to put the room on his credit card. She was so appreciative of the help they received. She thanked everyone and said she loved this town. In parenthesis she said, "You Go Mayor!"

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On behalf of all of us at the Fire Department, I'd like to wish all the residents a Very Happy and Safe Thanksgiving.

**POLICE CHIEF:**

Chief Nicastro reported, I'd like to give an update on the deer ordinance. As of today, we've issued 100 permits to hunt deer in the City. I've had one complaint from a resident who saw a wounded deer with an arrow in it. In the last month and a half we've had over a dozen car/deer accidents reported. At the end of the season we'll get a count and see if the program is working. Thus far, we've had no problems or incidents reported.

**LAW DIRECTOR:**

Law Director O'Brien stated, on a personal note, I would like to thank everyone for the overwhelming support, cards, phone calls, visits, wishes and condolences when my mother passed away a couple of weeks ago. Thank you very much.

**STANDING COMMITTEE REPORTS:**

**FINANCE COMMITTEE – (BLAZE):**

Chairman Blaze reported, the Finance Committee will be meeting between now and the end of the year to work on the number one pressing issue for the Committee, crafting the outline of the 2008 operating and capital budgets. Related to that are the five labor contracts that all expire at the end of December. Those certainly have a lot of economic impact on the City. The Finance Committee will need to deal with the ramifications of the new labor agreements.

Per legislation that was passed this year, Council and the Administration for the first time will have to adopt a Five Year Capital Improvement Plan to be passed in the first quarter of 2008. We'll also be starting to lay the groundwork for that this month.

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

Councilman Klepacz reported, as we enter the Holiday Season, it is appropriate that this past weekend we celebrated Veteran's Day as we honor those who have served our country in the armed forces of the United States. Our Community Services Department, and especially Marilyn Senick, are to be commended for the moving Veteran's Day program that was held at the Civic Center on November 10<sup>th</sup>.

Because of those who have served and fought to protect our freedoms, we can enjoy the fruits of our democracy. As Winston Churchill once said, "Democracy is the worst form of government, except for all the others." While our democratic process might at times be contentious, there is no better alternative. So thank you to those who have and are presently working to preserve our freedoms.

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Hopefully after the Public Hearing that was held before this evening's Council Meeting, we can vote to place on the March primary ballot a senior housing initiative that will be supported by the entire council and administration so that after several decades of discussion and failed attempts, we can finally join our surrounding cities in building an appropriate adult living community.

We will not be passing a rental housing initiative, which is designed to preserve the property values in Independence and to ensure the safety of all of our residents. I hope that at a future time we will be able to vote on this particular piece of legislation.

Finally, I would like to thank all of the people who re-elected me to a fifth term on Independence City Council. If there ever was proof of the old adage, "You can't believe what you read in the newspaper," the Plain Dealer's coverage of our Council election shows the truth of that saying. For two consecutive days The Plain Dealer only showed four council members elected instead of the seven who were elected. They finally put in an obscure correction in the Friday, November 9<sup>th</sup> edition, along with several other election results they got wrong. So save your condolence messages, along with those to Mr. Togliatti and Mr. Narduzzi, who were also successful candidates who were omitted.

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

Chairman Crooks reported, the Public Lands & Buildings Committee met last on October 16, 2007 to discuss several important items.

We received an update from Jeff Skoczen from the engineer's office to confirm that water retention and also water quality could in fact be improved on the easternmost and westernmost portions of the Marycrest property. Mitigating water flow in that area could potentially help with the excessive water flow to the lower Brookside region. The Committee asked the engineer's office to put together finalized plans for retaining water on the Marycrest property and report back to Council.

Also discussed at the meeting was the opening of the new section of Mapleshade Cemetery. The Committee waived the flat headstone regulation so that upright headstones could be placed in the new section. As long as the sexton agrees, residents can expect to have that option available to them. The Committee left that meeting with the intention of discussing the fees in the new section at the next meeting.

Finally, as the month comes to a close, the Committee will look to hold its annual public buildings tour. I'll report back to current Council Members and Council Member-Elect when that date will be.

Reporting from the Zoning Board of Appeals, last month the Board dealt with requests on Cedarwood Court for an accessory building and a home on the southeast corner of Wood and Chestnut which will resituate its frontage to be on Wood, rather than on Chestnut. The Board also permitted a temporary sign be raised on Kingscote for a time period of six months. The next Zoning meeting will be held this coming Thursday. The agenda is short with only one applicant currently on the agenda.

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In the last month I fielded a number of phone calls expressing concern with reference to the ordinance that Council enacted last month in support of bow hunting deer in Independence. I realize the controversial nature of this issue may make it difficult to discuss but I wish to reaffirm a few things for the record. First of all, the Safety Committee was diligent in discussing this issue and had several public meetings for residents to come and express their respective concerns. Those meetings, one which I attended, included evaluation by representatives from the game warden's office and from the Ohio Department of Natural Resources. The Safety Committee thoroughly examined this issue and opened the discussion up to the public, sought the input of experts and made a recommendation to Council that was unanimously endorsed. To say that Council made this decision on a whim is false. Furthermore, this legislation is more restrictive than other communities that permit similar bow hunting policies. Applicants are required to hunt from a tree stand. They are required to have approval from the Police Department, which evaluates each 2-acre parcel on a case by case basis. Just because one property or two parcels combined equals two acres, does not necessarily mean that those properties get blanket approval.

Finally, last month I asked both in Caucus and on the floor of Council that we evaluate this policy once the season is over. I heard no objections to that. If we need to make changes, we've left the door open to make those changes.

I'll conclude my remarks on this matter by saying that the City of Independence has problems with the deer population and Council took corrective action to attempt to improve the situation.

Just a reminder, the Independence Historical Society will open its door prior to the Tree Lighting Ceremony on Saturday, December 1<sup>st</sup>.

**COMMUNITY SERVICES – (CICHOCKI):**

Councilman Cichocki stated, for tonight I want to just focus on Thanksgiving, which is coming up. For all of us who have lost relatives, spouses, or elections for that matter, I ask you all not to wallow or look back, but to look at what we do have and be thankful for our friends, relatives, our neighbors and go forward with that thought. Please keep that in mind this Thanksgiving.

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

Vice Mayor Kurtz stated, recently we experienced another election day in our fine City. I'd like to take this opportunity to thank everybody who exercised their right to vote, especially those who went to the polls despite the weather, which was anything but ideal.

Congratulations to those who were successful. Our work begins January 1, 2008.

Thank you to all who supported me and my issues oriented campaign. To those who did not support me, I hope I can earn your trust and confidence in the coming years.

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I look forward to serving the people of this City, and working with the new Council and all the newly elected officials. There are a number of challenges we face, and it will take a team effort to accomplish our goals. I welcome the challenge and see many opportunities ahead. It won't be easy, but I am optimistic.

Again, thanks to all who participated in the election process.

I would also like to wish everyone a Happy Thanksgiving! God Bless you and your families.

Thank you.

**SAFETY COMMITTEE – (GRENDL):**

The Safety Committee did not meet this past month but a meeting is scheduled for tomorrow. On the agenda Chief Nelson wants to discuss the reduced participation of the Cleveland Clinic Foundation in the Heath Watch Program.

We have also received complaints from some residents regarding traffic issues on lower Brookside. They have been invited to attend tomorrow's meeting for a discussion as to whether we can do something to alleviate their concerns.

Back on November 1<sup>st</sup> I had a lengthy discussion with Det. Greg Smagola of the police department regarding the deer hunting ordinance. He is one of those who does inspection of the sites. He was very optimistic about this ordinance. He takes great pride in making it as safe as possible.

The hunting season ends in February. If I'm still chairman of the Safety Committee next year, in March we will take a look back and see how it operated this first year and evaluate the results to see if there is anything we can do to improve the legislation.

I appreciate the work that Chief Nicastro has done with regard to this. He has highly qualified people that are reviewing each application and thoroughly inspect each sight with regard to safety of all concerned.

This is not something that was passed after one meeting or even after one month. I believe we started discussion in February or March on this issue. I announced at every Council Meeting and gave an update if we were having hearings on it. It is not something that we only looked at briefly. We studied this very diligently. We invited and welcomed anyone who wanted to attend these open meetings to discuss this issue.

What brought this to light was a resident who was in the process of obtaining a nuisance permit through the State of Ohio. The City had really no regulation at all. The thought was that maybe this is something that we should look at and see if there was something we could do, and that's what we did.

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Again, we're open to suggestions, positive suggestions, not anonymous suggestions. This is a very touchy issue but was something that needed to be addressed for a long time. I think we handled it professionally. We tried to do it without a lot of emotion. We tried to look at it as a problem that needed to be addressed.

I want to congratulate the Volleyball Team. They did something that no other volleyball team ever did, they made it to the final eight where they lost to Gilmour Academy. They had a tremendous season. The girls were very dedicated. I would like to commend them.

I want to make a comment on the passing of a dear friend, who was a coach, a teacher and a probably one of my boyhood idols because back then we didn't have a pro team. You get more inspiration watching amateurs. Mike Kurent was a fantastic player in the mid 60's. He graduated in 1967 from Independence. He was a very intense player. I had the honor of being able to coach on his staff for a number of years.

Mike suffered from ALS. He had a death sentence over him for four or five years. He led life like there was nothing to be afraid of. There is a lesson to be learned. Elections and all these other things don't really mean a thing. It's the quality time that you spend with your family and with your community that is most important. Mike had tremendous love for his family and the City of Independence has lost a really great citizen. My condolences to his family.

Regarding election results, I want to thank the residents for their support this past election. It has been an honor to serve with Mayor Ramos, the Vice Mayor and Councilwoman Wisnieski and Councilman Cichocki.

I think that Chuck Cichocki was the one that got me to run for Council in the first place eight years ago when he ran for mayor. He was an inspiration because of the right attitude that he had. Whether it's the right way or the wrong way, whether you agree or disagree, your motives and intent were always honorable. That is the most important thing.

Happy Thanksgiving to everyone.

**UTILITIES COMMITTEE – (WISNIESKI):**

Councilwoman Wisnieski stated, thank you to all the residents who came out and voted last Tuesday. I am most grateful to all of those who supported our efforts.

Congratulations to all of our newly elected officials and best of luck to all of you in your new role with the City.

My condolences also go out to the Kurent family. The City of Independence lost a terrific man. He really had a positive influence on the kids. At the wake you could see how much he really impacted them.

Finally, thank you and have a Blessed Thanksgiving.

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**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 will remain on Second Reading without objection.**

**RESOLUTION 2007-139** A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH INDEPENDENCE COOPERATIVE NURSERY SCHOOL FOR THE BUILDING AT 7121 VALLEY VIEW DRIVE AND DECLARING AN EMERGENCY

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

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

**FIRST READING**

**ORDINANCE 2007-55** 2007 AMENDED ANNUAL APPROPRIATION ORDINANCE AND DECLARING AN EMERGENCY

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

**Moved by Grendel, seconded by 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 2007-56** AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 TO THE TREE TRIMMING, REMOVAL, DISPOSAL AND RELATED LABOR AND EQUIPMENT FOR THE RESIDENTIAL TREE TRIMMING AND REMOVAL PROGRAM BETWEEN THE CITY AND NEW HEIGHTS TREE SERVICE, LLC AND DECLARING AN EMERGENCY

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

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Moved by Cichocki, seconded by 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 (Blaze); motion carried.

**ORDINANCE 2007-57** AN ORDINANCE AMENDING SECTION 959.01 (D) (1) OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO SERVICE ESTABLISHED; CONDITIONS AND DECLARING AN EMERGENCY

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

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

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

**RESOLUTION 2007-147** A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE TAXES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO OHIO REVISED CODE SECTIONS 321.23 AND 321.34 AND DECLARING AN EMERGENCY

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

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

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

**RESOLUTION 2007-148** A RESOLUTION ACCEPTING THE BID OF CDW GOVERNMENT INCORPORATED FOR THE PURCHASE OF COMPUTER HARDWARE AND SOFTWARE FOR THE CITY 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 Blaze, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.

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

**RESOLUTION 2007-149** A RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS AND FORFEITED PERSONAL PROPERTY AND DECLARING AN EMERGENCY

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

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

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

**RESOLUTION 2007-150** A RESOLUTION ACCEPTING THE BID OF PORTS PETROLEUM COMPANY, INC. FOR THE PROVIDING OF GASOLINE TO THE CITY OF INDEPENDENCE PURSUANT TO THE JOINT MUNICIPAL IMPROVEMENT CONSORTIUM AND DECLARING AN EMERGENCY

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

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

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

**RESOLUTION 2007-151** A RESOLUTION RENEWING THE CONTRACT OF F.P. ALLEGA CONCRETE CONSTRUCTION CORP. FOR MISCELLANEOUS CONCRETE WORK AND DECLARING AN EMERGENCY

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

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

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

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**RESOLUTION 2007-152** A RESOLUTION AUTHORIZING THE PAYMENT OF UNUSED SICK TIME TO DAVID LYNCH, BUILDING INSPECTOR AND DECLARING AN EMERGENCY

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

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

Moved by Grendel, seconded by Wisnieski, to adopt.

Discussion: Vice Mayor Kurtz commented, I just want to commend Dave for his years of service to our community. He has done a great job and has tremendous integrity. Thank you very much.

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

**RESOLUTION 2007-153** A RESOLUTION RENEWING THE CONTRACT WITH THREE-Z-INC. FOR YARD WASTE PROCESSOR SERVICES FOR THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY

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

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

Moved by Crooks, seconded by Blaze, to adopt. Council polled: 5 yes/0 no/2 abstain (Cichocki, Kurtz); motion carried.

**RESOLUTION 2007-154** A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE MISCELLANEOUS CONCRETE WORK FOR 2007 CONTRACT BETWEEN THE CITY AND F.P. ALLEGA CONCRETE CONSTRUCTION CORP. AND DECLARING AN EMERGENCY

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

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

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

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**RESOLUTION 2007-155** A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR PUBLIC HEALTH SERVICES FOR 2008 FOR THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

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

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

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

**RESOLUTION 2007-156** A RESOLUTION RENEWING THE CONTRACT WITH TIRE DISTRIBUTOR, INC. FOR TIRES AND RELATED PRODUCTS AND SERVICES FOR THE CITY VEHICLES AND DECLARING AN EMERGENCY

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

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

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

**RESOLUTION 2007-157** A RESOLUTION AUTHORIZING THE PURCHASE OF A HYDRAULIC HOOKLIFT HOIST FOR THE SERVICE DEPARTMENT THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY

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

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

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

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**RESOLUTION 2007-158** A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE COASTAL MANAGEMENT ASSISTANCE GRANTS PROGRAM FOR THE WEST CREEK CONFLUENCE AND DECLARING AN EMERGENCY

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

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

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

**Moved by Blaze, 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 7:55 p.m.

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Susan E. Kurshuk, Clerk of Council

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