

**CITY OF INDEPENDENCE
REGULAR COUNCIL MEETING MINUTES
JANUARY 8, 2008 7:00 P.M.
COUNCIL CHAMBERS**

CAUCUS:

Vice Mayor Vern Blaze called the meeting to order at 6:07 p.m. Present were Mayor Gregory Kurtz, Council Members Jim Crooks, George Klepacz, Tom Narduzzi and Jim Riley. Also present were Law Director Greg O'Brien, Engineer Don Elewski and Executive Assistant Ron White. Absent were Councilmen Dave Grendel and Anthony Togliatti and Finance Director John M. Veres. Ed Kuscevic of New Heights Tree Service was also present.

Vice Mayor Blaze stated we only have five pieces of legislation to talk about. We'll go through these and then there are some Executive Session issues that need to be discussed. We can adjourn to Executive Session.

On first reading is Ordinance 2008-05 the Amended Annual Appropriation ordinance. John Veres has attachments on the ordinance. He is increasing estimated resources by \$75,000 for anticipated prior year encumbrances not needed. Then he reduced Rockside Woods Special Assessments Fund by \$100.00. The General Fund budget is not changing. He included the one-page summary sheet and bolded the changes. Are there any questions or concerns?

There were none noted.

Vice Mayor Blaze stated, we have Ordinance 2008-06 renewing the contract with New Heights Tree Service. This was just added. We apologize for not having that on the agenda when it came in the packet on Friday. Is the intent to put this on First Reading or is the intent to pass it and then talk about the separate issue from this contract? It can be looked at both ways – don't pass it until we have all the issues resolved or pass it and then the issues are separate from approval of the renewal of the contract?

Mayor Kurtz replied, I don't have a problem either way.

Councilman Riley asked, did everyone receive the information I sent out in the packets – memos from Marie Pinizzotto and Dave Snyderburn? This has nothing to do with the contractor. We just want Ed to be part of this so we're doing things right.

The Residential Tree Trimming and Removal Program was originally designed for safety. It has gotten out of hand. Stump grinding was never part of it. If the resident wanted that, that was supposed to be an additional charge. There are a lot of issues. I would like everyone to read the information and give their input. I'm sure all of us have received calls. I know there have also been some problems with payments. The contractor is getting paid but the City isn't getting paid. The ordinance states that we receive payment before any work is done.

This is no reflection on New Heights. I just want to deal with these issues. I don't think anyone has a problem with New Heights. We can put this on First Reading and then address the issues so everyone is on the same page.

If a resident asks to have a stump ground, I don't care if they use New Heights or not. I'm sure it would be easier for New Heights to do it because they're there, but for \$75 they're getting a heck of a deal to also get stump grinding. That wasn't the original intent of the ordinance.

Vice Mayor Blaze asked, didn't you ask for this to be discussed at the Council Workshop on the 29th?

Councilman Riley replied, yes.

Vice Mayor Blaze stated, this contract expires February 1st. We either have to adopt it today and deal with the other issues later, or we have to also make a Special Council meeting for that night so that we can vote on this.

Mayor Kurtz stated, do we want to pass this and then we'll discuss the program at the Workshop.

Councilman Riley replied, I have no problem with that. I made sure everyone received a copy of issues that Marie and Dave face. I'm sure everyone has heard about issues from residents – just so we all get on the same page and get it addressed. We don't want ten trees cut down for someone because they don't like the looks of the trees, or trimming bushes, or all these other issues. I would like to see a clause in the ordinance stating that once a resident has a tree cut down there is a 3-year waiting period for them to get back on the list.

Vice Mayor Blaze replied, we can throw that on the list to be talked about on the 29th.

Mayor Kurtz asked, do you want to pass this?

Councilman Riley replied, we can pass this so that Ed doesn't have to be concerned about his contract. We can address the issues at the Workshop. I would like Ed Kuscevic to attend the Workshop.

Mayor Kurtz asked, are there any issues with New Heights?

There were none noted.

Councilman Riley replied, I have no problem with passing this.

Councilman Klepacz commented, I will agree to pass this, but I hope that we're not starting a precedent in putting legislation on the agenda late. We are supposed to have 48 hours notice. This is the first time we've seen it this year. Again, I've been consistent for the last eight years about this. We want things ahead of time.

Councilman Riley replied, this was actually on the December agenda. I asked for it to be removed.

Vice Mayor Blaze stated, if we give New Heights our assurance that we're going to adopt this, I don't have a problem waiting until the 29th.

Councilman Klepacz replied, I will vote on this today. My point is that I simply don't want this to be a precedent. Again, it should have been in our packet on Friday so we have a chance to look at it. I don't have a challenge passing this tonight but I don't want this to become a recurring issue.

Councilman Crooks asked, why wasn't it on our agenda since it was on the December agenda?

Vice Mayor Blaze replied, it expired on December 31st.

Councilman Crooks asked, it doesn't automatically go back on the agenda?

Several people speaking at once.

Director Snyderburn commented, the Mayor has authority up to \$7,500.

Mayor Kurtz replied, I don't want to do it that way. Why? I don't hear any objections to passing this.

To answer Councilman Crooks question, it has to have a new number for 2008. All legislation dies at the end of the year if it hasn't been adopted.

Law Director O'Brien stated, end of term.

Vice Mayor Blaze stated so we'll adopt this and do a better job on getting legislation on the agenda in a timely manner.

Councilman Riley asked, which term – council term or mayor term?

Law Director O'Brien replied, I'll have to check on that.

There were no objections noted to passing Ordinance 2008-06.

Vice Mayor Blaze stated, next is Resolution 2008-19, authorizing Jeff Markley as City Planner. Finance Director Veres' memo says there is no change in the appropriation.

There were no objections noted to passing Resolution 2008-19.

Vice Mayor Blaze stated, Resolution 2008-20, CRIS. This is for the police department. There is no change to the appropriation needed. The cost for 2008 will be \$1,200 more than 2007 so there has been a price increase. The total amount this year is \$16,470.00. I believe this is used

for running plates and such that the officers do from their computer to find out who they're pulling over and if there are any outstanding warrants.

There were no objections noted to passing Resolution 2008-20.

Vice Mayor Blaze stated, Resolution 2008-21 is authorizing the purchase of a piece of property on Stone Road. Last year this property came up for sale. The law office proceeded to have it appraised. We made an offer on it that was rejected. The seller is in a short sale situation. Their mortgage balance is higher than what the property is worth, so we just sat and did nothing. In the last month or so the lender got back in touch with us and said they were ready to take our offer. We then had it reappraised to make sure that the value arrived at in mid-2007 was still valid. The new appraisal amount came back a little lower, not significantly or materially lower than what we were able to buy this at. We do have a number we could buy it at today, but we are trying to negotiate with them to see if we can buy it even cheaper because of the distress situation. We'll discuss price more in Executive Session.

Councilman Crooks asked, the whole purpose of introducing this in the first place is because this property is immediately adjacent, contiguous to property that the City owns?

Vice Mayor Blaze replied, correct. It backs up to not only the football field of the middle school, but the Stone Road field too. With downtown redevelopment being on everyone's mind the last couple of years and with the middle school property being the key parcel, going down Stone Road eastbound on the left side, the north side, there are a couple of residential properties that abut the football field to the north. We're not forcing anybody out. I think the Mayor is on record as saying that he won't do eminent domain, won't force anybody out, but when we have a situation where somebody willingly put their house up for sale is an opportunity that we had to pursue, especially given the fact that this is the last property before the Stone Road field, so it's not like we're buying a middle property and we have to hope and pray that we can get the other ones. It makes it that much more advantageous to redevelop the Stone Road field site because it will be that much wider and that much deeper to work with.

Councilman Narduzzi asked, are we going to demo that house right away?

Vice Mayor Blaze replied, right now, no. I think it's vacant. We were offering to give the seller some consideration to stay there for a period of time because we didn't have any immediate use for it. Downtown is not going to redevelop tomorrow. I believe the property has been vacated now. We could turn it into a rental for interim use. I think eventually it would be demo'd and attached to Stone Road field and whatever gets developed on the middle schools site it would be a part of it.

Law Director O'Brien commented, it's rentable inside.

Vice Mayor Blaze responded, I understand it's not too bad.

Ron White commented, depending on your taste. It's on the bare bones side.

Would there be consideration by Council or the Mayor to entertain a commercial use – a professional office or something like that?

Vice Mayor Blaze replied, I think at some time all of that parcel is going to be used for something other than residential.

Councilman Klepacz commented, it's an eyesore. Are we going to discuss this in Executive Session?

Vice Mayor Blaze replied, yes.

Moved by Riley, seconded by Blaze, to recess the Council Caucus for an Executive Session to discuss property acquisition, pending litigation and union negotiations. Council polled: 5 yes/0 no; motion carried.

The Council Caucus was recessed at 6:19 p.m.

The Executive Session was convened at 6:20 p.m. Present were Council Members Blaze, Crooks, Klepacz, Narduzzi and Riley. Also present were Law Director O'Brien and Executive Assistant White.

Moved by Blaze, seconded by Riley, to adjourn the Executive Session and reconvene the Council Caucus. Council polled: 5 yes/0 no; motion carried.

The Executive Session was adjourned at 7:00 p.m.

The Council Caucus was reconvened at 7:00 p.m.

Moved by Crooks, seconded by Riley, to adjourn the Council Caucus. Council polled: 5 yes/0 no; motion carried.

Council Caucus was adjourned at 7:00 p.m.

COUNCIL MEETING:

Mayor Gregory Kurtz called the meeting to order at 7:00 p.m. Present were Council Members Vern Blaze, Jim Crooks, George Klepacz, Tom Narduzzi and Jim Riley. Also present were Law Director Greg O'Brien, Engineer Don Elewski, Technical Services Director Tom Avsec, Service Director Dave Snyderburn, Recreation Director Ed Kostyack, Building Commissioner Carl Opatrny, Fire Chief Peter Nelson and Police Chief John Nicastro. Absent were Council Members Dave Grendel and Anthony Togliatti. Also absent were Finance Director John M. Veres and Community Services Director Natalie Buc.

Father Pete Coletti from St. Michael's Church said the prayer.

The Pledge of Allegiance followed.

AUDIENCE PARTICIPATION:

Mayor Kurtz called resident John Cengic forward to speak.

Mr. Cengic stated, the Cengic Family and our neighbors extend our sympathy to the Kurtz Family on your loss.

Congratulations on getting elected and re-elected. On a positive note I am glad to see that corporate All Erection has bought a building on Acorn Drive and is moving from Valley View back to Independence. I think that's a great tax benefit for us. I welcome them as neighbors.

On the negative side are the actions on the ARB, the Building Department and the Engineering Departments. Who protects the average citizen?

Last year during the 6340 Poplar Drive unapproved garage fiasco the following happened with no consequences:

1. The builder took four days to listen to a stop work order.
2. I was physically confronted by Mr. Casini in the hall after an ARB meeting.
3. Mr. Elewski surveyed the project and also voted on it. Is that right?
4. We had to pay for surveying of the lot line. Isn't that a condition of final approval that the corner pins be set and found?
5. After the survey, we found out the house electric service is encroaching on our property.
6. After the survey we found that the driveway is too close to our property line with no variance granted to permit it per Ordinance 1113.09
7. After the survey we found that the house is two feet on the sewer easement.
8. The ARB ignored all petitions from the neighbors.
9. The BZA denied this garage. It went back to the ARB and it was juggled around enough to pass it. After the fact it was built. In fact, the whole project was approved after it was already built.
10. Plans for landscaping were not followed. We were promised 10-12 foot pine trees. They turned out to be six foot. The shed was to be removed – it is still there. The back wall was to be moved in, but the walls, the footers and the roofline are all the same.
11. Mr. Casini stated at the BZA meeting that no neighbors could see the garage from their homes. I can see it and the neighbors can see it also.

Mr. Cengic passed around photos for the Mayor and Council to look at.

12. Last week a temporary snow fence was approved by the Building Department. It was put up on our property. Carl said that it could be put on the lot line. Ordinance 1363.06-C states that temporary snow fences shall not be within three feet of any lot line. When questioned, Carl said he would look into it. The fence is still there.
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I am proud to be a lifelong resident of Independence. I thought City Officials were there to protect the interests and property of all its residents. I feel it is wrong that a privileged few can get whatever they please at the expense of the rest of us. I ask the new administration to look into how the ARB, the Building Commissioner and the City Engineer are running their departments and make the changes that are necessary to make them respectable again.

Mayor Kurtz thanked Mr. Cengic asked Mr. Cengic to provide a copy of what he just read so he can get it to the law department. He asked for a couple of weeks to look into this.

Mayor Kurtz asked Law Director O'Brien to follow up on the issue.

APPROVAL OF MINUTES:

Moved by Crooks, seconded by Riley, to postpone approval of the December 1, 2007 Planning Session minutes, December 11, 2007 Public Hearing minutes and December 11, 2007 Regular Council Meeting minutes, to the February 12, 2008 Regular Council Meeting because of the lack of a quorum of 2007 Council Members due the absence of Councilman Grendel. Council polled: 5 yes/0 no; motion carried.

MAYOR'S REPORT:

Mayor Kurtz stated I would like to extend a welcome to the new and returning members of Council. I look forward to a productive term resulting in an improved quality of life for all of our residents.

OFFICIALS' REPORTS:

ENGINEER:

No report.

FINANCE DIRECTOR:

No report.

SERVICE DIRECTOR:

Director Snyderburn stated, a week ago we had a foot of snow and look at it today – 60 degrees.

We have the majority of Christmas decorations down. We should have everything wrapped up and put away shortly.

With the last snowfall we had over 30 people come up to the Civic Center to sign up. They didn't realize that they had to sign up yearly. Your dollar must be paid every year for Senior Snow Removal. If you don't do that, you're not on the list.

I'm looking forward to working with Council and the Mayor.

Happy New Year everyone!

Councilman Klepacz asked Director Snyderburn, does the Service Department put up the driveway markers for snow plowing?

Director Snyderburn replied, it is in the contract that the contractor is to put in the markers. I have had a few calls and the Service Department went out and put up driveway markers because the residents were concerned. There are several contractors who are so familiar with their route and the driveways that they prefer not to put up driveway markers. If someone needs markers, let me know and we'll be more than happy to put them up.

COMMUNITY SERVICES DIRECTOR:

No report.

RECREATION DIRECTOR:

Director Kostyack reported that the Youth Basketball Program for grades one and two began on Saturday, January 5th. Conducting that clinic are Nancy and Terry Boylan. They're high school coaches. I want to thank them.

Our Youth Learn to Swim Program started on Saturday, January 5th also. Our tennis lessons at the field house began this week.

TECHNICAL SERVICES DIRECTOR:

Director Avsec reported that the ice and snow melt system in the City Hall courtyard is now at 100%. It was operating at 30% capacity as we waited for the gas service to City Hall to be upgraded. Now that it has been upgraded you should see pavement throughout the year.

We've beginning to change the flush valves and faucets in all of the City buildings to a hands free system.

Finally, we're beginning to plan for our 2008 capital budget. We want to get off the ground running and be prepared for the coming months.

BUILDING COMMISSIONER:

Building Commissioner Opatrny reported, we have three new homes under construction right now. The dialysis center is complete as far as the exterior is concerned and they're proceeding with work on the interior.

FIRE CHIEF:

Chief Nelson reported, the Quad City CERT is partnering up with the Independence Fire Department and will be putting on a Personal Disaster Preparedness presentation that will be held at the Civic Center on February 27th. There will be more information in the Newsletter that comes out next week.

Also, I would like to inform our residents that our firefighters are currently firefighters as well as paramedics. Over the past few years their responsibilities have changed. On our department alone two members are certified as SWAT medics, three of them are Hazardous Materials Technicians, three are certified in Confined Space and Technical Rescue and we have a specialist in structural collapse. All these individuals participate on the Regional Technical Rescue Team that serves not only our community, but the communities in the southwest portion of Cuyahoga County.

POLICE CHIEF:

Chief Nicastro reported, I'd like to recognize one of our recently retired employees, Nick Sreptock. Nick joined the department in 1961 and retired from full-time service in 1995. He stayed with us as our firearms instructor and range manager until this past December when he retired permanently. Nick was with us for 46 years and we want to wish him well.

The weekends of January 19th and 20th and 26th and 27th the police will be conducting some training at the old middle school so you might see a lot of activity there. We're doing some emergency response training with the cooperation of the State Police Academy.

We were fortunate enough to be able to purchase some fire suppression systems for our Ford Crown Victorias. You may have seen in the media in the past couple of years about fires that resulted from severe rear end collisions. There is equipment available now that mounts over the gas tank. In a severe collision, a fire suppression powder is released. Those are being installed now and we hope to have them in place by the end of the month.

STANDING COMMITTEE REPORTS:

COMMUNITY SERVICES – (TOGLIATTI):

No report.

UTILITIES COMMITTEE – (NARDUZZI):

Councilman Narduzzi stated I would like to send my condolences to Mayor Kurtz on the loss of Mel Kurtz, Sr. His love for the City was surpassed by no one. He was a great guy and will truly be missed by all of us.

I would like to thank you, the residents, for your vote of confidence in me. I will do my best to make this town a better place to live.

Happy New Year!

PUBLIC LANDS AND BUILDINGS – (CROOKS):

Councilman Crooks stated congratulations Mayor on your return to the Mayor's Office. I look forward to working with you in the coming term. At the same time I'd like to express my condolences on the loss of your father, Mel Kurtz, Sr. I knew him and he was a great man. I also know that he was a pillar of this community.

I would like to congratulate the Council Members up here. I think we've gotten off to a good start with our Planning Session in December and I look forward to working with the new members of Council as well as the returning members.

The Public Lands & Buildings Committee will attempt to pursue a continued aggressive agenda in the upcoming term. We will continue the public buildings tour and also make sure that the public buildings inventory is maintained. We look to make good on our intention of last year on pursuing a public lands inventory.

Most recently I've had some conversations with Service Director Dave Snyderburn about the opening of the new section of Mapleshade Cemetery. We've had some informal discussions and meetings and this topic will be on the Public Lands & Buildings agenda in the coming 30 days. We should look to have increased rates and who will be eligible for the new section in place sometime in the next 30 days.

FINANCE COMMITTEE – (BLAZE):

Vice Mayor Blaze stated to Mayor Kurtz, your dad indoctrinated me into business years ago. I had a Cleveland Press route down Sunset. When your dad would come to the door and I had to collect he taught me how to negotiate for my pay. I always hoped Mrs. Kurtz was going to open the door that day.

The Finance Committee has set the budget for 2008. There will be some modifications and amendments going forward as the year progresses both from an expenditure and revenue standpoint. The Committee's biggest task before it now is going to be working with the committee chairs, the department heads and the Administration on putting together the City's first ever 5-Year Capital Improvement Plan. The Committee will be working on that over the next three to four months. We look forward to diving in and getting started and making that happen.

STREETS AND SIDEWALKS COMMITTEE – (RILEY):

Councilman Riley stated good to see you back in that seat Mayor, and see all the familiar faces out there. It was ten years ago that I sat up here for the first time. It's easy for me to remember because my twins turned ten yesterday. The first week I started serving they were born. It's great to be back. I'd like to thank the residents for their support.

I look forward to this term. I was again appointed to chair the Streets & Sidewalks Committee. We're going to call our first meeting in February to look at potential road projects. I received a list from the City engineer of roads that need to be looked at. From the finance director I also have a list from an outside engineer that rated all of our streets. We're going to try and accomplish as many projects in the next two years as possible.

My condolences to the Mayor on the loss of your dad.

Happy New Year to everyone.

SAFETY COMMITTEE – (GRENDL):

No report.

RULES AND ORDINANCES COMMITTEE – (KLEPACZ):

Councilman Klepacz stated Happy New Year to everyone.

I would also like to extend my condolences to the Kurtz Family on the loss of Mel. I knew Mel from Kiwanis. I believe he was the last chartered member. Anecdotally, the first year I chaired the Kiwanis BBQ I was handing out normal packets of 20 tickets each to be sold. Mel asked me what I was doing. "I always get 60 tickets, give me 60 tickets!" So I did and he always sold that many for each BBQ.

I would like to compliment the service department employees who plowed during the snow on New Year's Day, and especially Dave Snyderburn who not only had to address the snow, but whose department had to also do double garbage routes the following day. It appeared to me that everything was taken care of. Thank you, Dave.

LEGISLATION:

FIRST READING

ORDINANCE 2008-05 2008 AMENDED ANNUAL APPROPRIATION ORDINANCE AND DECLARING AN EMERGENCY

Moved by Riley, seconded by Crooks, to read by title only. Council polled: 5 yes/0 no; motion carried.

Moved by Riley, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 5 yes/0 no; motion carried.

Moved by Riley, seconded by Blaze, to adopt. Council polled: 5 yes/0 no; motion carried.

ORDINANCE 2008-06 AN ORDINANCE RENEWING THE CONTRACT WITH NEW HEIGHTS TREE SERVICE, LLC FOR THE TREE TRIMMING,

REMOVAL, DISPOSAL AND RELATED LABOR AND EQUIPMENT FOR THE RESIDENTIAL TREE TRIMMING AND REMOVAL PROGRAM AS SET FORTH IN CODIFIED ORDINANCE §909.06 AND DECLARING AN EMERGENCY

Moved by Riley, seconded by Crooks, to read by title only. Council polled: 5 yes/0 no; motion carried.

Moved by Riley, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 5 yes/0 no; motion carried.

Moved by Riley, seconded by Crooks, to adopt.

Discussion: Councilman Riley stated, I see Bob Collins here tonight. Bob used to do this service for us but has retired. Good luck Bob on your retirement and thank you for your service to the City.

Mayor Kurtz stated we will be having discussion on the parameters and procedures of the Residential Tree Trimming and Removal Program at the next Council Workshop.

Council polled: 5 yes/0 no; motion carried.

RESOLUTION 2008-19 A RESOLUTION AUTHORIZING THE EMPLOYMENT OF JEFFREY S. MARKLEY AS CITY PLANNER TO THE CITY

Moved by Riley, seconded by Crooks, to read by title only. Council polled: 5 yes/0 no; motion carried.

Moved by Riley, seconded by Blaze, to adopt. Council polled: 5 yes/0 no; motion carried.

RESOLUTION 2008-20 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE VARIOIUS SERVICE AGREEMENTS PERTAINING TO THE CUYAHOGA REGIONAL INFORMATION SYSTEM AND DECLARING AN EMERGENCY

Moved by Riley, seconded by Crooks, to read by title only. Council polled: 5 yes/0 no; motion carried.

Moved by Riley, seconded by Narduzzi, to suspend the rule requiring two separate readings. Council polled: 5 yes/0 no; motion carried.

Moved by Riley, seconded by Narduzzi, to adopt. Council polled: 5 yes/0 no; motion carried.

RESOLUTION 2008-21 A RESOLUTION AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO A PURCHASE AGREEMENT WITH MICHELE L. GAZIK, TRUSTEE, FOR

THE SALE OF REAL PROPERTY LOCATED AT 7421 STONE
ROAD (PPN 562-08-003) AND DECLARING AN
EMERGENCY

Moved by Riley, seconded by Klepacz, to amend the Purchase Agreement (Exhibit A) attached to Resolution 2008-21 to \$125,000.00. Council polled: 5 yes/0 no; motion carried.

Moved by Blaze, seconded by Riley, to read by title only. Council polled: 5 yes/0 no; motion carried.

Moved by Riley, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 5 yes/0 no; motion carried.

Moved by Riley, seconded by Blaze, to adopt. Council polled: 5 yes/0 no; motion carried.

Moved by Riley, seconded by Klepacz, to adjourn the Regular Council Meeting. Council polled: 5 yes/0 no; motion carried.

There being no further business to discuss, the Regular Council Meeting was adjourned at 7:24 p.m.

Susan E. Kurshuk, Clerk of Council
