

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

**CAUCUS:**

Vice Mayor Jim Riley called the meeting to order at 5:38 p.m. Present were Mayor Gregory Kurtz, Council Members Jim Crooks, Dave Grendel, George Klepacz, Tom Narduzzi, Jim Piteo, Jim Riley and Anthony Togliatti. Also present were Finance Director John M. Veres, Law Director Greg O'Brien, Engineer Don Elewski, Clerk of Court Angie Zeleznik (entered 5:48, left at 6:07 p.m.), Engineering Coordinator Don Ramm and Economic Development Director Ron White.

Vice Mayor Riley stated first on the agenda is Ordinance 2008-33 the Supervisor Agreement for the Police Department.

There were no objections noted to passing Ordinance 2008-33.

Vice Mayor Riley stated Ordinance 2008-34, the Patrolmen's Unit Agreement.

There were no objections noted to passing Ordinance 2008-34.

Vice Mayor Riley stated next is Ordinance 2008-38 the amendment to the Appropriation. Finance Director Veres provided us with a memo explaining the changes.

Finance Director Veres stated, the latest revision was to the Home Days Fund. We realized now that it's all cash in and cash out we need around \$10,000 in change ready for that weekend. We also collect all the money for the rides and then give most of it back. I had to increase the revenue in the appropriation for these things so we're ready for Home Days.

Vice Mayor Riley stated next is Ordinance 2008-39 regarding a \$2.00 charge for a copy of our zoning map.

Councilman Crooks asked have we determined that there has been some type of abuse? Why do we have to charge people for information that is a matter of public record?

Vice Mayor Riley asked, where did this request come from?

The Clerk replied it came from the Building Department. In the past we got our zoning map copies from Elewski. Now the Building Department runs them on their color copier and they're very large. The fee in the past was \$1.00. Right now it's \$1.00 per page for a color copy. We always charged for the map and it was never listed in the ordinance. For some reason it was never noticed that it wasn't on the list. Now it will officially be on the list with a suggested fee of \$2.00.

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Councilman Piteo commented, if it's a 24" x 36" map, then there is some expense there. A charge is not unreasonable.

Vice Mayor Riley asked, does a separate fund have to be created?

Finance Director Veres replied no. We did set a minimum charge for copies. There is no charge for the first 24 8 ½ x 11 pages. After 24 pages it's \$.08 per copy.

Councilman Crooks commented I understand that the amount is insignificant.

Councilman Narduzzi commented, it's the principle of the thing. We're charging somebody for public record.

Councilman Crooks stated, the way it reads now, I take issue with that. I just don't want to discourage an Independence resident if he or she is interested in obtaining a copy of the Planning & Zoning Code – to have to pay \$25 for that. My suggestion would be that the first copy of everything on the list is free and anything above that there is a charge for.

Mayor Kurtz responded, you don't have to do anything if you don't want to change this. Let it stay the way it is and the map will be \$1.00. We can just remove this legislation from the agenda. As long as Council is comfortable with the way it is then it's not a big deal.

Councilman Grendel commented, this shows color copies at \$1.00 per page. How large is the map?

The Clerk replied it's a large map.

Councilman Piteo asked has there been past abuse?

The Clerk replied she only sells one or two a year but the Building Department may sell more.

Mayor Kurtz stated it doesn't matter. We'll just keep charging \$1.00. Are there any objections?

There were no objections noted. Ordinance 2008-39 was removed from the agenda.

Vice Mayor Riley stated next is Ordinance 2008-40.

Vice Mayor Riley asked Mayor Kurtz if he would like to explain the ordinance that came as a result of the Goodyear sign.

Mayor Kurtz stated our code says that if you want to get a permit for that sign it's around \$6,000.

Ron White replied it's \$1.00 per square foot of the sign. The sign is over 6,000 square feet. It's the largest in the United States. It came to the Mayor's attention through a request by Clear Channel.

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Law Director O'Brien added, this was an issue many years ago too. When they first came in they sent a letter objecting.

Ron White added, this is not a last week kind of request. This has been a request right from the start when Goodyear removed their sign and this became something that would have more turnover to it. As they went through several and paid \$6,000 each permit they started right off requesting we reconsider how we're charging for this sign. It seemed reasonable enough to look into it and explore it. We've moved along and had a number of meetings and it came to a point where the Mayor considered what could be done and what would be reasonable. Even at the dollar amount that is being proposed in this legislation, that amount is still triple, if not quadruple, what we would normally charge for any other sign in the City. This is sort of an abnormal condition, and I suggest to you that when this ordinance was put in place, I don't think anyone would have contemplated the Goodyear sign would be something that would be turned over. It would just be that way for a long time. And it was that way for a long time. But now we have a different condition, and I think the conditions merit reevaluating what we charge for that particular sign, not for all our signs, that particular sign. This is unique.

Councilman Grendel asked, what did we collect when it was Goodyear all those years?

Mayor Kurtz replied nothing. Circumstances have changed because now they can change the face of the sign overnight. And we're finding out, as many of you have probably noticed, that they've changed it again. So they're saying that because of the flexibility that they have with the new types of material to be able to change the sign, they're probably going to change it more often. Their concern isn't a one-time event but the continuous possibility of changing it.

Vice Mayor Riley asked, do they have to come in and show us what they're putting up there?

Mayor Kurtz replied yes. They come to the Building Department.

Vice Mayor Riley asked, can they put anything on it regarding adult entertainment?

Mayor Kurtz replied no. I believe we prohibit that. Part of the deal is that they agreed to prohibit that.

Law Director O'Brien responded I don't have anything in writing from them.

Vice Mayor Riley stated well then before we pass this.

Mayor Kurtz replied we'll make it part of the conditions. We have the approval process, right?

Law Director O'Brien replied yes, but that gets into the First Amendment.

Ron White commented, content is an issue.

Vice Mayor Riley responded, that's what I mean, if we just change this – freedom of speech and all that. But if we say we'll change it on the condition that they never.

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Mayor Kurtz asked, can we do that?

Law Director O'Brien replied I think that you can come to an agreement with them prior to making the change. I would feel much more comfortable going into court with an agreement.

Vice Mayor Riley asked, can we put this on First Reading?

Councilman Klepacz commented, this comes under Rules & Ordinances and I'm looking in my packet and asking where this came from. It did take some investigating because there was no backup or anything with the legislation to find out where this came from. In the future, if things come from the Rules Committee, I would appreciate some background on it so we're not coming in here surprised.

Mayor Kurtz stated we can put it on First Read and refer it to Rules & Ordinances. That's the normal procedure we would follow.

Councilman Klepacz agreed.

There were no objections noted to placing Ordinance 2008-40 on First Reading and referring it to the Rules & Ordinances Committee.

Vice Mayor Riley stated next is Ordinance 2008-41, amending the Senior Advantage Program. Kathleen Kapusta touched on this. We're just cleaning it up.

There were no objections noted to passing Ordinance 2008-41.

Mayor Kurtz left the Caucus.

Vice Mayor Riley stated Ordinance 2008-43, authorizing the Clerk of Court to enter into an agreement with Progressive Fighting Systems for a diversion program. There is a memo we received. Councilman Togliatti asked Angie Zeleznik some questions regarding this.

The Mayor will not be able to speak on this because of a family connection to the building where this business is housed.

I have worked with Angie on this. Through our court system when kids get into trouble this is just another program that Angie would like to use for juvenile diversion. The City picks up some of the cost. The parents pick up some of the cost and the company picks up some of the cost. It would be all three participating so there is ownership on the part of everyone involved.

I've been down there. One of the trainers there is a magistrate for the court system in Cleveland. I know he has worked with our police department on training some of our officers.

Years ago in Cleveland they used to do a similar program but with boxing. They would get kids into boxing. Boxing has lost its popularity. Martial arts is the thing right now that everyone seems to be getting into.

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Mr. Marinelli from Progressive has told me that he is working on a grant. Right now they can only enroll kids in this program who are already in trouble and have gone through our court system. With this grant he is trying to obtain, they can get kids into the program before they get into the court system in an attempt to get them on the right path.

This program is pretty strict as far as what they have to do. They have to be there. Mr. Marinelli can speak about kids whose lives have been turned around by this program.

Clerk of Court Angie Zeleznik entered the Caucus.

Councilman Grendel commented, I know some kids in middle school will turn around and use this on other kids. You have to have the discipline and mindset and not use it as aggression.

Councilman Narduzzi commented, it's not just a program where you go there to learn martial arts and it's one more notch underneath their belt to defend themselves. It's a program they're going through.

Angie Zeleznik replied exactly. It's a program that they're going through. It is martial arts techniques, but it's much more than that. They begin with conditioning like flexband and kettlebell training. That's basically a fitness and exercise program. They have to commit to doing that for quite a period of time before they are even moved into learning any of the martial arts. They're working with people who are bigger than they are. It's actually a good lesson for them to see, especially if we were to send kids who were charged with bullying. They will actually know what it's like to work with somebody who is bigger than they are. I'm sure that would be part of the training of that child and that discipline too.

It's a leadership training as well. They use these kids as they progress in the program by asking them to help out at the studio. They will sweep floors. They will help move equipment back and forth. It actually teaches them leadership skills as well.

Vice Mayor Riley commented, I had my son in this program about three years ago when I was doing some of it. You're taught how to avoid confrontations in this program. That is the first thing you learn – that it's not good to fight.

Councilman Klepacz asked about the age group involved.

Angie Zeleznik replied we've had kids get in trouble as young as 12, and maybe even younger than that. This is something that would be determined with the parent as beneficial. There would be no one in the program over 18. Seventeen is the cutoff because it's juvenile.

Councilman Klepacz stated I get the impression we're talking about the habitual people, or people who are in danger of doing some serious things?

Angie Zeleznik replied, it does not necessarily have to be habitual people. It could be somebody who has gotten into some kind of trouble and in discussion with the parent you find out that maybe there is a lack of motivation in other areas of their life. Often times this is something

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where the parents have been trying to work with them on and they're grateful that the City is now involved because there is some teeth behind getting them to do something. It's not just listening to mom and dad anymore. They need to do this and it's a powerful motivator.

Councilman Crooks asked, would this be mandatory?

Angie Zeleznik replied no. They can choose whether they want to be found guilty of the offense and be done with it. Or, they can agree to go into the program.

Vice Mayor Riley asked for other examples of juvenile diversion programs.

Councilman Crooks asked, isn't there a speaker series?

Vice Mayor Riley replied yes. Weren't we working on something to do with horses?

Angie Zeleznik replied yes.

Law Director O'Brien commented Angie is working on that.

The Mayor's Office could initiate this as long as it wasn't more than a cost of \$7,500. The reason why it's in front of you is because building connection.

Vice Mayor Riley asked, but this isn't the only diversion program?

Angie Zeleznik replied no.

Councilman Piteo commented, the reason for diversion programs is an attempt to divert them from getting in trouble again.

Angie Zeleznik stated Juvenile Court is the one that makes the determination on the cases that we get back. Often times they will send us a kid who has been in trouble before and they know it but feel they're better served by our program than by shipping them downtown. The language in everyone's diversion program is first time offenders, but they have the option of sending us a second offender.

Councilman Piteo commented, as long as it's a misdemeanor.

Angie Zeleznik replied yes, correct. We don't get felonies.

Law Director O'Brien commented, the horse program will probably be implemented. It doesn't need to come to Council for any other diversion program.

Angie Zeleznik stated the Carnegie Program is another program. I think 18 is the limit that they want a child in there. It's an eight week confidence building program. This is another program that we use.

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Law Director O'Brien asked will they get an option of a list of diversion programs and they can choose one?

Angie Zeleznik replied we haven't gone that far but I'm sure we can do that.

Councilman Grendel asked where does the funding come from?

Angie Zeleznik replied we got funds from Cuyahoga County Juvenile Court when we signed up to participate in their program. The money would come from there. The kids are eligible to use those funds but you may have a situation where you might want the child to contribute to this – maybe not paying for the whole thing but to participate in assisting with the payments. We may opt with some to do that as well. The funds won't come from the City. We already have them.

Councilman Klepacz asked, the funds are coming from Juvenile Court?

Angie Zeleznik replied yes.

Councilman Klepacz asked how many juvenile offenders come through the court per year?

Angie Zeleznik replied I don't have that statistic.

Councilman Klepacz asked is it 1,000? How many are we talking about?

Angie Zeleznik replied less than 100.

Vice Mayor Riley asked so around eight per month?

Angie Zeleznik replied yes. It goes in cycles actually. Some years are worse than others.

Councilman Klepacz stated I have worked with you in connection with kids doing community service. The kids I've worked with have been alright. Some of them have attitudes but after they work all day (inaudible).

Angie Zeleznik replied I think that's good for them to do that also. This is really thinking outside the box. It's presenting them with an opportunity that they most probably wouldn't be aware of on their own, and might not normally go to. It's giving them an opportunity to choose. It's going to enhance them. When they get through this program, they are going to feel better about themselves.

Marcus came to talk to me about this program and work things out. I asked him what they'd be doing. We went to the Internet and he was showing me. I just commented see people go up the hills with these kettle bells that I didn't think I could ever do that. Before he left my office I was coming to his class the next day and he is going to show me that I could do that. I was there the next day running up the hill with kettle bells. I can't tell you how good I felt by just doing that one thing. This is what he does. He's not just offering a training program. He works with people.

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Vice Mayor Riley suggested that Council take the time to go down there and see what they do. There are Cleveland policemen in it, our policemen in it, Broadview Heights policemen in it.

Angie Zeleznik added and Valley View policemen.

Vice Mayor Riley stated it creates a family type of thing. If a kid goes there and he's a troublemaker, when he leaves he won't be.

Angie Zeleznik responded I agree with that.

Councilman Klepacz asked is this just for Independence kids or for anyone who comes through our court?

Angie Zeleznik replied we haven't talked about that either. The subject hasn't been broached. Cuyahoga County sends us kids. If an Independence kid gets in trouble in Parma, we can very easily get that case back, even though it didn't happen in Independence. Likewise, if a Parma kid gets in trouble here we can very well have him through our program.

Councilman Togliatti commented, as you can see from the memo I spoke with Angie about this at length. There are a couple of reservations I have. I did some kind of cursory research online and spoke with a couple of court systems. There is really nothing like this out there that has ever been tried or tested. We are talking about leadership skills and things like that but we are teaching troubled youth how to fight. I don't know if that's really the best thing for them. And if you couple that with the cost of the program, it's \$1,370 per juvenile. It seems kind of excessive. In talking with some of the other court systems – Ashtabula County, Lorain County. They enroll their troubled youth into the Boy Scouts. They do different programs. They mandate so many hours of community service with the Boy Scouts. They have to do weekend projects and things like that and it doesn't cost anything. Paulding County does the same thing with the 4-H program, and again, it doesn't cost anything. And they're not learning any sort of defense technique. It just seems that there may be alternate paths that might cost less money and essentially instill the same value while not getting into fighting, martial arts and those sort of things.

Angie Zeleznik stated I can't really talk about specific cases and mention names. But I can think of two cases off the top of my head where the kids were overweight and that's part of their self esteem issue. I'm asking you to not focus on the fact that they're teaching them how to fight because there is so much more than that. These kids can go there and they'll be exercising. They will be using their bodies. When you exercise it releases endorphins and they feel more positive, better about themselves. That in turn keeps them motivated to continue going. Before you know it a month has passed and they're already feeling and looking better. I want you to also keep that in mind. It's not just focused on fighting. There are a lot of other benefits from this program.

Councilman Togliatti responded \$1,300 per juvenile seems to be pretty steep.

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Angie Zeleznik replied for the Dale Carnegie Program we have to have a minimum number of people to send there before we get the discount, which makes it \$716 per child. That program is over in six weeks. They go once a week for six weeks and that's it for \$716. If we don't have five or more, then we don't receive the 20% discount so it would cost over \$900 a six or eight week program.

Councilman Narduzzi asked, and how long is this program?

Angie Zeleznik replied this is a 12-month program. Juvenile Court requires us to hold the case open for 12 months anyway. We couldn't close it earlier if we wanted to. So this was based on the community diversion program as presented by Juvenile Court.

Councilman Klepacz asked, do you keep records on recidivisms?

Angie Zeleznik replied we can get that from our computer system.

Councilman Klepacz responded you have kids going to various different programs. It would be interesting to see the recidivism rate between the different programs.

Angie Zeleznik replied I can't mention any names but last year we had a program called Deputy Dads. We have Deputy Mom also. By the way, this is sanctioned through Juvenile Court. They're all for it. Frankly, they want us to spend this money.

Finance Director Veres stated you might want to tell them that we have around \$10,000 left in that account.

Angie Zeleznik replied yes - \$10,000. Every year they audit us.

Finance Director Veres stated we received a grant.

Angie Zeleznik added, it was \$1,000 per month for a year so we got \$12,000.

Finance Director Veres stated and we still have about \$10,000 and it has been four or five years now.

Councilman Grendel commented, I found when I was on the school board that the more money you throw at something you think it's going to solve all the problems and bring about change. I agree with Councilman Klepacz. I'd like to see a study to see how successful these things are. Or are the just programs to spend money with mixed results?

Angie Zeleznik stated as far as Independence goes we're not going to have statistics because we haven't done this program before. I can tell you that via this Deputy Dad Program if we have a child that's in danger of failing the community diversion program and for whatever reason their home life is rattled anyway, we try to hook them up with an adult that would help and encourage them. With this particular situation the boy had been in trouble two or three times before. The family situation was bad. If this family doesn't need their community now, when do they need

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it? They need us to help now. Rather than shipping that case down to Juvenile Court, through this Deputy Dad Program this child ended up going and working out down there. I can personally tell you that as far as discipline, I happened to be at an event at the middle school for kids. This boy was there playing with his friends and everybody was having fun. Then I saw him waiting by the door and I asked him what's the matter? Where are you going? He said he had his martial arts training and he had to go. That in and of itself, the child that left his friends, they were playing strobe light dodge ball and all these X-Box games. He had the self control and discipline at this point to leave his friends because he had committed to go down to that program. He had been in trouble at least three times. He has not been in trouble since that program.

Councilman Togliatti asked, how much annually do we get for these diversion programs? We have \$10,000 left over from last year.

Angie Zeleznik replied they stopped giving us money.

Finance Director Veres added, it was about four years ago we received the money.

Councilman Togliatti asked so you may be able to help eight or nine juveniles a year with that money with this program?

Angie Zeleznik replied right – if everybody were to choose to do that program. I also wanted to mention that the owner of this place has somebody working on a grant. That grant money would be able to be used for at risk kids. We can't use juvenile diversion money for kids that might get in trouble. We can only use it for kids who have already been in trouble. Marcus is working on a grant. If they get this grant, let's figure out who the at risk kids are and now we have the money. You don't have to pay anything for it. There is an investment in the community.

Councilman Crooks stated, if I could weigh in. I think the merit of whether or not we're going to approve this legislation is not necessarily in what the program can do for the child. That could be subjective and we can debate back and forth all night long, in my opinion. Dale Carnegie – I've read a Dale Carnegie book. I don't know anything about the program, but I trust that if Angie recommends it that it's good. Horseback riding – this is the first I'm hearing about it. I'm a baseball guy. I prefer them to go play baseball, but I'm not going to impede that program because I'm going to argue the merits of whether or not horseback riding is good for a kid who made a mistake. I think the merit of how we should decide on this legislation is whether or not we trust the fact that Angie has taken the time to put together another program that sounds to be an option. It's not mandatory. Someone who makes a mistake and decides not to plead guilty can go to this program – just like Dale Carnegie or horseback riding. That's how I'm approaching this issue. It's not whether or not the kids is going to feel better about themselves. I believe that to be true but we could debate that. That's subjective. Are we going to entrust Angie with giving another opportunity to these kids? I'd like to move this forward.

Councilman Grendel responded the only reason this legislation is in front of us is because they're housing it in a building owned by the Kurtz family.

Law Director O'Brien added, and he can't sign the agreement.

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Councilman Grendel stated that's the only reason. It's just to approve this so they can have the option.

Somebody should review these programs. It seems like all we want to do is throw money at issues. Is how much money you spend making the program successful? A lot goes into the families. There are other ways they can help these kids in my opinion. I'll support this only because the issue is in front of us because of the circumstances of where it's housed.

Councilman Togliatti commented, knowing that we only have a budget of \$12,000 a year for this, and only eight juveniles can be disciplined with this program, I can't support this. I'd like to see lower cost alternatives that would be able to be spread across many more troubled youth.

Angie Zeleznik responded, once we spend that money we will receive more money. It's not like we're going to run out of money. They're not going to give us any more money when it's just sitting in an account. They have assured us that funds are still available.

Vice Mayor Riley commented, it's an option.

Councilman Klepacz stated I would like to see something on recidivism, just compare those in different programs.

Councilman Crooks responded that's a good idea. I agree with that so we can see what programs are working.

Councilman Piteo asked how long has Valley View and Cuyahoga been doing it?

Angie Zeleznik replied they have diversion programs but not this one.

Councilman Grendel responded this is a pilot program.

Vice Mayor Riley stated we'll vote on this. Next is Resolution 2008-83, council committees that we previously talked about. Are there any questions?

There were none noted.

Mayor Kurtz re-entered the Caucus.

Vice Mayor Riley stated next is Resolution 2008-85, the change order for the concrete work for F.P. Allega.

Councilman Crooks asked Finance Director Veres, we allocated \$250,000, correct?

Finance Director Veres replied it's already in the budget.

Councilman Crooks stated so there is a budget for \$250,000 and we've already allocated \$150,000. This change order is so we can finish the total that we've budgeted, correct?

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Finance Director Veres replied correct.

Councilman Grendel asked, is this going to the Stone Road sidewalk?

Finance Director Veres replied part of it.

Mayor Kurtz replied yes.

Vice Mayor Riley stated Stone Road is going to be completed down to Tulip Trail.

There were no objections noted to passing Resolution 2008-85.

Vice Mayor Riley stated Resolution 2008-86, renewal of the Independence Co-Op Nursery School. I think Finance Director Veres asked for this to be placed on First Reading.

Finance Director Veres replied the Mayor and I discussed this. The lease amount has not been changed since the inception. We thought maybe we'd want to review that.

Vice Mayor Riley asked, can we find out how many children enrolled are residents?

Councilman Togliatti replied I have that – 44% are Independence residents. We do pay all of the utilities in the building.

Law Director O'Brien added we raised that issue the last time this came up.

Councilman Grendel stated we pay all their utilities except for telephone.

Councilman Klepacz added I think I heard we also clean there.

Law Director O'Brien replied I don't know about the cleaning.

Mayor Kurtz added, just the major maintenance.

Councilman Grendel stated there is only one nursery school. There used to be two. They merged.

Councilman Narduzzi asked, how soon do they have to know?

Finance Director Veres replied I think it's September 1<sup>st</sup> is the renewal.

Councilman Narduzzi asked isn't enrollment before then? If we raise the amount, they may change their amount.

Vice Mayor Riley asked do you want this in Finance Committee or Public Lands & Buildings? Since it involves money we'll put it in the Finance Committee.

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Next we have resolution 2008-87, the co-application with the City of Parma. We received a copy of Mayor DePiero's letter to the Mayor.

Councilman Grendel stated there is a program. Save Ohio has in their budget money allocated for local government services and regional collaborations grant program. By us joining with Parma and the other communities that they've contracted, I think Cleveland State or Tri-C will do a study on the concept of regionalism. This is particularly for dispatch services.

Mayor Kurtz responded that's right.

Councilman Grendel stated I talked to Chief Nelson and he thinks this is an excellent idea. It doesn't hurt anything to go into a feasibility study. It's an excellent first step as far as regionalism goes. You can see from the letter that Brecksville, Broadview Heights, Brooklyn, Brooklyn Heights, Linndale, Middleburg Heights, North Royalton, Parma Heights, Seven Hills and Valley View are being approached regarding this. I believe it's a step to save the expense of this particular service.

Mayor Kurtz stated as an aside, we are continuing our dialogue with Brecksville and Broadview Heights irrespective of this proposal by Parma. We are going through our own analysis with the three communities. But this has no impact financially on the City of Independence participating.

Councilman Crooks asked and no compromising of our serviceability?

Mayor Kurtz replied that's right.

Vice Mayor Riley stated as of right now we provide excellent services.

Mayor Kurtz stated there is no binding. All this is saying is that we have not objection to participating in the grant to allow them to do that study. It's not costing us anything and we're not bound to participate. That's why we're continuing our pursuit of the issues with Broadview Heights and Brecksville for fire safety.

There were no objections noted to passing Resolution 2008-87.

Vice Mayor Riley stated we have Resolution 2008-88, change order with Geotech. This is to the 2006/2007 contract.

Councilman Narduzzi stated this came up in the last Utilities meeting. This is for final grading down on Dalebrook.

There were no objections noted to passing Resolution 2008-88.

Vice Mayor Riley stated next is Resolution 2008-89, a permanent sidewalk easement in connection with the Stone Road sidewalk.

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Councilman Piteo commented that the work was started already and is almost three quarters done.

Mayor Kurtz replied no. It will be two more weeks before we're done. We just moved a fire hydrant. In terms of this property the first portion was already put in last year. This is the portion east of the driveway. The fact is when we put the drainage in on Stone Road several years ago we moved into the boundaries of the right-of-ways so that now we either have to go around it or over it. That's why we're looking for additional right-of-way.

There were no objections noted to passing Resolution 2008-89.

Vice Mayor Riley stated next is Resolution 2008-90, the purchase of Internet payment software for Mayor's Court. Jim Gibbs worked on this. I think there was over \$50,000 budgeted and this came in at around \$9,000.

Councilman Crooks asked where is the balance going to go?

Finance Director Veres it stays in the Mayor's Court budget.

Councilman Piteo stated I went on the Parma website and this was pretty extensive. Is that what we're going to get with this amount of money? Is the maintenance and updating included?

Councilman Grendel replied it looks like that will be \$2,000 per year.

Mayor Kurtz added that will be rolled over in our next budget.

Vice Mayor Riley stated there will be a cost involved every year.

Mayor Kurtz commented, the next proposal we're going to look at is paperless with regard to the Court.

There were no objections noted to passing Resolution 2008-90.

Vice Mayor Riley stated next is Resolution 2008-91, a settlement agreement between the City of Independence and Elaine Kukawka. This is what was worked out on the Wisnieski property and we need to finalize it.

Law Director O'Brien replied yes.

**Moved by Riley, seconded by Grendel, to recess the Council Caucus for an Executive Session to discuss real estate acquisition and collective bargaining agreement. Council polled: 7 yes/0 no; motion carried.**

The Council Caucus was recessed at 6:25 p.m.

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The Executive Session was convened at 6:25 p.m. Present were Council Members Crooks, Grendel, Klepacz, Narduzzi, Piteo, Riley and Togliatti. Also present were Mayor Kurtz (left at 7:00 p.m.), Law Director O'Brien, Finance Director Veres and Economic Development Director Ron White..

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

The Executive Session was adjourned at 7:15 p.m.

The Council Caucus was reconvened at 7:16 p.m.

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

The Council Caucus was adjourned at 7:16 p.m.

**COUNCIL MEETING:**

Mayor Gregory Kurtz called the meeting to order at 7:19 p.m. Present were Council Members Jim Crooks, Dave Grendel, George Klepacz, Tom Narduzzi, Jim Piteo, Jim Riley and Anthony Togliatti. Also present were Finance Director John M. Veres, Law Director Greg O'Brien, Engineer Don Elewski, Community Services Director Natalie Buc, 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.

Pastor Dale Piscura of the Cuyahoga Valley Church said the prayer.

The Pledge of Allegiance followed.

**AUDIENCE PARTICIPATION:**

Mayor Kurtz called resident Joseph Oster forward to speak.

Mr. Oster stated I've been a resident of Independence for 46 years. I could have written a letter but it wouldn't have had the same impact as me being here. People usually only hear the negative. I see how you work together. I must tell you that you're doing a heck of a job here. I talk to people and they think this is the best town, especially in the State of Ohio.

I want to take the time to especially thank the Service Director. Anytime I call I can depend on him calling me back and doing something. A lot of politicians say they'll call back and they never do. I wanted to make it clear that Dave Snyderburn does a heck of a job, and I'm not the only Golden Ager that appreciates Dave. The Service Department helped me with a sewer issue. I wanted to make sure that all of you were aware. I also want to congratulate Joe and Al for all they did.

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Director Snyderburn thanked Mr. Oster for his compliment. It's nice that we have the opportunity to work for the City. You're right. It's a great City in which to live and work.

**APPROVAL OF MINUTES:**

Moved by Grendel, seconded by Riley, to approve the minutes of the Public Hearing of June 10, 2008. Council polled: 7 yes/0 no; motion carried.

Moved by Riley, seconded by Narduzzi, to approve the minutes of the Regular Council Meeting of June 10, 2008. Council polled: 7 yes/0 no; motion carried.

Moved by Grendel, seconded by Riley, to approve the minutes of the Special Council Meeting of June 24, 2008. Council polled: 6 yes/0 no/1 abstain (Crooks); motion carried.

**MAYOR'S REPORT:**

Mayor Kurtz stated, I would like to thank all the City employees and the volunteers who participated in the July 4<sup>th</sup> Celebration and fireworks. Mother Nature cooperated and it was enjoyed by all.

Looking forward, Home Days is right around the corner and with it comes renewed friendships and a lot of fun. I look forward to seeing many of you at the Home Days weekend festivities.

Let me thank the previous administration and specifically our Clerk of Court, Angie Zeleznik, for developing creative alternatives to dealing with challenged and concerned youth through diversion programs, especially those programs where she has to constantly monitor the youth. Sometime it takes several years. I want to thank her again for her extra effort in watching out for our future generations.

**OFFICIALS' REPORTS:**

**ENGINEER:**

No report.

**FINANCE DIRECTOR:**

Finance Director Veres reported, on the agenda tonight we have Ordinance 2008-38, which is an amendment to our Annual Appropriation. The main purpose of this amendment is to recognize and pay back to the Municipal Income Tax Fund grant money in the amount of \$300,000 thanks to Ron White. We will be receiving this money by the end of the year. It reduces our \$650,000 commitment for the West Creek Confluence Project.

**SERVICE DIRECTOR:**

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Director Snyderburn reported we're getting ready for Home Days. It's going to be a great Home Days so I invite everyone to attend. They'll have a great time.

We're still delivering compost. If you need any, give us a call and we'll deliver as much as you want.

**COMMUNITY SERVICES DIRECTOR:**

Director Buc reported we have two more Concerts on the Square, Thursday, July 10<sup>th</sup> and Thursday, July 17<sup>th</sup>. All are welcome to attend. There is no fee but we would appreciate a donation of a canned food item, which will be donated to a food bank.

We have an Outdoor Movie and a Family Campout on Friday, August 15<sup>th</sup>. I hope everyone will join us.

Parade applications will be accepted until July 18<sup>th</sup>.

**RECREATION DIRECTOR:**

Director Kostyack reported that four of our lifeguards competed in the Greater Cleveland Local Lifeguard Competition two weeks ago. They finished in First Place, which qualifies them to compete at the state level, which will take place in Mason, Ohio on August 3<sup>rd</sup>. The four lifeguards were Tayler Corn, Jordan Lentz, Mike Chatal and Ron Surace.

We host the Emerald Necklace Tournament next week, July 17<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup>.

**TECHNICAL SERVICES DIRECTOR:**

Director Avsec reported the Historic Hall window replacement bids came back. We have some good numbers and are looking into the availability of some grant money to help with the cost of that project.

We will be working with the Service Department in the installation of new fencing by the pond on Wisnieski Parkway.

We will begin setting up for Home Days on July 21<sup>st</sup>.

**BUILDING COMMISSIONER:**

Commissioner Opatrny reported that the Property Maintenance Program is in full swing. We ask that any residents who see violations call the Building Department and we will address it immediately.

**FIRE CHIEF:**

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Chief Nelson reported the Fire Department just recently received notice that we are receiving a grant in the amount of \$4,000 from the Department of Public Safety. That will be earmarked for emergency medical equipment.

The Fire Department will be continuing our annual hydrant maintenance throughout the summer. We ask that you keep an eye out for signs posted on your street to indicate the day the hydrant flushing will take place. If you do experience rusty water, we ask that you go to the lowest level in the basement and run the cold water until it becomes clear.

**POLICE CHIEF:**

Chief Nicastro reported that Safety Town concluded last week. There were 59 students that graduated this year.

Home Days is August 1<sup>st</sup> and 2<sup>nd</sup>. I want to remind residents that on August 2<sup>nd</sup> at 9:00 a.m. is our Annual Home Days Run that takes place between the Park and Hillside Road through the Dora and Elmerge area. There may be some traffic delays but we'll do our best to keep traffic moving through that area. Also, the Home Days Parade begins at Noon on Route 21. Traffic will also be a little slow at that time.

I want to thank the VIPS and CERT members who helped us out during the Fireworks to keep traffic moving and keep pedestrians safe.

**STANDING COMMITTEE REPORTS:**

**COMMUNITY SERVICES – (TOGLIATTI):**

Councilman Togliatti stated I would like to send my condolences to the Stoika and Cicero families for the loss of their loved ones.

I would like to congratulate Matthew and Steven Mayher on obtaining the rank of Eagle Scout, the highest honor bestowed upon young men by the Boy Scouts of America.

I would like to also congratulate the administration as well as the City employees who were instrumental in our 4<sup>th</sup> of July Celebration. The fireworks were fantastic and everything went off without a hitch. I would especially like to thank all the VIPS and CERT volunteers who donated their time to direct traffic and crowd control. It was great to see so many residents giving back to their community.

There is one piece of legislation that I'd like to comment on this evening, Ordinance 2008-42, authorizing a new juvenile diversion program for our Mayor's Court that would send delinquent juveniles to The Progressive Fighting Systems AKA Strong Style Martial Arts and Training Center for punishment and rehabilitation for their crime.

Now I do believe our court system must become immediately involved with youth offenders to prevent further delinquent behavior and to prevent youthful offenders from becoming adult

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offenders, however, I must be a product of the “old school” mentality in that punishment for juvenile crimes is community service hours, restitution and counseling. Instead, we are proposing to send our troubled youth to Progressive Fighting Systems to learn karate and the like. I simply do not agree with a program such as this and will not support this legislation this evening.

After looking into the logistics of the program I discovered that each juvenile offender would undergo an assessment, which would cost \$350. Then each juvenile would be mandated to participate in 12 months of martial arts classes at \$85 per month, for a grand total of \$1,370 per juvenile offender. This is an outrageous amount of money to spend on a program that has never been tried anywhere before or tested. In fact, in U.S. Surgeon General Dr. David Thatcher’s 2001 report to the nation on youth violence in America, he asserted that the percentage of adolescents involved in violence was shockingly high. I’m not sure that teaching troubled youth to fight will help to bring this statistic down.

After researching existing diversion programs I found many successful programs that integrate community service, restitution and counseling at little to no cost to the community. For example, Ashland and Lorain Counties utilize the Boy Scouts program to help develop character, wise decision making and efficient communication skills. While Paulding County mandates that juvenile offenders compete in 4H projects. I would like to see our court system explore programs such as these.

**UTILITIES COMMITTEE – (NARDUZZI):**

Chairman Narduzzi reported the Utilities Committee met in June to prioritize the sanitary sewer maintenance schedule for 2008. We will start on Rockside Road and work our way south. General maintenance includes cameraing and jet cleaning where needed.

The Zoning Board of Appeals met on June 19<sup>th</sup>. On the agenda was a second permanent ground sign for Mavis Winkle’s restaurant. The Board gave a one year marketing study approval for a second ground sign that will be monitored by the Zoning Board to see if this marketing strategy worked. It will take permanent action after one year.

I will officially be chairing the Public Lands & Buildings Committee after this meeting. I would like to thank Councilman Jim Crooks for a job well done chairing this Committee in the past. I have some big shoes to fill but look forward to working with Tom Avsec and his team on maintaining our public facilities. I would also begin working with the Mayor and my colleagues on a master plan for all undeveloped public land.

Thank you to Dave Snyderburn and Don Ramm for all of their help and positive action on issues concerning our water drainage problems. Dave and Don helped me tremendously on achieving goals set forth by the Utilities Committee.

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

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Councilman Crooks stated, thank you Councilman Narduzzi for your remarks. It is with some feeling of attachment that this will be my last report as Chairman of the Public Lands & Buildings Committee. It has been an incredible experience and I think we have been able to attain some accomplishments – a public building inventory, the public buildings tour and we were able to obtain for Director Avsec building software that will allow him to plan well into the future. This certainly hasn't been done alone. I'd like to thank both administrations and the people who have been on the Committee. It has been a good time. I will still be a member of the Committee and look forward to moving forward with some of the programs mentioned.

I will be moving over to the Finance Committee as its Chairperson. There will be some big shoes to fill from the prior Chair, Mr. Blaze. But certainly in that role as chairperson of the Finance Committee, it will be my approach that we'll continue down the path of asking ourselves a very simple question, and that is what is the role of government, what do we want the role of government to be to the people and how will we allocate the resources? We already have an issue that is going to be referred to Committee so the Finance Committee will be meeting in the next 30 days.

I am happy to report that we will continue the strategic planning process that we initiated late last year, and will continue our discussions at a Council Workshop on Tuesday, July 29<sup>th</sup>. I look forward to continuing that strategic planning process and further reporting on it to the community.

Finally, on Sunday, July 13<sup>th</sup> the Historical Society will hold its Annual Ice Cream Social and Old Car Show from 2 p.m. to 5 p.m. We had 100 cars last year and hope to surpass that number this year.

**COUNCILMAN JIM PITEO:**

Councilman Piteo stated I want to thank the Vice Mayor for appointing me Chair of the Utilities Committee. Thanks also to Councilman Narduzzi for setting me up right. You did a good job chairing the Utilities Committee. I can't wait to get to work.

I will also be part of the Safety Committee and look forward to working on that Committee as well.

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

Vice Mayor Riley stated I want to compliment the Mayor on the fireworks display. As always, it was wonderful this year.

Don Ramm has reported to us that Wisnieski Parkway will be striped in the next week or two. They will also be constructing the pillars, lighting and fencing by the lake.

The profilometer was used on Wisnieski Parkway. My compliments to the Engineering Department and to the contractor on a job well done – done ahead of schedule and done within budget.

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As mentioned earlier, there are some committee changes to the various council committees. I feel that the changes made are in the best interests of the City. Everyone appears to agree with them and we can keep things moving forward in a positive direction.

I would like to comment on Ordinance 2008-42, the diversion program. Since I've been on Council I think every one of our department heads does a great job. Angie Zeleznik, our Clerk of Court, does a wonderful job. If you talk to anyone in the legal community, they speak very highly of the City of Independence and their court system. It is probably one of the most well respected Mayor's Court systems in the county. I commend the Mayor and Angie for their work.

When Angie brought this to our attention, I sat down with her and the administrator of this program from Strong Style. This isn't just teaching these kids martial arts. It's giving them a second chance. What better time than when a kid is young and gets in trouble to lead them on the right path by building their self esteem. This program includes exercising, conditioning and learning discipline. This is the time to make a difference in a kid's life to prevent them from becoming a lifelong criminal. I will be supporting this ordinance.

**SAFETY COMMITTEE – (GRENDDEL):**

Chairman Grendel reported the Safety Committee did not meet this month. We will be meeting before the August Council Meeting. On the agenda will be an update on the traffic signalization at Hillside Road and Route 21. We want to keep moving forward with that project. There will be further discussion of the EMS billing ordinance to assure that it is written properly. We hope to have that on the Council Meeting agenda in August. I believe the fire hydrant painting bid should be in by that time and are hoping for a recommendation to Council. Also, Tom Avsec would like to discuss the relocation of the radio tower from outside City Hall to the Service Garage area. This has been an ongoing issue and we need to discuss the cost.

On tonight's agenda is Resolution 2008-87, authorizing the Mayor to co-apply with the City of Parma for the Local Services and Regional Collaboration Grant Program. This will be at no cost to the City. A group of surrounding communities will also be joining with the cities of Parma and Independence in applying for this grant.

This group of cities has a very good chance of receiving funding for a feasibility study relative to a regional public safety dispatch center for police, fire and EMS. The grant is only for the feasibility study and once we have eight communities signed on as co-applicants there is no local matching component. There will be no cost to these cities. According to Mayor Dean DePiero of Parma, the study will be performed by a state-sponsored university or college such as Cleveland State or possibly Cuyahoga Community College.

Mayor DePiero also states this is a great opportunity for all of us show that we are thinking about ways to streamline services and function in a more regional and cooperative way. Again, this grant is only for a study to show if it is possible, both physically and financially, to band together our disparate safety dispatch forces.

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This has been discussed with Chief Nelson and this is one of those things that it's not going to hurt us to obtain information on – the feasibility of regionalization in this particular area.

I hope my colleagues will support this. We need to commit to being part of this by July 25<sup>th</sup>, so it's critical that this resolution be approved tonight.

Resolution 2008-91 is coming out of the Planning Commission Meeting of July 1<sup>st</sup>. I urge Council to approve this resolution authorizing the Mayor to enter into a release and settlement agreement. Last year at the Planning Commission the City agreed to install a drainage swale along a stretch of land south of the Homestead Subdivision to improve drainage conditions in this area. The estimated cost to the City is \$40,000. This also spells out the owner's responsibility. The road would be an overlay and have no requirement of sewers, curbing or the width required by code.

The Mayor came through in terms of the fireworks display. The weather cleared just in time.

I also want to thank the Mayor for proclaiming July 3<sup>rd</sup> Otto Divis Day. Otto is my father-in-law and celebrated his 90<sup>th</sup> birthday. It was a great day of celebration. It's not everyday you have the Mayor of the City and Bishop from the Diocese, Bishop Quinn, attend a ceremony together. My father-in-law has been very active with the seniors over the years. He was the first treasurer of their organization. He was quite pleased that the Mayor was able to take time out of his busy schedule to be there that afternoon.

Regarding Ordinance 2008-42, I kind of agree with Councilman Togliatti regarding the expenditure of funds. We like to see the success rates of these programs. I'd like to see statistics after a year or two of implementation of the success rate.

I spent eight years on the school board. It seems like the more money you throw at an issue doesn't assure that it will be resolved. I know that the schools have an anti-bullying program and it seems like there is more bullying now than ever before. A lot if it goes back to family – the family values and family situation. If there is no guidance at home, it's very difficult no matter what programs are in place to be successful because they still have to go home to problems with broken families or a single parent household. Sometimes throwing money at a situation is not always the right answer.

In this regard, I think, as Council, our decision is not so much the program itself. It's approving where this program is going to be housed. On that basis, I'll approve it, but I would like to have a report from our Clerk of Court on the success rate of these programs. The amount of money spent on these programs sometimes doesn't equate to a successful outcome.

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

Councilman Klepacz stated I would like to echo the remarks of those who complimented the Police Department, Fire Department, Rec Department and everyone else who made the fireworks a success. To those who have thanked the CERT (Community Emergency Response Team) and VIPS (Volunteers in Police Service) volunteers, you're welcome. I was one of the CERT people working with the VIPS volunteers. My function was to make sure things were okay, to answer

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questions, and to help people out of the Park after the fireworks ended. From my perspective, this was one of the most successful fireworks evenings. There were no serious incidents and the park was cleared in record time. It was an honor to work along side the dedicated individuals who work as CERT and VIPS volunteers. We look forward to working together again at next year's fireworks display.

Training for the Community Emergency Response Team begins again in September. In addition to that, there are special training classes held intermittently. Even if you're not a CERT member, you are welcome to attend those training classes. You can find out all about those if you go to the Independence Website and click on the CERT link.

**LEGISLATION:**

**FIRST READING**

**ORDINANCE 2008-33** AN ORDINANCE AUTHORIZING THE MAYOR AND VICE-MAYOR TO ENTER INTO AN AGREEMENT WITH THE SUPERVISORS' UNIT OF THE FRATERNAL ORDER OF POLICE, LODGE NO. 67 AND DECLARING AN EMERGENCY

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

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

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

**ORDINANCE 2008-34** AN ORDINANCE AUTHORIZING THE MAYOR AND VICE-MAYOR TO ENTER INTO AN AGREEMENT WITH THE PATROLMEN'S UNIT OF THE FRATERNAL ORDER OF POLICE, LODGE NO. 67 AND DECLARING AN EMERGENCY

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

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

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

**ORDINANCE 2008-38** 2008 AMENDED ANNUAL APPROPRIATION ORDINANCE AND DECLARING AN EMERGENCY

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

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

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

**ORDINANCE 2008-39** AN ORDINANCE AMENDING SECTION 123.02 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO COPIES OF DOCUMENTS; FEES AND DECLARING AN EMERGENCY

**Ordinance 2008-39 was removed from the agenda without objection.**

**ORDINANCE 2008-40** AN ORDINANCE AMENDING SECTION 1307.04 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO PERMIT AND INSPECTION FEES AND DECLARING AN EMERGENCY

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

**Ordinance 2008-40 was placed on First Reading and referred to the Rules & Ordinances Committee without objection.**

**ORDINANCE 2008-41** AN ORDINANCE AMENDING THE SENIOR ADVANTAGE PROGRAM AND DECLARING AN EMERGENCY

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

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

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

**ORDINANCE 2008-42** AN ORDINANCE AUTHORIZING THE CLERK OF COURT TO ENTER INTO AN AGREEMENT WITH THE PROGRESSIVE FIGHTING SYSTEMS, INC. D/B/A STRONG STYLE MARTIAL ARTS AND TRAINING CENTER AND THE CENTER FOR BEHAVIORAL & SPORT PERFORMANCE, LLC AND DECLARING AN EMERGENCY

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

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

Moved by Riley, seconded by Crooks, to adopt. Council polled: 6 yes/1 no (Togliatti); motion carried.

**RESOLUTION 2008-83** A RESOLUTION AMENDING DESIGNATING COUNCIL MEMBERSHIP ON STANDING COMMITTEES

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

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

**RESOLUTION 2008-85** A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE MISCELLANEOUS CONCRETE WORK FOR 2008 CONTRACT BETWEEN THE CITY AND F.P. ALLEGA CONCRETE CONSTRUCTION CORP. AND DECLARING AN EMERGENCY

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

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

Moved by Riley, seconded by Crooks, to adopt.

Discussion: Finance Director Veres stated this brings the contract amount up to the amount that was budgeted for 2008.

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

**RESOLUTION 2008-86** A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A RENEWAL LEASE AGREEMENT WITH INDEPENDENCE COOPERATIVE NURSERY SCHOOL FOR THE BUILDING AT 7121 VALLEY VIEW DRIVE AND DECLARING AN AMERGENCY

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

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**Resolution 2008-86** was placed on First Reading and referred to the Finance Committee without objection.

**RESOLUTION 2008-87** A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF INDEPENDENCE TO APPLY AS A CO-APPLICANT WITH THE CITY OF PARMA, OHIO TO THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT'S "LOCAL SERVICES AND REGIONAL COLLABORATION GRANT PROGRAM AND DECLARING AN EMERGENCY

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

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

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

**RESOLUTION 2008-88** A RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 TO THE CONTRACT WITH GEOTECH SERVICES, INC. FOR THE CITY'S 2006-2007 CREEK MAINTENANCE CONTRACT AND DECLARING AN EMERGENCY

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

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

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

**RESOLUTION 2008-89** A RESOLUTION ACCEPTING A PERMANENT SIDEWALK EASEMENT WITH MARGARITA PINCZUK AKA MALGORZATA PINCZUK AND DECLARING AN EMERGENCY

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

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

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

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**RESOLUTION 2008-90** A RESOLUTION AUTHORIZING THE PURCHASE OF INTERNET PAYMENT SOFTWARE AND SERVICES FOR THE MAYOR’S COURT AND DECLARING AN EMERGENCY

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

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

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

**RESOLUTION 2008-91** A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT AND RELEASE BETWEEN THE CITY OF INDEPENDENCE AND ELAINE KUKAWKA AND DECLARING AN EMERGENCY

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

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

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

Moved by Riley, seconded by Grendel, 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 7:59 p.m.

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Susan E. Kurshuk, Clerk of Council

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