

**CITY OF INDEPENDENCE  
REGULAR COUNCIL MEETING MINUTES  
AUGUST 12, 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 and Anthony Togliatti. Also present were Finance Director John M. Veres, Law Director Greg O'Brien, Angie Zeleznik (left at 6:04 p.m.), Business/Economic Development Director Ron White, Service Director Dave Snyderburn (arrived at 6:35 p.m.), Engineer/Public Service Coordinator Don Ramm, Engineer Don Elewski, and Jeff Skoczen from Elewski and Associates.

Vice Mayor Riley said there are a few pieces of legislation on for second reading. First, is Ordinance 2008-28, which pertains to people working within the City's rights-of-way.

Councilman Narduzzi said we changed the wording from contractor to any person or persons.

Don Ramm said we changed the word engineer to public service coordinator.

Vice Mayor Riley asked if there were any comments.

Councilman Klepacz asked where did this come from, why are we doing this?

Vice Mayor Riley said one of the reasons was to indicate Don Ramm's title.

Councilman Klepacz said I understand that part, but there were some other changes. Why did we decide to go to 72 hours? Did we raise any fees?

Councilman Narduzzi said the 72 hours was to give our staff time enough to review it.

Councilman Klepacz said I don't have a challenge with that, I just wanted to know where it came from, why did it come up?

Vice Mayor Riley said didn't Don Ramm review this in a meeting?

Law Director O'Brien added, Don Ramm and Carl Opatrny asked me. It took a long time. I can't recall. I don't know if any fees were increased.

Vice Mayor Riley said no.

Law Director O'Brien said 72 hours is definitely just to give the City enough time to respond, and to give Don Elewski's people, who work as mobilizers, longer, and it is also to clarify, more so, that Don Elewski was always in constant discussions, saying it's nowhere in you codes,

---

specifically, that we have to pay or reimburse the City for your costs. We just passed on the cost to them. So we wanted to put that in there.

Councilman Klepacz said ok.

Vice Mayor Riley said I think part of it also was the 72 hours was in case they need someone out there to direct traffic if they shut down a lane.

Vice Mayor Riley said Ordinance 2008-31 concerns charging for emergency medical service squad calls. Dave Grendel has talked a lot about this in the Safety Committee. Everyone should be aware that with this we will do what is called soft billing. If the resident's insurance doesn't cover the exact amount that we charge, we will not go after the resident for the additional money.

Councilman Grendel said that also applies to people who are employed in the City. We'll accept only whatever the insurance will pay for the services.

Vice Mayor Riley said I believe that by the time this gets up and running, we would be only one of the two last cities that aren't doing this. I would assume the last one would probably jump aboard once they see everybody else is doing it.

Councilman Klepacz asked Councilman Grendel about his comment.

Councilman Grendel said employees who work in the City of Independence will not receive a bill for the amount not covered by insurance.

Councilman Klepacz asked so only people who will receive a bill for something not covered by insurance are transients.

Councilman Grendel said correct.

Councilman Narduzzi said the insurance company is going to pay for 99% of it, most probably. We just don't want to bill residents or people who work in the City.

Vice Mayor Riley said, any problems?

Councilman Grendel said, just one thing, a sentence we added--paragraph G says it is to be used by the Independence Police and Fire Departments for upgrading equipment. That is where the fees will go into the fund and that will be utilized for equipment for both of the departments.

Councilman Togliatti asked, did we have to have legislation to create that fund?

Councilman Grendel said I don't think we have the ordinance.

Law Director O'Brien said I thought we already prepared one for the fund and passed one.

Finance Director Veres said I thought it was part of this ordinance, but I don't see it in here.

---

Mayor Kurtz said why don't we just amend this ordinance to add the fund?

Councilman Grendel said, can we do that, create the fund?

Law Director O'Brien said yes.

Councilman Grendel said then let's do that.

**Moved by Riley, seconded by Grendel, to amend Ordinance 2008-31 by adding language to create a Public Safety Fund for fees collected and to be used by Police and Fire Departments for upgrading equipment. 7 yes/0 no; motion carried.**

Mayor Kurtz said Law Director O'Brien will craft the rest of the amendment.

Finance Director Veres said it will be the emergency medical services fund.

Councilman Grendel said, also, as far as choosing the billing company that we are going to use, Mayor, is that going to be at your discretion?

Mayor Kurtz said it will authorize the Mayor to negotiate professional services.

Councilman Grendel said we talked about having a graduated scale.

Mayor Kurtz said it was criteria that was discussed at the Safety Committee meeting, that Council wanted it part of the process, so we are going to add that in terms of specifications when we submit for bids.

Vice Mayor Riley said I want to make sure, with doing this. I think it's a great idea that we put it in funds for buying equipment for the police and fire. I want to make sure that we don't take away from their budgets because we created this; that we keep doing this so if they need an ambulance or a police car in an emergency, that we have this money sitting there.

We have Resolution 2008-86, authorizing the Mayor to enter into a renewal lease agreement with the nursery school. Councilman Crooks had a discussion in his Finance Committee meeting about this. We have asked the Mayor to give them notice and let them know what it costs the City as far as utilities. We are going to try and get them to pay a percentage of it. We didn't think it would be fair, this late in the game, to say you have to do it, but putting them on notice that maybe for next year things may be different. Also, if someone comes to the City with a proposal to buy that property, or how this fits in with our master plan, we are considering all that, and we just wanted to let them know that that is where the City stands.

Councilman Crooks said the legislation we had before us several months ago did not have that "subject to" clause and that is what we agreed to yesterday in the Finance Committee meeting. We would put the co-op on notice that the utilities far outweigh the amount that they are paying to the City in rent. Nobody disputes the fact that it has been a losing proposition for us. So, the Committee agreed and the Mayor agreed that they would try to negotiate some sort of offset, a

---

percentage of the cost of the utilities as one amendment to this legislation, and the second amendment is putting them on notice that the long-term plan for that property may be changing in the short-term. By short-term I think we are talking about a year. Those are really the two changes we talked about yesterday in Committee.

Councilman Togliatti said I know you mentioned a percentage, but in the lease agreement it says pay directly all charges for electricity, gas, water, sewer, with the exception of telephone.

Mayor Kurtz responded that's wishful thinking.

Law Director O'Brien said I didn't have the chance to talk with anybody, but I thought that is where the Committee was going with the utilities, but if the minutes are clear in the direction of the Mayor we can make that change once the Mayor talks with them and negotiates whatever he wants to do.

Vice Mayor Riley said if they would agree to that, that would be great.

Councilman Togliatti asked why would we pay the telephone?

Councilman Grendel said it was in there before, because before they paid the telephone. That should be removed.

Vice Mayor Riley asked Law Director O'Brien if we need to amend that, since we caught it now?

Law Director O'Brien said you could amend it, move to strike except telephone out of there.

**Moved by Riley, seconded by Grendel to amend Resolution 2008-86 by striking out except telephone. Council polled: 7 yes/0 no; motion carried.**

Vice Mayor Riley asked are there any other questions?

Mayor Kurtz said it should be clear that we are not going to recover all the utilities in this one-year contract. Let it be clear to Council that was the intent. I think it was said that 45% of the participants are residents, so we are trying to find some way to generate additional cost offset, understanding we are not going to recover 100%.

Vice Mayor Riley said under first reading Ordinance 2008-44, amending the annual appropriation. We have Finance Director Veres' legislative review.

Finance Director Veres said his memo is attached to the ordinance. Mainly for the appropriations to cover the sewer truck, and then one small change to general funds, not in total, but a line item change to accommodate the additional Civil Service work needed for this year with the two tests, as opposed to last year when they didn't have any tests.

---

Councilman Grendel asked, do we have to amend it again on the bid for fire hydrants next month?

Finance Director Veres said I was waiting to do a group general fund amendment. Unfortunately, this Civil Service is its own little group, so the payroll needs to be amended and it couldn't wait until all the union negotiations were resolved. That's what I'm waiting on.

Vice Mayor Riley said, so we will amend it again when all those are settled.

Finance Director Veres said yes, hopefully. It might come to a point when the last one settles that we might have to amend before that last one settles.

Mayor Kurtz said as far as I'm concerned, we can amend it whenever you're ready now. Everyone knows. The cards are all on the table.

Finance Director Veres said it's not an issue of wages for them is it?

Mayor Kurtz said no. So, I would just say, next month we can add that to the appropriations. We didn't have anything in the original appropriation for increases not knowing where we were going to be. Now that it's framed we can add that to the appropriation next month.

Vice Mayor Riley said next is Ordinance 2008-45. This is in regards to working with the county and sending notice that we agree to participate in the improvement on East Pleasant Valley Road from Broadview Road to Brecksville Road. We talked about this in the Streets & Sidewalks Committee meeting. This is one of those projects where we have to do it if we want to get that improvement. I believe that is going to take place in 2010 or 2011.

Councilman Crooks commented this demonstrates an intent to proceed.

Vice Mayor Riley responded it gives Don Ramm the ability to keep working with the county to keep this going. Any questions?

Vice Mayor Riley said next is Ordinance 2008-46, authorizing the Mayor to enter into an agreement with the M-A-P, this is another one of the juvenile diversion programs involving horseback riding.

Councilman Klepacz asked why is this in front of us? I thought this would be done in Mayor's Court.

Mayor Kurtz said this is one of those county-funded reimbursement programs. There are a couple more available that may come online, once they are proven. We will bring those to Council.

Councilman Klepacz asked, doesn't the Mayor have authority?

---

Mayor Kurtz said I don't know. It's a county funded program, so I'm just bringing it to Council, just like the last one.

Councilman Grendel said I thought the last one we had to approve because of the nature of the building.

Mayor Kurtz said I thought it was more than that. I thought it was because we are using county funds. If it ever gets over \$7,500, Council has to authorize it. That is just the logic I'm using.

Vice Mayor Riley said, I see Angie Zeleznik, Clerk of Courts, is here. Are there any questions on this particular program?

Councilman Grendel said, is this a one-day program?

Clerk of Courts, Angie Zeleznik, said yes, it's a six-hour program. After they are done with that, then there is another two-hour follow-up session.

Councilman Togliatti asked, is the two-hour follow-up with the horse?

Clerk of Courts Zeleznik said, from what I understand, yes, it's a two-hour follow-up session with the horse.

Councilman Togliatti asked, who introduced this? It has all of Council's name on it, but I really didn't know anything about it until I got it in my packet.

Vice Mayor Riley said when Angie called me about it I said put it in. If you want to change it just to Vice Mayor Riley, I have no problem with that. On these things that come that are general City items, I just say do it as entire Council, but if there is a problem, you can remove everybody's name and just put my name on it.

Councilman Crooks said I'll go along with it.

Vice Mayor Riley said a lot of things we have to do are clean-up items or yearly maintenance items, and this kind of falls into it. If there is a concern, whoever wants to put their name on it say so.

Councilman Grendel said one thing, if we are going to be approving these, then down the road I'd like to see some reporting on the success of these two. It will take a couple of years, probably.

Clerk of Courts Zeleznik asked if she could read something. I do have statistics on, not from this particular program, but a juvenile program like this from Geauga County.

Councilman Grendel said we got the letters from the two people who participated in this already.

---

Clerk of Courts Zeleznik said I actually found this today. It basically says Linda Meyers, of Ohio, reports that statistics provided by the Geauga County Juvenile Court also show improved recidivism rates for juvenile offenders since incorporating equine-assisted therapy. In the Subsidy Grant programs in 1998, 67% did not recidivate within three months of their termination from the programs, compared with in 2000, 79% did not recidivate within three months of treatment termination. In fact, the Geauga County Juvenile Court has now nicknamed the horse program the “Last Chance Corral” as they send kids who couldn’t make it in any other program.

Councilman Togliatti asked, do you know if Geauga County is still using this program? Because that article is from 2002.

Clerk of Courts Zeleznik said no, I don’t.

Councilman Togliatti asked, do you know how long their treatment plan was, how many sessions with the horses?

Clerk of Courts Zeleznik said no.

Councilman Grendel said the kids in Geauga County are a little bit different in some regards.

Mayor Kurtz said your point is well taken. We’ll just have a discipline report. It’s going to take a couple years to generate something.

Councilman Grendel said you will need to know that, too.

Mayor Kurtz said it it’s not working, we’re not going to be sending people back.

Vice Mayor Riley said, maybe at the end of the year you can send us a some information on the diversion programs we use and participated in with county funding.

Clerk of Courts Zeleznik said with the diversion programs I can’t tell you their names.

Vice Mayor Riley said I don’t care about the name of the person.

Mayor Kurtz said make it generic.

Councilman Togliatti asked who makes the decision on who goes to this program?

Mayor Kurtz said it is pretty much the Clerk and the Prosecutor who make a recommendation based on the information they collect from the people. We rely on the Clerk of Courts to make a recommendation.

Councilman Togliatti said I have a question for Law Director O’Brien. I was on M-A-P LLC website today and I watched the video. The majority of the video is our Clerk of Courts promoting the program.

---

Clerk of Courts Zeleznik said, the majority of the video?

Councilman Togliatti said it is an eight-minute video and you are probably on there for about three or four minutes. I don't know if there is a conflict of interest if she is on the website promoting it and then she is also referring individuals to it.

Law Director O'Brien said the way we have it set up for legal wise, Mayor, not to correct you, but the way the Law Department is, we don't insist they enter any programs, we give them a list of the programs that are available and it is within their power to choose one. For liability reasons, we don't insist that they attend.

Mayor Kurtz said we don't mandate anyone to participate.

Law Director O'Brien said, in fact, we set it up so that they, themselves, pay directly to the facility. They are responsible to pay. They may have the opportunity to seek reimbursement through the county or through the court. In answer to your question, this is a question I need to ask Angie at some point is if someone just goes there and pays for courses then that is not an issue. If someone has a family interest or has a financial interest, even as low as being an employee, that would be something to be concerned about.

Clerk of Courts Zeleznik said that video was not for this workshop, Anthony. This is a juvenile workshop.

Councilman Togliatti asked what is it for?

Clerk of Courts Zeleznik said it is for a leadership workshop.

Vice Mayor Riley asked, are there any other concerns on this?

Councilman Klepacz said I think Mr. O'Brien might have answered my question. My concern was in the fifth whereas, (he read from the legislation) "should additional funds be required to reimburse juveniles participating in the Choices Diversion Program, such funds will be derived from court fees and fines." That concerns me. You said they pay, meaning whoever is referred to the diversion program.

Law Director O'Brien said the way we have it set up for any program is that the parents or the child, depending on how they have it set up in their family, write the check directly to the diversion program. We've only been involved with two so far. That is how we set these up for liability purposes. It is my understanding of the Mayor's Court, and we don't get involved with it too much, when we asked the question will they have the opportunity for reimbursement, they can seek it, but it's been told to us it is not guaranteed. It is provided that there are funds there. The Court may authorize that and there is different (inaudible). We weren't concerned about it, we didn't care about reimbursement as long as they were making the payment directly to that entity. We used that clause with the other program also. It is my understanding that every court diversion program there is an opportunity to seek reimbursement for juveniles.

---

Clerk of Courts Zeleznik said yes, if it is determined that if through the county juvenile program through county funds, yes, we can determine who pays for a juvenile going through a program

Councilman Klepacz said, again, my concern is I would prefer that the City of Independence funds not be used.

Vice Mayor Riley said, no they are not, that's the county money that's there.

Councilman Klepacz said I understand that.

Finance Director Veres said maybe the wording should be changed then.

Clerk of Courts Zeleznik said the way that I understood that is there are some community juvenile diversion programs that actually charge the juvenile they see to participate in the program and then that is how they supplement the county funds that they get. I think Law Director O'Brien was just opening the door in the event that if we ever want to add this juvenile diversion program to charge a fee to participate. Those fees would then help fund these types of programs.

Councilman Klepacz said but at this point, though, we are not using City funds. We had no intention of that.

Clerk of Courts Zeleznik said correct.

Mayor Kurtz said we have no fee structure for that.

Councilman Klepacz said nor with the program from last month either, correct?

Mayor Kurtz said no, we have no fee structure for using City funds.

Councilman Togliatti asked, but does this wording allow us to use City funds?

Law Director O'Brien said the wording is correct, because in the court fees they may not be City fees, but they are definitely county fees. That is my understanding, but I have to learn more about this program. The fees collected by our Mayor's Court, correct me if I am wrong, go to the county and a portion of that goes to the county's program.

Clerk of Courts Zeleznik interrupted by saying not for this purpose. We do send funds to the county for other reasons, but not for this reason.

Law Director O'Brien said I wrote that up specifically because it was my understanding that if they run short on these programs, there is a point that they are going to have to come back, I don't think they anticipate it, but I wanted to create the vehicle that this program not to cease at that point, for some kids may be assigned and create the vehicle to come back to the City. That is a valid point. The way it is written up now there is a possibility for the City to contribute.

---

Finance Director Veres said we have community diversion checking account. Maybe we should just make that statement here, instead of court fees and fines, and funds can be taken out of the community diversion checking account. That account is only funded by the county. When it runs out, we ask for more.

Councilman Klepacz said I would be much more comfortable if that's what we do.

Mayor Kurtz said why don't we just amend this to that funding which will be through the community diversion checking account. We will strike court fees and fines, and put such funds that will be derived from the community diversion checking account.

Councilman Klepacz said right, because that's the only money in the account.

**Moved by Riley, seconded by Grendel, to amend Ordinance 2008-46 by striking court fees and fines and replacing it with "such funds will be derived from the Community Diversion checking account." Council polled: 7 yes/0 no; motion carried.**

Vice Mayor Riley said next is Ordinance 2008-47, creating a handicap parking fund.

Councilman Grendel said Ordinances 2008-47 and 48 go together, 47 creates the handicap parking fund and 48 increases the fines and puts our fine the same as with the State laws. We have the memo from Angie. Right now, for an individual offender our police have been writing it under the State code instead of the City's and they have to go to Garfield Heights Municipal Court for processing. This way, it will keep everything in town.

Mayor Kurtz said explain to me how that works in terms of if somebody pulls into a space and they have a permit and the permit number comes back to a specific licensed driver, and the person that comes out that it is not that person.

Councilman Piteo asked if that happens a lot.

Clerk of Courts, Zeleznik, said it has happened several times in one month, which is why I wanted to bring it to your attention. It's happened six or seven times, so I think that is a significant amount, when you are talking about a \$250 ticket and we could be using that money. Also in this ordinance, it dictates that a fund has to be created, and then half of those fines can be used either for signage or other things, such as advocacy for children with disabilities, and things like that. So we will be able to put that money to good use.

Vice Mayor Riley asked if there are any questions regarding Ordinances 2008-47 and 48? There were none.

Vice Mayor Riley said next is Ordinance 2008-49. This is for a temporary moratorium on the issuance of plan approvals for undeveloped residential property of five acres or greater that Councilman Crooks introduced.

---

Councilman Crooks said even though my name is the only name on it, it certainly is not my intention to be the only name on it. I extend the invitation to anybody on Council to endorse this. The genesis of this comes out of our most recent Workshop, where we had talked about this very topic and how we can use an approach like this as a planning tool, essentially, where we have a moratorium on development of parcels privately owned of five acres or more for a six-month time period. It doesn't have to be six months, I'm just saying a time period whereby we can ask the Mayor to authorize the City Planner to do an assessment of all privately owned pieces of property, so that we can know where these pieces of property are so that we don't find ourselves dealing with issues of major developments and the potential headaches that come along, and the concerns that accompany those plan approvals. Essentially, we back ourselves into a corner. I feel ourselves reacting sometimes and having to do damage control with some of the residents who don't like these developments that are going in.

Councilman Crooks said this is a way for us to just know where these pieces of property are. If we know that, I think it becomes a helpful tool. Again, the six-month time frame is not locked in, it can be three months if we can get this done, or it may have to be longer. The concept behind this is that we inventory all privately owned pieces of property, five acres or greater, so that we know where they are and we can plan for these developments in the future, or we can say maybe this is a piece of property that we would like to acquire. Maybe this is a piece of property that we would like to permanently protect with an easement. This is just to protect the City. We remain in the driver's seat and that standpoint. I don't think we remain in the driver's seat when a piece of property comes before us or a plan comes before us and we don't know where it is, and then all of us have to go out there and talk to the residents or listen to the Planning Commission. We are then reacting, in a sense. This is a proactive measure.

Councilman Grendel asked if there is anything imminent in this for the Rockside Road area, where we know pretty much what we want that to be?

Councilman Togliatti asked, could we limit it to residential development in case a 10 or 15 acre office campus becomes evident and we don't to miss the boat and wait six months.

Councilman Crooks said yes.

Councilman Togliatti said because I think that is the gist he is leading to.

Mayor Kurtz said the area that we are working on, and we identified this in earlier conversations, is the area by Acorn Drive, where we are trying to bring the respective property owners together to allow us to go in and do a road extension in two areas, an extension in phase one and a phase two beyond the interstate. We are in the process of working with the developers. Don Ramm is in the process of trying to work with them to deal with wetland mitigation, property, assessment issues, etc., because we don't want to limit or close the opportunity to grow those two areas of vacant properties. If you want to restrict it to properties currently residential zoned and exclude the properties that are already approved, such as Troiano.

---

Law Director O'Brien said because we don't feel a need to assess that area, and a tremendous amount of studies necessary along Rockside Road, because that has been well thought out and planned, there is no need to include those commercial areas.

Councilman Crooks said, and that is the intent. Referring to the minutes from that Workshop, where everybody participated, and I think the gist of that, as you said, was property currently zoned residential.

Councilman Grendel said we have done that before, I know Councilman Cichocki had that, and then we approved it and an extension of it.

Councilman Crooks said that's a moratorium, but not to do this. That was to hire a company to look at the parks.

Councilman Narduzzi asked, is six months a long enough time frame?

Mayor Kurtz said we could always extend it if the need be.

Councilman Piteo said, Mayor, what is considered a major development?

Mayor Kurtz said I define it as being anything that is already approved.

Councilman Piteo said, acreage wise, the size of it. Does it have to be five.

Councilman Narduzzi said five houses or more, that would be 2-1/2 acres.

Mayor Kurtz said we are talking about five vacant acres of land that aren't planned and currently under approval. For example, Troiano would be excluded, even though there is nothing on the property, it wouldn't be subject to this review. It is for currently not permitted properties.

Councilman Narduzzi said it should be 2-1/2 acres if it is five housing sites.

Mayor Kurtz said you can't build on 2-1/2 acres, by the time you get the right-of-way and a road. Lots are half acres. You can't put five houses on 2-1/2 acres. You need to get the road right-of-way, you need at least 3-1/2 to 4 acres.

Councilman Togliatti asked should we amend it to say, currently zoned residential?

Vice Mayor Riley said we will amend this to say residential property.

**Moved by Riley, seconded by Grendel, to amend Ordinance 2008-49 to read tracts of land currently zoned residential. Council polled: 7 yes/0 no; motion carried.**

Councilman Crooks asked if anyone would like to be excluded on the introduction, if not everyone will be included.

---

It was agreed that all of Council would be included as introducers.

Vice Mayor Riley said next is Resolution 2008-84 to accept the bid of Gunton Corporation for the window replacement at Historic Hall. I'd like my name removed and I will be abstaining because I believe my company does business with Gunton. Are there any questions?

Councilman Crooks said this is obviously a project that has been budgeted for the last two years, so this should come as no surprise.

Vice Mayor Riley asked are there are any other comments? There were none.

Vice Mayor Riley said next is Resolution 2008-94, substituting New Heights Tree Service for Collins Tree Service. Everybody probably knows Bob Collins retired, and we are not going to force him to do this work, so New Heights will just assume the contract. Any questions?

Mayor Kurtz said I just want to bring to Council's attention. I'm not sure if we discussed this area or not with the Service Department. It concerns what we budget per year by the City and by the residential program, is \$150,000 to \$200,000. I'm going to put that together in a memo form for us to discuss in Executive Session. It's a personnel issue. It is another creative way of providing a service that has a potential benefit for this community. I just want to tell you that we have been approached by New Heights with a proposition through the Service Department.

Vice Mayor Riley asked, are there any other comments? There were none.

Vice Mayor Riley said next are Resolutions 2008-95 and 96, to authorize additional funds for the retention of Elewski and Associates. This was discussed in the Streets & Sidewalks Committee meeting where Don Ramm gave his explanation of why we needed to do this. Are there any questions or concerns?

Councilman Crooks said I know the legislation says miscellaneous planning, but is there any idea of what we are going to be doing.

Engineer Don Ramm said he put together an explanation and some history in anticipation of these questions. I've gone over what type of functions are appropriated for in this specific planning item. A lot of them are driven by the Planning Commission, the Architectural Board of Review, and Board of Zoning Appeals. Applications are submitted, plan reviews are performed and, subsequent to approvals, detailed engineering plan reviews come in. All of that time for the engineering review comes out of the miscellaneous planning. In the recent past, some of the items were the Meadows Phase II Subdivision, East Archwood, the Kukawka dedication plat, and the ITC parking lot expansion. Again, things that are current on the agendas, and are currently under review which go back and forth from meeting to meeting with revisions being submitted and subsequent reviews being performed.

Engineer Don Ramm said the spreadsheet/bar chart gives you an idea of the costs, from the beginning of the year, and it shows that it is really tough to gauge, month to month, what the typical fee is going to be. You might ask where does the \$15,000 come from. It came from an

---

initial submittal back in the beginning of the year for \$75,000 total. Through the current invoice that is under review that is not yet approved, but is going to get pushed through here shortly, that last August one, the \$13,000, if you added them all up, it puts you at \$58,000. So, we are right there, after this current invoice is paid, we are meeting the budget amount of \$6,600. Again, how long does that gives us is very highly predicated upon what comes in the future.

Engineer Don Ramm said at the bottom I tried to estimate how many tasks. Everything that is on the agenda are current items and have not been formally approved yet, so there has to be ongoing time and expense accrued. The Marycrest property surveyors recently made a request, and there might be some Downtown Redevelopment work coming, and we have all those future things listed at the bottom. I consider it to be an operating budget, thus the name of the chart. That is the background as to where some of those charges come from.

Councilman Crooks said what are the chances we can take this document and, in December 2008, have red check marks next to these upcoming tasks.

Mayor Kurtz said some of them are beyond our control, depending on what comes in per plans and applications. It's not something where we know every week it's going to cost us so much. We also have the Marycrest property survey. We are hoping to get that one done asap. Depending on Downtown Redevelopment, you can't predict the ARB or Planning Commission. It's one of those things where Council creates a number and we work through those issues that come to the forefront in terms of different areas that need to be addressed.

Engineer Don Ramm said it is also how we respond to some of these agenda items, like Stone Road and the Key Bank parking lot. Right away, we want to look at the big picture, and look at the Stone Road intersection. With some things that comes in, afterwards there may something else we may want to look at. It's all coming out of a planning type account function.

Councilman Narduzzi asked who puts a dollar amount to that function?

Mayor Kurtz said Council does when they initially budget for the year.

Councilman Narduzzi said no, I'm saying work is requested for Downtown Redevelopment. Who puts a number to that request?

Mayor Kurtz said, for example, take Marycrest. Don Ramm will talk to Elewski and ask how many hours, give me an approximate budget to survey both bookends for that property. That will give us the barometer as to what we need for that single project. Obviously, with Don's experience, he'll be able to say whether or not the amount given is reasonable, but until we have a number, we don't know what it is going to cost.

Councilman Narduzzi asked, why wouldn't we have the work done, receive a bill and then approve the bill?

Mayor Kurtz said because you want to have an idea of what the cost is going to be, you don't want to say go ahead and do it, and then authorize it.

---

Councilman Narduzzi said but Don Ramm is watching over that.

Mayor Kurtz said he authorizes. You appropriate the money, a pool of money, and then you are leaving it to Don Ramm to use good judgment in what he authorizes to get done and make sure the bill is reasonable.

Vice Mayor Riley said if we did it the other way, we would be approving invoices every month.

Councilman Piteo asked how would we do this if we didn't appropriate this money up front? Every time Don Ramm came across a project he would have to get us together to discuss it

Engineering Coordinator Ramm said that is why I framed it as an operating budget. It gives us the flexibility to move the pace as things come in, or else you might be in that situation where for every single minute item I would have to be constantly getting proposals and bringing those proposals back, or at least for those over \$7,500.

Vice Mayor Riley said part of why he is here is because I don't want to get a phone call saying we need this survey, we need this inspected, etc. That's why he is here—he can say call Elewski and have them do a survey, and what is it going to cost. If Don Elewski says it is going to cost \$20,000, Don Ramm is probably going to say, wait a minute, we're not paying that. But, if he says a two man crew, four hours, then he has an idea by looking at what our specs are for a surveying crew. I don't want a phone call saying the water department dug a hole, we need to go check it out. Can I hire Elewski to go do that? We'll have ten phone calls a day.

Vice Mayor Riley asked if there are any other questions or concerns.

Finance Director Veres said I have a concern with our accumulation of our properties list, which is ours that we don't have yet, meaning electronic versions of prints and hard prints. Our contract with Elewski & Associates says that they are supposed to provide us with all of that at each point when they are done with their work.

Vice Mayor Riley asked, do you have all of that, Don?

Engineer Elewski said we provided for it before we started the work. In working with Don Ramm, some of the things that we provided for him helped do these projects.

Finance Director Veres asked, where did we get this print for Selig?

Engineering Coordinator Ramm said they (Elewski's office) supplied it to me.

Finance Director Veres said, there you go, we don't have it in our office.

Engineering Coordinator Ramm said they e-mailed us files recently.

---

Mayor Kurtz said what we are doing is we are trying to put together a budget and put together a build out for the rest of the City Annex so that we can have all our plans supplied and provided in and on our property. Right now, if you told us you would give us all the plans, I don't know where I would put them all. I think Don knows the goal, to get all of that information. I hear what you are saying, but, Don, you are working towards that goal, correct?

Engineering Coordinator Ramm said yes, and it would definitely have to be a joint effort between Don Elewski's office and us to determine what is out there, what do we have, and what do we need.

Mayor Kurtz said there is no hesitation from Elewski's perspective to give us that, is there?

Jeff Skoczen said I've suggested to Don Ramm that we give him two formats of digital copies, a PDF and an actual drawing, so when you open up the drawing you don't know how to view the drawing. So the PDF flashing will give you the drawing without having any knowledge. Anybody and everybody can open it the PDF and print it as intended.

Mayor Kurtz said, ok, we're getting the information. We are going to get everything that we need, right?

Engineering Coordinator Ramm said the easiest window, the one that we are currently under contract with design and the Hillside signal at 21, lower Brookside, and anything that is coming in, we are getting plans and we should be getting the digital copies of all that.

Mayor Kurtz said I think Finance Director Veres is talking about some of the historical drawings. So that will be the next step.

Engineer Elewski said we have given the historical drawings to the Building Department, every single plan that we have done in the last thirty years. They have taken that and set it in their files.

Mayor Kurtz asked is that a PDF file?

Jeff Skoczen said a TIF image. The Service Department has it. I don't know how many. He has several books on all the TIF images.

Business/Economic Development Director White said not all of these are electronic. You have historical documents that are hand drawn. These are not. You won't be able to work with these documents, you will just be able to view them. That's all you are going to be able to do.

Vice Mayor Riley said, I guess what they are saying, Don, is we need a copy, whatever you have in the City, we need a copy, either in the Building Department or the Service Department.

Jeff Skoczen said I received a list of some of the Building Department items. You can't track what the Building Department has. They have all the streets and roads maps, sewer maps, in TIF image, and there is no way you can go and find anything. I requested some information that we

---

were missing and they gave me this TIF image saying that there was no way to track what document referred to what. It was just in there as a date when it was converted to a TIF image. It was next to impossible to identify any drawing that you wanted to easily. That was brought up earlier, I think last year.

Engineering Coordinator Ramm said we might have a lot of stuff that we don't have, or that it's not very well catalogued to the extent that we could use.

Vice Mayor Riley said that might be a project that you can coordinate with an engineering school for an internship. Bring in a couple college kids and have them do all this record transferring. Save us some money and give them some experience and take care of it.

Councilman Togliatti said with the current drawings we are receiving, such as Selig Drive, we are naming them correctly now so that we can go back and retrieve them.

Engineering Coordinator Ramm said those come in a different ways. There were a lot of drawings that our people were scanning and they had to create names. The items I am getting directly is specific by request and comes to me.

Mayor Kurtz asked, are you cataloging them as you get them now?

Engineering Coordinator Ramm said yes, I have my binders and folders set up by project so that if anything comes in it is very simple for me. However, they would have to be meshed together to be incorporated into the big picture.

Vice Mayor Riley said the good thing is that we have everything duplicated at Elewski's office and here. If there was ever a fire in one of the buildings, we would have the back-up.

Councilman Piteo asked how much a survey costs, such as for a lot split, or the Marycrest property?

Engineering Coordinator Ramm said it is difficult to say, it depends on the size of the property, how old, etc. The one we just had across the street, the age of Hemlock Cemetery. It's case by case. If you wanted to do a 100' x 200' lot, checking pins, it's cookie-cutter pricing. It's four pins, it's rectangular--\$300 to \$500; if you get something irregular, old--\$5,000.

Engineer Elewski said it depends on the control that's out there.

Engineering Coordinator Ramm agreed, saying research needed to establish control.

Law Director O'Brien said I would imagine the Marycrest property would be on the upper end.

Vice Mayor Riley said next is Resolution 2008-97 for the relocation and installation of a new fire hydrant on Stone Road.

---

Councilman Piteo said the hydrant is not repairable, they can't put it back in the ground, so they have to replace it. It is a 4" main and I believe it has to go to a 6".

Engineer Elewski asked if it has been moved already.

Vice Mayor Riley said I think so.

Vice Mayor Riley said we are having Service Director Snyderburn check into pricing if we ever have to do any more of these.

Mayor Kurtz said didn't we have a contract? A response was no.

Councilman Togliatti said why do we have to approve it if it is under \$7,500, because it's after the fact?

Vice Mayor Riley said it is after the fact. Are there any other questions on this?

Business/Economic Development Director White said on Resolution 2008-96, does that need to be discussed, because it is a separate set of services?

Vice Mayor Riley said I tied them both together. Next is Resolution 2008-98, accepting the bid of Safety First for painting the fire hydrants. I know we have been getting a lot of good feedback on the work they've done so far.

Councilman Grendel said they have completed 100 this year, and I think we are hoping to be able to get 100 more done by the end of the year. Then they will do 200 in calendar year 2009. We have 845 hydrants in the City, so this would be a little bit less than half of all the hydrants. They have done the ones on Brecksville Road and this firm has done a wonderful job, and they have the best warranty. You can see by the bids, they are \$112 per hydrant than the next highest bidder. They have already done work for us and the Chief is real pleased.

Vice Mayor Riley said they are not slapping on more paint, they sandblast them and fix them up nice.

Councilman Grendel agreed, and said this will last a pretty long time.

Councilman Crooks asked how can there be such a big discrepancy?

Vice Mayor Riley said I think this guy works with only one helper.

Councilman Crooks said, how do you explain \$250 per hydrant?

Vice Mayor Riley said, I'd look at that, but having seen his work, I'll take him as the low bidder. Is there clause to renew this for a second year? We might want to think of renewing it in the spring.

---

Vice Mayor Riley said next is Resolution 2008-99, a change order to the road maintenance contract. He asked Don Ramm to explain this.

Engineering Coordinator Ramm said part of the pricing indexes that are going up here--the price of oil, all the ODOT contracts, which ours certainly refers to the ODOT specifications. They tie in the pricing, and when the contractor bids it to a bidding index and a placing index which allows him to recoup costs and increases as time goes by from the time of the bid versus the time of doing the physical work and ordering the materials. That's exactly what has happened in this case. There was a cost increase for the material, as shown in my memo dated August 1 which itemizes some of those costs. Basically, the original \$9,000 for the quantity we are looking at, 7,500 gallons. I just backed out to the initial expense versus what we had left in the contract versus what we needed and came up a little over \$19,000, so we are requesting \$20,000 for the change order.

Vice Mayor Riley said we talked about this in the Streets and Sidewalks Committee. If you look at Brecksville Road, how they roll it, etc., and from last year that is still in pretty good shape where they crack sealed it. Are there any questions on this?

Councilman Piteo said nothing has been done, so far, this year?

Engineering Coordinator Ramm said no, not yet.

Councilman Piteo said there are some streets that were striped that were supposed to be crack sealed. Are they taken off the list now?

Engineering Coordinator Ramm said there are a couple of different ways we can try to go at that. We can try to crack seal between the stripes, or bite the bullet and go over the stripe and come back and restripe. There was a miscommunication on my end. We have two different people with their hands in the striping contract between the Police Department and they kind of had to shift gears with the number of the streets that were initially in the bid versus taking some out. So, Bob Williams got involved with trying to streamline with some new costs and the new cost structure of the contract that we pulled out.

Mayor Kurtz said we didn't have enough money to do them all anyway, so we are going to be selective on how we utilize when there are scarce resources.

Engineering Coordinator Ramm said the contractor was issued a memo, in writing, back in July regarding specific streets he was to hold off on. What happened was when Bob recently revised the total streets and gave him the new list with the map highlighted, the contractor at that time didn't double check back with me and, vice versa, I didn't reiterate to him. None of my streets changed. The ones that I had always said that held off, were always the ones that were going to be striped, because they had striping already out there. The ones that were kind of in conflict were the residential streets that never had stripes. They were in the initial contract and they got pulled later on. It was unfortunate, I wasn't diligent enough to babysit the contractor to assure that we still needed crack sealing of the streets, but he went ahead and striped. There are plenty of streets to do that don't have the stripes—Dalebrook Subdivision, the Ranchview, Scenicview,

---

Timberlane areas are also on the list. We can start with those and see how much the product will pull through, and then go from there. We have the concrete roads, Pin Oak was added to the list because a lot of work was done there recently with Allega to get that street buttoned up. There is plenty of work that we can do, but certainly I'm disappointed. The bottom line was that I really wanted to spend a lot of material and money out there on Brookside.

Councilman Grendel said Brecksville Road was done in Independence and Brecksville at the same time, but it seems like if you go over onto the Brecksville side, that road is like brand new, and when you ride on ours it looks like it is about twenty years older. What is the difference, they were done at the same time.

Finance Director Veres said a different contractor, different engineer.

Councilman Grendel said I notice it every time I ride out to Brecksville.

Engineer Elewski said different materials.

Councilman Grendel said it's a world of difference. Brecksville's looks as good as it did the day it was done, but then you look at ours and see all the cracksealing.

Vice Mayor Riley said maybe we can start using that material.

Engineer Elewski said the other thing is that Brecksville doesn't have all these utilities within their paving areas that we do. We are constantly tearing up the pavement.

Finance Director Veres said it has nothing to do with that. It has everything to do with what was put on top of the road.

Vice Mayor Riley said ok, that's another issue. Are there any other questions on Resolution 2008-99?

Councilman Klepacz said I don't have a question on that, but, as long as we are talking about cement, I overlooked bringing it up at our Streets and Sidewalks Committee meeting, so I'm bringing it up now. The thing is where we keep taking care of our cement guys, which is ok.

Service Director Dave Snyderburn entered the meeting.

Councilman Klepacz said a resident pointed out to me, and I think they have a valid concern, if we go along Kathy Lynn, by that little gas house, the sidewalk makes a right angle, then it makes another right angle. Because it's a right angle, people cut through the mud, it's uneven, and somebody's going to fall. Could we put six or seven feet of concrete there so it's not a right angle? Is that part of our miscellaneous?

Service Director Snyderburn said we will put a sidewalk in for you.

Councilman Klepacz said thanked Service Director Snyderburn and the administration.

---

Vice Mayor Riley said next is Resolution 2008-100. I'd like my name removed from this, I do business with the company that does the fencing, and I'll be abstaining. This resolution is for installation of fencing and lighting around the pond. It was noted that a couple columns are up.

Councilman Klepacz asked, do we have any plans to put a fence by the Luvison property? I noticed that we have fenced the whole east side of the park. We have the Luvison property running along the west side. I know it wasn't done on purpose, but the City has encroached on a lot of the land.

Mayor Kurtz said that was about the hedges.

Councilman Klepacz said yes. To avoid problems in the future, I think we might want to take a look at fencing that off. I notice he has it posted, and there have been some discussions with him. He is very concerned about people coming from the park, going on his land, and the liability, etc.

Law Director O'Brien said I spoke to Mr. Luvison recently, and then Don Ramm and I spoke. We don't know how far the City is encroaching, so we need to do an easement over there, which he is amenable to. I believe he wanted to do a fence there, we did not talk about the fence. Don and I talked about that originally we needed an easement to do a swale or something over there. Don said we might be able to get away with not having to put the swale in. That's where we stand. We need to know what we need to do over there. Mr. Luvison was very nice and polite. His only concern was people coming onto his property, liability, etc. I know he would be very much appreciative of a fence. We need to figure out if (a) we are encroaching, and I believe we are, and (b) do we need to put (inaudible).

Councilman Klepacz said with people coming through there, it's not clear what is City property and what private property is.

Vice Mayor Riley asked Law Director O'Brien, did you bring up the City acquiring that property.

Law Director O'Brien said no, I did not bring up acquiring the property, because if someone is willing to offer an easement for our use.

Vice Mayor Riley said, no, I'm not talking the easement. It was part of the master park plan that, someday we would look at that.

Fred Ramos said that he had a conversation with him.

Law Director O'Brien stated I know we've done an appraisal on the property.

Business/Economic Development Director White said I know there were conversations, I don't know the content of the conversations.

---

Law Director O'Brien said the Law Department was never part of any discussions with Luvisons as far as any purchase.

Vice Mayor Riley said, see what they say.

Councilman Togliatti said back to this piece of legislation, it's for \$29,000 and it seems to be piecemeal between nine different companies. Is this typically the way we do projects like this, or should this have been bundled up and bid out to one construction company?

Mayor Kurtz said this is the result of the Finance Director requesting this. He put together this piece of legislation. No, normally we would just do it. We would have one contractor. Another person would put the project together. It was requested by the Finance Director that we assemble this so that there is an aggregate amount allocated for this project, a capital project. Normally, it was tangential to the road project, so we would do it off of that. I really don't care how we structure it.

Councilman Grendel said didn't we do something similar with that Independence sign at the corner of Rockside and 21?

Finance Director Veres said yes, this kind of evolved into a project like Rockside and Rt. 21, and the courtyard was also a project. It packages as a project with a safer way to do it, from an accounting standpoint and an auditing standpoint.

Councilman Togliatti said my question is, is this something that should have been bid out?

Mayor Kurtz replied no. It costs more money to prepare the specs than it would have been to do the project.

Vice Mayor Riley said Technical Services ran all the pipes underground.

Several people talking at once.

Service Director Snyderburn said we had to get the concrete, so there is probably \$1,000 in there for concrete from Carr Bros.

Mayor Kurtz said it is just one of those done in house, except for the brick work. I think what John's point was to assemble it all and make it a project so, from an accounting standpoint, it's all accounted for.

Finance Director Veres stated we can capitalize it as a project.

Councilman Grendel asked, will this be the same for the Hemlock Cemetery fence? Will we do the same or similar type thing there?

Service Director Snyderburn said yes. It's the same type of thing.

---

Mayor Kurtz said it depends; just make that a project.

Service Director Snyderburn said we have \$25,000 allocated for Hemlock. We will probably need a little bit more.

Finance Director Veres said that is eligible to come out of the Selig TIF.

Vice Mayor Riley said I noticed how it is now with the existing wood columns (Hemlock Cemetery). When it gets to the driveway, it goes back and then across the driveway. Are you just going to do it straight across?

Service Director Snyderburn said no, it will be the same way.

Mayor Kurtz said it will be the same concept as what you see there.

Service Director Snyderburn said the fencing will be a curved fence that goes around and then straight, just like the fencing is now, unless there is a problem getting the right-of-way. It looks like more of an inviting entrance like that. We don't anticipate any problem with the right-of-way.

Vice Mayor Riley asked if there are any other questions. There were none.

Next is Resolution 2008-101 creating a Strategic Planning Committee. In our Council Workshop that we had, this came up. Councilman Crooks asked for this legislation to be put together. At this time I would like to add my name to this. I don't know if anyone else wants to do that. Others indicated they would like their names added (Piteo, Narduzzi). Mayor, have you had a chance to look at what we submitted to you from our Workshop regarding some of the goals Council has as far as strategic planning.

Mayor Kurtz said yes.

Vice Mayor Riley asked if there are any questions.

Councilman Klepacz said I'm not so sure that we need to make this a standing committee. Again, the reason is we have seven standing committees now; those are separate meetings of Council. Obviously, the chair would be one of us. I suggest, if we have this committee, that perhaps we determine it as an ad hoc committee. Assuming we had an ad hoc committee, for example, we have the Mining Committee, which is made up of citizen members, etc. I didn't really glance through all of the rules, but I know that we have the accommodations to make temporary committees. You can make a permanent temporary committee. I think we might be better off to go in that direction, as opposed to making it a standing committee. Once we make it a standing committee, then we would have to define who is going to be the chairman, who is going to be composed of, and so on. I'm not even sure going a committee route is the proper route to go. I understand the concept, and I thought what we have been doing, we basically have been a committee as whole and have been working on this planning. Again, as a group we

---

approved a memo and, as far as I know, we all have attended all the planning sessions. I'm not so sure I really...I don't want to make it a standing committee.

Councilman Piteo said I think part of the process of the strategic planning was on the hand-out that Jim Crooks had given, was that there has to be accountability for what is going on in this process, from the Council's side.

Councilman Klepacz said I have been.

Councilman Grendel maybe somebody from the Mayor's staff can coordinate this. The thing we had mentioned one time, too, that this is far greater than any one Council person, and you might have somebody who would coordinate that has a little more time, because there is quite a bit of time needed to do this properly. We talked about each of us having our own particular area, like safety. If you had a permanent assistant, we have the position, he would be responsible for carrying out the strategic plan, coordinating the Council with it, because we do have quite a bit of responsibility to do it. You don't want to have us so thin that we don't get anything accomplished. I like the idea of having someone on staff to keep us pointed in that direction, and have him at an ad hoc committee and meet three or four times a year, the committee as a whole. I don't see the need of having an eighth committee, and the nature of a permanent committee.

Councilman Crooks said I'll speak to the issue, since my name is on it. I do think that we need to have a permanent strategic planning committee and I can't find myself coming off of that position. It's been my contention from the day I took office that we need to have a planning process here that formally institutionalizes the role of the legislature and the administration. It is not my intention to back away from the fact that I do believe this committee needs to be created. I understand the permanence of that, Councilman Klepacz. I have also noted over time that committees have been created, committees have gone by the wayside relative to need by whoever was in administration, whoever was in Council, but doing this, creating this strategic planning committee, in my opinion, demonstrates our sincere serious commitment to the planning process. I think we may be talking about a planning process that maybe this City has never seen before. Does it have to be adopted tonight? No, it does not. I'll be more than happy to refer this to committee, whatever committee is appropriate, maybe it is the Rules & Ordinances Committee since this is amending Council's rules, to discuss it and continue making a case. Because, I, without question, believe that this committee needs to be added to the permanent standing committee structure. I have heard, just in the last few minutes that members of the administration need to be involved. I completely agree with that. That might have been the first thing out of my mouth two weeks ago at the Council planning session. It is by no means my intention to cut anybody out of this process just because we designated three members and appoint one chairman as the representative to this committee. The administration participates in all of our other committee meetings. Have we ever had a committee meeting where the Mayor wasn't present, or members of the administration weren't present? I can't remember one that I can recall, that they voluntarily chose not to come. If it was because of another commitment, that's a different story. It certainly is not my intention, by asking that we create this committee, that we cut anybody out of it. My intention is to demonstrate the permanence, yes, to demonstrate the permanence. So if that is the lead to be flushed out, I still ask the lead to be considered. I am more than happy to refer it to your committee, Councilman Klepacz.

---

Councilman Klepacz said, again, I don't mind taking it, but I think we would be better off to work as a committee as a whole. I prefer to do it at a workshop because we are working as a committee as a whole.

Vice Mayor Riley said with that, and what Dave and you mentioned, I know the Mayor has used some professionals and that may be another member that we may want to have on this committee. Like you said, somebody from the administration where we are working in the same direction.

Councilman Narduzzi asked who would be in charge of pooling the committee meetings together for strategic planning?

Vice Mayor Riley said whoever would chair it.

Councilman Narduzzi said I'm for this, George, because doing it as a committee, who would take the initiative? Vern Blaze is the first one who jumped on the bandwagon to start this. Jimmy Crooks is taking it now. If Jimmy Crooks is not here in two years, it goes by the wayside. Who is going to force them to come? You need continuous planning year after year after year.

Several people talking at once. It was noted that this matter will be referred to a workshop and will be left on first reading.

Vice Mayor Riley said next is Resolution 2008-102, the hiring of GPD Group for professional services for traffic studies. I know that Chief Nicastro and Don Ramm have looked at a lot of things that Council has requested – Pleasant Valley area, Selig area, cut-through areas by Dora/Elmarge. This is just allowing Don Ramm to hire someone so he can get some of that information back to us so that we can make informed decisions that we need to make.

Mayor Kurtz stated Don Ramm received proposals from several firms that specialize in traffic management and made his decision based on that. This initiated from a conversation with Chief Nicastro and some concerns about various traffic areas.

The time sensitive nature with respect to this was as a result of the county's initiative to do something with Pleasant Valley and, quite frankly, the impact on our business community. That is a major area for some of our top 25 taxpayers.

Vice Mayor Riley asked if there were any questions.

Engineer Elewski responded the way I read this they're going to be locked into any traffic study that we do?

Mayor Kurtz replied no. As a matter of fact, there are a couple of other areas being done by another group with a cost under \$7,500.

---

Vice Mayor Riley stated Resolution 2008-103 is a proposal for insurance and inland marine.

Mayor Kurtz commented, by the way, we are looking into paddle boats for Elmwood Lake next year.

Finance Director Veres stated just as with out health insurance you can't go out for a quote three months in advance unfortunately. With our date being the renewal of August 20<sup>th</sup>, this was the best quote.

Vice Mayor Riley responded this is something we do every year.

Finance Director Veres added, the quote is \$5,000 lower than last year's. It went down.

Vice Mayor Riley stated we also have some liquor permit transfers on the agenda tonight for name changes. Are there any questions?

There were none noted.

Councilman Togliatti commented at the end of last council meeting we approved the senior questionnaire/survey legislation and I don't think we ever received a copy of the details.

Mayor Kurtz replied I believe it was a motion that was approved, not legislation.

Councilman Togliatti replied but I thought we allocated \$15,000.

Mayor Kurtz replied, by motion.

Vice Mayor Riley replied those were available at the senior luncheon.

Councilman Togliatti replied I have a copy of the survey. I just wanted information regarding the whole procedure and who is doing it. There were no specifics as far as company names or anything, just the one.

Mayor Kurtz replied, Kerecny & Associates, wasn't it?

Councilman Togliatti stated it was said that there was another company as well.

Economic Development Director Ron White replied they subcontracted for the actual phone surveys that are going to happen.

Councilman Togliatti replied I was looking for some documentation.

Economic Development Director Ron White replied I could put something together.

Mayor Kurtz stated we'll put something together and put it in the Admin Update.

---

---

**COUNCIL MEETING:**

Mayor Gregory Kurtz called the meeting to order at 7:03 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, Debi Beal in the absence of Building Commissioner Opatrny, Fire Chief Peter Nelson and Police Chief John Nicastro.

Reverend Mr. James Vincent from St. Michaels Church said the prayer.

The Pledge of Allegiance followed

**AUDIENCE PARTICIPATION:**

Mayor Kurtz called Hannah Blaze forward to speak.

Ms. Blaze stated, ladies and gentlemen, or I should say dog and cat lovers. Have you ever been to the Independence Kennel down the road by the Service Department? I have.

I am not saying it is a bad place to be, but I really think the city should fix it up a little. When you walk in, you are in a small area with one side of the wall filled with baby kittens in very small cages. The cages are so small baby kittens probably can't take two small steps without hitting the sides. I think they should add on a space for kittens to actually walk around freely.

Usually there aren't any dogs there but if so, I think they should build a fence in the back for more room to play in. I know probably a lot of you are thinking "who cares," but actually if a lot of people heard about this or actually have seen this place, they might want to help more.

Also, this place needs more donations to get the cats spayed or neutered and to pay for their food. And they totally need more volunteers so if they do get a dog, they can take them for walks and play with them and so they could also play with the kittens too.

Kittens need a lot of exercise and all they do is sleep because they have no room and no one to play with. I think it would mean the world if the City of Independence gave me the rights to fix it up so those animals can learn to live life like an actual animal should. I, Hannah Blaze, volunteer my time to help Miss Judy in trying to create a plan to have a better kennel for these animals, and then present it back to you for your approval.

Thank you.

Mayor Kurtz thanked Hannah for her insight and concern for this community. He's glad she also offered a solution. As far as he's concerned, he has no objection. He's sure that between Miss Judy and the Service Director she will get cooperation. Thank you. You've been well trained.

---

**APPROVAL OF MINUTES:**

**Moved by Riley, seconded by Grendel, to approve the minutes of the Regular Council Meeting of July 8, 2008. Council polled: 7 yes/0 no; motion carried.**

**Moved by Riley, seconded by Crooks, to approve the minutes of the Council Workshop of July 29, 2008. Council polled: 6 yes/0 no/1 abstain (Grendel); motion carried.**

**Moved Grendel, seconded by Riley, to approve the minutes of the Special Council Meeting of July 29, 2008. Council polled: 6 yes/0 no/1 abstain; motion carried.**

**MAYOR'S REPORT:**

Mayor Kurtz stated, I hope you are all enjoying your Summer as it winds down.

I am proud to report we had a very successful Home Days! I thank all of the organizations that participated, as well as all of the employees who helped set up, assist with activities, or helped clean up once this event was over. Without our wonderful civic organizations and dedicated City employees, who put in countless hours, this event would not exist.

We have a wonderful tradition in Home Days, and we are fortunate for the many wonderful organizations who support our community year-round. Home Days is a great way for the City to give back to these organizations, and I am honored to play a small part in what you, the community, have made a success for decades.

I thank all of you.

The City is embarking on another project that involves this community; one that will likewise impact current and future generations. It is our Downtown Redevelopment and Senior Needs Project. Step 1 is the Community Survey.

With our Community Survey we are attempting to gather the thoughts of our community, including and especially seniors, so we can address senior needs, senior housing, and downtown redevelopment in an all encompassing proposal, rather than trying to piecemeal separate projects for various groups. There's something in this proposal for everyone. We want to hear your thoughts and ideas concerning downtown redevelopment and senior needs for today, with the thought in mind that your personal circumstances could possibly change in the future.

Soliciting community opinions is what led to the success of the Civic Center. Not long ago, we brought together all the various stakeholders. We worked together and developed a proposal that the community could embrace. Ultimately, we ended up with a phenomenal facility that is used by our residents year round.

That same thought process is being looked at for our seniors. What do they need and what do they want to help them stay in their homes? For those who cannot and must relocate from their

---

---

current residence, what can we offer them to address their needs so that they do not need to leave the City? These are but a few of the areas we are exploring.

Actually, we began surveying for senior needs at Home Days and the Senior Luncheon on August 8<sup>th</sup>. For those seniors who did not attend the luncheon, you will be receiving a copy of the survey in the mail. Please take your time, fill it out and return it in the self-addressed stamped envelope to the City.

Again, while senior needs and senior housing are a part of the survey, they are not the only part. We are looking at downtown redevelopment as well. Big picture – we want to generate good and recent information, not just on senior housing, but on downtown redevelopment and the current and future needs of our community. We’re going to build on the work of the Downtown Revitalization Committee, who we’ve already scheduled to meet with this week.

Anyone who has a thought, idea or comment should fill out a community survey questionnaire. I am confident we can draw some benefits from every response, which is really the key for me – drawing some good information from every survey that is generated. If you care about this community and you have ideas, then let us know. I believe your input and ideas are needed, and will help us develop the most comprehensive plan possible.

Though a big step, gathering the information is the first step in putting together a plan for Downtown and Seniors. It’s what I’ve pushed for, for well over a year, and what I believe, along with the right vision, will help us bridge the gap between where we are and where we want to be.

I hope you all enjoy the rest of the Summer, and again encourage everyone to participate in the community survey process.

**OFFICIALS’ REPORTS:**

**ENGINEER:**

Engineer Elewski reported they’ve been working with Don Ramm and providing him with information and drawings for several projects that are proceeding in Independence. Hillside signal and intersection engineering is basically complete. We’re still waiting for the right-of-way and the HAZMAT investigation. We haven’t received the test results yet.

Preliminary drawings and studies for the intersection of Stone Road and Route 21 are being worked on with regard to the possibility of adding a left turn lane. The lower Brookside drainage on the north side is out for bids. We should be receiving bids shortly. The preliminary studies on the Selig and Route 21 intersection including the driveway on the east side of Route 21 and the bike path is being worked on.

We’ve been monitoring the high pressure gas lines, which are under construction at Schaaf and Granger Roads. We’re reviewing the sanitary sewer line crossing I-77 from Embassy Suites to West Creek Road with the Northeast Regional Sewer District.

---

We're looking at the Hillside Road projects, both east and west, with the possibility of recycling the pavement.

**FINANCE DIRECTOR:**

Finance Director Veres stated on tonight's agenda we have Ordinance 2008-44, an ordinance amending our appropriations. The reason for this is to adjust the appropriation for the sewer truck that was passed recently.

We won't have the final numbers until the 15<sup>th</sup> of the month, but preliminary indications are that we'll be up slightly in RITA collection over August of 2007.

**SERVICE DIRECTOR:**

Director Snyderburn stated to Hannah Blaze, I will take a look at the kennel area. There is some merit to installing a fence to let the animal run. Thank you for bringing that to my attention.

Salt increase from a little over \$35 per ton to \$41 per ton, which is approximately a 20% increase. We're going to watch our salt usage this year.

I notice that a lot of people are putting out their garbage too early. As a good neighbor measure, please don't put out garbage until after 6 p.m. the night before pickup. I have seen garbage out as early as three or four days prior to scheduled pickup. Please be considerate to your neighbors.

We are going to be cracksealing streets. If a street has already been striped, we will be diligent in not going over the striping. We will be sending letters to the residents in the areas scheduled for cracksealing.

**COMMUNITY SERVICES DIRECTOR:**

Director Buc thanked everyone who helped out with the parade as well as those who came out to watch the parade.

We will be cleaning the tile and the carpet at the Civic Center

We have one more summer event, which will be the Outdoor Movie and Summer Campout in the Park. Come on out with your tent and set them up on the soccer field Friday evening.

Speaking of snow, we have our snow removal application in the September/October Spotlight. Everyone who wants snow removal has to complete a form every year.

**RECREATION DIRECTOR:**

Director Kostyack stated I'd like to thank all the youth sports team, baseball and softball, coaches for a successful season this summer. Soccer practice begins next week. Flag football begins at the end of the month. Varsity volleyball teams are practicing at the field house.

---

**TECHNICAL SERVICES DIRECTOR:**

Director Avsec reported the Historic Hall window replacement bid will be voted on tonight. If approved, installation should begin by the end of September.

The Building Maintenance Management System software that was purchased earlier this year has been installed. Training on that will begin next week. Next year at this time there will be welcomed knowledge available at the click of a mouse.

Mayor Kurtz has summoned a committee of City employees to address energy conservation – the “Green Team” as we call ourselves. We’ll be looking at best management practices, fuel consumption and other new technology to implement throughout the City campus in an effort to reduce costs and help the environment. We’re at the infancy stage right now so more information will follow.

**BUILDING COMMISSIONER:**

Debi Beal reported in the absence of Building Commissioner Opatrny, everyone has received their building permits for their Acorn Drive properties. Sunoco has received preliminary approval pending their signage and landscaping plans. Our property maintenance program continued to be implemented.

**FIRE CHIEF:**

Chief Nelson reported that tonight Council will be voting on an ordinance regarding EMS billing. We will have information in a future Newsletter regarding the program. If anyone is concerned or interested in more information regarding that, please call the Fire Department and we will relay that information to you.

Also, our Quad City CERT volunteers are planning a picnic for September 28<sup>th</sup> at Valley Woods. For additional information, please call the Fire Department.

**POLICE CHIEF:**

Chief Nicastro reported, the Police Department will begin issuing deer hunting permits this Monday for deer season which begins on September 27<sup>th</sup>.

I’d like to recognize one of our officers, Ptl. Mike Shippitka, who has been with the department almost ten years. Mike has accepted a position with the Chandler, Arizona police department and will be leaving at the end of this month. Mike is a member of our Regional SWAT and one of our field training officers. He helped to fund the Independence Patrol Officers’ Association. Mike is one of those who will turn anything negative into a positive. I want to let him know how much we appreciate his service to the community and the department. He will be missed.

---

---

Tonight Council is considering updating our Ordinance 351.04 regarding handicapped parking. The State mandates a minimum fine of \$250. Council will consider raising our fines to that amount. One of our officers made an observation on why he pays so much attention to violators. He drives the parking lots and sees someone with a handicapped van trying to find a place to park and then struggling to get a wheelchair or walker out. It makes you appreciate why these spots are there. We ask everyone to please be considerate and remember that the fines are fairly severe if you get cited.

**STANDING COMMITTEE REPORTS:**

**COMMUNITY SERVICES – (TOGLIATTI):**

Councilman Togliatti stated I would like to compliment and extend a thank you to all City personnel volunteers that made this year's Home Days celebration a huge success. The amount of behind the scenes hard work and effort that goes into putting on an event the size of Home Days is incredible. To Natalie Buc and the Community Services Department, Tom Avsec and Tech Services, Dave Snyderburn and the Service Department, Chief Nelson and Chief Nicastro of the Fire and Police Departments and Nina Boodjeh of CERT and VIPS, thank you again. I am already looking forward to next year!

I would also like to encourage all senior residents to complete their senior housing survey in a timely fashion. This information is vital in helping us craft the appropriate plan and ballot language for the senior housing/downtown redevelopment initiative. We are trying to be as informed and prepared as possible, and this can only happen with your input.

There are a few pieces of legislation that I would like to comment on this evening.

First we have Ordinance 2008-31. This ordinance sets specific fees for EMS services, mainly ambulance rides. As we all know, the police and fire services are one of the most costly items in our City's yearly budget. Independence is currently one of less than a handful of cities in Northeastern Ohio that does not charge for EMS services. Due to the high volume of traffic on I-480 and I-77, there are many accidents that require EMS service from our community. The majority of the EMS calls are for individuals that do not work or live in our community. If these accidents were to occur a few miles down the road outside of Independence, these individual's insurance companies would be charged for EMS services. But within the City of Independence these services are currently free. This legislation will allow our City to recoup the costs of EMS services from the individuals benefitting from that. Based on a cost estimation from last year's ambulance runs, this legislation should amount to over \$200,000 in additional revenue during the next calendar year. I am very happy to support this legislation.

The important thing to note about this legislation is these fees will not affect Independence residents. The EMS and ambulance services will continue to be free of charge for all Independence residents. I will be supporting this legislation this evening.

Secondly, we have Ordinance 2008-49, enacting a 6-month moratorium on approving plans for residential development of parcels larger than five acres. I am in favor of this legislation. If you

---

---

look at Independence today, you will see many vacant lots in Cascade Creek off of Route 21, Twin Creeks on Hills and the Troiano development off of Chestnut. This 6-month halt of residential development will give our City some time to catch up with the economy and building cycles, help to preserve some of our valuable wooded areas and allow Council some time to complete our strategic land planning initiative.

Finally, we have Ordinance 2008-46, which is regarding the Choices Diversion Program for juveniles. The Choices Diversion Program is a program that sends delinquent juveniles who go through our court system to equine therapy, which is essentially working with horses.

Last month I strongly opposed the Strong Style Martial Arts Diversion Program for numerous reasons. And this month I will not support the Choices Diversion Program. There are many large corporations that pay high dollars for their executives to partake in leadership training with horses, but I'm not sure this sort of treatment is the answer for our troubled youth. The purpose of the diversion program is to help as many children as possible. This Choices brochure even highlights that this program is experimental. Before I sit here and allow taxpayers' dollars to be spent, I would like to have facts and figures showing me that the program is going to successfully help these kids, and not just be experimental. Evidence has shown that it may benefit troubled youth after five sessions with a horse. However, this program consists of one six hour session with a horse at a cost of \$595. No research has shown that this limited exposure to equine therapy to be beneficial. For these reasons, I cannot support this legislation.

I received a letter from the Independence JULIETS Club, which stands for, Just Us Ladies Sipping Tea. They requested that I read this letter tonight.

*Dear Anthony,*

*This is just a letter to show our appreciation and thoughtfulness of our Service Director, Dave Snyderburn. Through the years we have personally seen him stop his car, pick up rubbish in the middle of the street and throw it in his trunk. Someone was stuck in the snow in their driveway apron to get to their mailbox and Dave stopped and shoveled snow and around their mailbox so they could get their mail. Another incident was during a bad rainstorm. The water was overflowing on Chestnut and Dave came along and helped the residents try to locate the drain in the swale where the water was also very deep.*

*These are just a few examples of Dave's helpfulness to all residents.*

*Whenever you call for some reason, he always returns phone calls as soon as he is able. He is one of the friendliest people we know.*

*The Independence JULIETS*

I want to thank Dave on behalf of all the residents.

Lastly, I would like to extend my condolences to the Zuchowski, Kuczmarski, Walsh, Sabo and Fussner families on the loss of their loved ones.

---

---

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

Councilman Narduzzi stated to Mayor Kurtz, thank you for the two great days of Home Days. I don't know who you paid off for the weather, but it worked. Home Days was a great event.

The Public Lands & Buildings Committee met on August 5<sup>th</sup>. One item on the agenda was Hemlock Cemetery fence replacement. Work will begin in a few weeks on demolition of the existing fence, followed by construction of a new wrought iron or aluminum fence with stone columns, which will match the stone in the park.

Councilman Crooks and myself have asked the Zoning Board of Appeals members to look closely at the current codes in case they need to be brought up to date. The Board will meet before its next scheduled meeting to discuss recommendations and send them back to Council for their consideration.

With regard to the Martial Arts Program for the Juvenile Diversion Program which I supported last month, there is no cost to the City of Independence for this program. The Cuyahoga County Juvenile Court pays all costs associated with this program offered in the City of Independence.

As far as the program itself, it is very easy to ignore the troubles that our youth become involved in. Many kids are not as fortunate as others to live in a community that offers an abundant amount of activities to keep them off the streets or out of gangs. They do not receive guidance from their parents or other family members to teach them right from wrong. They do not have the confidence to be productive with their lives, so they turn to mischievous activities or crime. The martial arts program is not about teaching juveniles how to fight, but it sends juveniles through a program that teaches discipline, self-esteem, physical fitness, respect and positive teamwork. It will keep them off the streets, keep them out of gangs and keep them away from bad influences. This program teaches self-respect, builds confidence and hopefully leads them down a productive path while keeping them out of future trouble. If we turn our back and leave it up to someone else to help out troubled youth, have we really done our jobs as leaders? This program may not help everyone, but if it helps one, we have made progress.

**FINANCE COMMITTEE – (CROOKS):**

Chairman Crooks reported the Finance Committee met on August 11<sup>th</sup> to discuss a few items, including a piece of legislation on tonight's agenda, Resolution 2008-86, renewal of the lease agreement with the Independence Cooperative Nursery School for the city building on Valley View Drive next to Vodrazka Funeral Home.

The Committee recommended it be placed back on the agenda tonight with the recommendation that the Co-op strongly consider making up the difference that the City pays for utilities in that building throughout the course of the year. Right now it's a losing proposition to the City, but we're confident that we can get the Co-op to see that their participation in offsetting the City's costs is fair and right.

---

The Finance Committee discussed the adoption of the 2009 operating budget being a goal this year. In preparation of that budget adoption, a few things need to take place. First, the consideration of a 5-Year Capital Improvement Plan which Council legislated and is due later this fall and also further action on developing a long-term strategic plan for the City. Based on our Finance Meeting from the 11th, and the input of committee members and the Mayor, all of these are possible. I look forward to helping guide the City through this process.

Several items are on the agenda tonight that I would like to comment on.

First is Resolution 2008-101, the introduction of a Strategic Planning Committee to Council's committee structure. As a result of Council's last strategic planning session in a Workshop on July 29, 2008, Council spent a good deal of time suggesting ideas and developing an approach that will ultimately lead to two things – a city-wide strategic plan and a permanent planning process. There are too many components of this process to speak about tonight. Over the last few years we've touched on them. Tonight I'll focus on one aspect of this planning process. Introducing a Strategic Planning Committee into the committee structure formalizes Council's commitment to the planning process. Month in and month out in discussions that Council has when the whole body gets together are largely focused on matters before them at the moment. This Strategic Planning Committee institutionalizes the responsibility of members of Council to look at the big picture as the committee meets from time to time. What makes this committee different from the finance committee, the rules committee or the utilities committee, for example? The progress that the City is making on previously identified priorities for the City, answers to the question of where do we want to see ourselves in one year; where do we want to see ourselves two years from now and where do we want to see ourselves ten years from now? I thank Council for their support behind this effort. It's my understanding that this is going to be left on first reading tonight for further discussion in the future.

Next we have Ordinance 2008-49, a six month moratorium on plan approval for all residential development on private property of five acres or greater that are undeveloped city-wide. This is for the express purpose of authorizing our City Planner to inventory those lands and make a recommendation of land use in those areas based on topography, nearness to other developments, structures, homes, public facilities, etc. Knowing where the lands are currently that are undeveloped but here may be potential areas of development in the future can help the City plan for the future, look at the code and see where it requires modification so we can be proactive and avoid some of the concerns that many of us in our position feel when we're asked to approve major subdivisions. The intent to place a moratorium on this new development only works if we understand that we have to have a goal in mind. It's not a moratorium for the sake of having a moratorium - in six months we have a final product when that moratorium expires and an identification, or inventory of all these privately owned lands of five acres or greater.

Finally, I'll summarize the approach that the City has embarked upon to find a solution to identifying community's needs when it comes to downtown Independence and the senior citizens' needs in town as well.

In the last few years I have commented that the City should acquire updated information on what the needs are of our senior citizen population are to make good decisions on housing and what

---

---

those senior who want to stay in their homes need. To the residents of the City of Independence we have begun that process. What's more, I have also indicated that good information is required in determining the wants and needs of the entire community for downtown redevelopment. In fact, the Downtown Revitalization Task Force made similar recommendations to include the community in the information gathering process. The City is working on their game plan to obtain information that we need for serious recommendations regarding senior needs, downtown redevelopment and senior housing, all combined into on unified effort. I participated in this process and fully support these efforts of the City of gathering information to make their judgments on behalf of the residents. There will be more to come on this project in the future.

**UTILITIES COMMITTEE – (PITEO):**

Chairman Piteo reported the June 24<sup>th</sup> Utilities Committee had two major items on the agenda.

The first item was to prioritize sanitary sewer projects for 2008. Don Ramm presented us with an extensive 2008 sanitary sewer and maintenance project list. One area where the sewers will be cleaned is Rockside Road from the west corporation line to Route 21, and then Route 21 to the north. After discussion, it was determined that the streets directly off of Rockside should also be included on the project list.

Also on the list are three projects that pertain directly to residents. "Dips" in their sanitary lines are causing backups. Dave Snyderburn has been periodically jetting out these lines in an effort to alleviate backups.

The Utilities Committee asked Don Ramm to put some cost numbers together for recommended projects for the next Utilities Meeting.

The second item on the agenda was an update on creek maintenance projects that are currently underway. Everything was moving along quickly.

The July 29<sup>th</sup> Utilities Meeting had only one item on the agenda to discuss. We reviewed the revised sanitary sewer maintenance and repair projects, which now included estimated costs. Don Ramm broke the cleaning down to three scenarios – normal flushing, light cleaning and heavy cleaning. Normal flushing would be the least expensive and heavy cleaning the most expensive. Dave Snyderburn felt that most of the cleaning would be light to medium. He also stated that the City of Independence passed an EPA sanitary sewer audit last year and that our sanitary sewers are in pretty good shape. The West Creek sewer was the one he was the most concerned with.

The Utilities Committee authorized Don Ramm and Dave Snyderburn to proceed with the approved work and requested an update to the Committee on a regular basis.

I would like to comment on the Martial Arts Juvenile Diversion Program. I have received feedback and many of the comments seemed to be regarding the cost of the program and the violence of the program.

---

Addressing the cost, the City receives funds from the Cuyahoga County Juvenile Court to fund diversion programs. There is no cost to the City of Independence. In response to the comments on violence, martial arts involves, discipline, strength, purpose and understanding the limitations of your body as well as your mind.

I applaud the Clerk of Courts for trying to find an alternative solution to curb the shockingly high percentage of adolescents involved in violence throughout America.

Finally, congratulations and thanks to all of those who helped with the Home Days events. Congratulations also to all the winners who participated in the Little Miss and Junior Miss All Star Pageant. It takes great courage to get on stage as the girls did that day. Keep up the good work.

The hotdog race was a blast. Considering the race results, we could see who was most comfortable being a hotdog. Good job guys.

I would like to acknowledge the employees who helped clean up after Home Days. It was amazing how quickly they had the area looking great for church on Sunday.

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

Vice Mayor Riley stated a great time was had by all at Home Days. It was good to see everyone enjoying themselves and having such a good time.

In the last couple of Streets Meetings many things were discussed. One of them was the completion of sidewalks on Stone Road from Brecksville Road to Tulip Trail.

We also discussed Pleasant Valley Road resurfacing. This will be a county project. We received a letter from the county asking if we would be willing to participate. We have agreed to do that. The project is scheduled for 2010-2011.

We also received a letter from the county regarding Hillside Road. Currently the Safety Committee is monitoring the progress of signalization upgrade at intersection of Hillside and Route 21. Widening of the intersection has been discussed. This will all be either right before that project or part of that project.

Many of you may have noticed that the streets have been striped, but not as many as were included in the bid specs. After discussion, the Streets Committee, other Council Members and the Administration felt that many of the residential streets did not warrant striping. The main roads and the residential streets that were striped in the past would be striped.

You will soon see crews out cracksealing. We wanted to get this done before street striping but Don Ramm has assured us that they will not be cracksealing over any of the new street striping. Cracksealing was delayed due to the increased cost of the cracksealing material.

---

At an earlier Streets Committee Meeting we had a discussion about sidewalks on some of the roads that are not the county list or City list for upgrading in the near future, roads such as Brookside, Sprague, Hillside and Stone Road. We will continue those discussions in the future regarding the possibility of installing sidewalks on those roads for the safety of our residents.

Selig Drive was discussed as far as lining up the intersection of Selig and Route 21 with the Independence Technology Center driveway and the possibility of the driveway at some point in the future becoming a dedicated street. Discussions will continue on that topic.

Resolution 2008-94 is regarding New Heights Tree Service taking over the Collins Tree Service contract. Bob Collins retired last year. It's good to see Bob here tonight.

Chief Nicastro mentioned earlier about Mike Shippitka leaving our department. He is a great officer and the kind of guy we want on our force. I wish him good luck in his endeavor in Arizona. He will be missed.

Regarding Ordinance 2008-49, the moratorium, I think this is a great idea to put together a residential land use plan for parcels of five acres or greater. If you check the records, you will note that I voted against some of our residential developments in the past. I understand that an owner has the right to develop their land, but I also believe that not every piece of land is meant to have a house on it. I think with the completion of the plan, the City can be proactive and not just react to plans submitted by a developer.

I would like to thank John Nicastro, Sr. for inviting Council and the Mayor to the Senior Luncheon. They Mayor and Councilman Crooks spoke on the senior survey that was passed out. I believe that when that information is returned it will help Council with development of the downtown area and senior housing that is needed in this town.

We also discussed the manner in which our roads are being repaired. We talked to the Service Director about trying to be more efficient and about notifying the residents when work is going to be done in their area so they're not caught off guard with orange barrels and blocked roads.

As far as billing for EMS, we discussed this six or seven years ago. There was some objection to it at that time. When I returned to Council I talked to some of the men in the fire department and the Mayor about pursuing this again. This will be a great source of revenue. That money will be set aside for our safety forces, both fire and police, for whatever needs they have.

At another meeting Councilman Klepacz initiated discussion of a dog park. This is something the City will be looking into.

We have a lot of recreational activities as far as sports for the children in our community, but not everyone is an athlete. I see a lot of kids riding their bikes and you'll see them jumping up the steps and off the bandstand as well as up the curb. I think we should possibly look into something where they could ride their bikes in the dirt and ramps. A possible location might be by the service garage, west of the field house. The think the cost would be minimal. This is something I would like to discuss further.

---

I want to comment on Ordinance 2008-46, the diversion program involving horses that's on tonight's agenda. In Caucus it was stated that the Clerk of Courts was in that program and part of a video for four minutes. She was actually on the video for 33 seconds, but not for the diversion program. It was for a leadership program. Her integrity is beyond question. She just happens to be a horse lover.

**SAFETY COMMITTEE – (GRENDL):**

Chairman Grendel stated the Safety Committee held its meeting August 5<sup>th</sup>. At that meeting we updated the Hillside and Route 21 signalization upgrade. Don Ramm reported on how we're progressing on that. We're hoping this year, or certainly next year we'll be proceeding with the project. We want to do it properly so that whatever the future brings no changes will have to be made to the signalization.

We also discussed Ordinance 2008-31 regarding EMS billing. Again, the insurance companies will be billed but the residents and employees will not be billed for any amount not covered by the insurance company. What excites me is that the fees collected will be deposited in the Public Safety Fund, which will be used by the Independence police and fire departments for upgrading equipment that get costlier every year. This will assure that our safety forces are equipped to the best of our ability.

The fire hydrant painting bid was reviewed, Resolution 2008-98, the successful bidder was Safety First Painting Company out of Northfield, Ohio, at a cost of \$62 per hydrant, which was considerably less than the next lowest bidder. This company has already completed painting 100 hydrants under a previous arrangement. Most of those hydrants are along Brecksville Road. They did a wonderful job. Each hydrant is sandblasted before it's repainted and it should last for a number of years. We're hopeful that before the year is out, they'll be able to paint another 100 hydrants and at least 200 next year. They have a proven track record that they've done a wonderful job. The City of Independence has 845 hydrants altogether.

We received an update from Tom Avsec regarding moving the radio equipment tower to the service department area. It will be quite a bit more expensive than we anticipated. The project will be a two year project. It will begin this year and be completed next year. Hopefully there won't be anymore lightning strikes knocking out our computers and wreaking havoc here at City Hall.

We also discussed the jailer. We have a jailer retiring in the next couple of months.

The motorcycle issue on Route 21 was discussed. We're finding more and more motorcyclists racing and doing wheelies on Route 21. Chief Nicastro is going to monitor the situation, especially on Motorcycle Night in Valley View.

Council received an e-mail from our animal control officer, Judy Burrier regarding hornets. Hornets are building their nests at this time of the year. In the past Judy had worked with Russell Lamp who is certified in pest control and is also an entomologist who will remove hornet nests

---

from residents' property at no cost to them. I wasn't aware that the City was providing this service. Russell collects the hornets to make vaccines for people who are allergic to their bite. He is located in Toledo, but is in this area every two weeks or so. If a resident needs a hive removed, contact Judy Burrier. However, you should not spray the hive or it will provide no benefit to Russell.

Our next Safety Committee Meeting will be held on Tuesday, September 2<sup>nd</sup> at 4:30 p.m. We're going to initiate our 5-Year Capital Improvement Plan by discussing what our capital needs will be for the next five years. Both chiefs are onboard.

The Tax Incentive Review Committee met. We meet once a year. The superintendent from the Career Center and the treasurer from our local board of education are also members. We discussed the issues to keep them abreast on what is happening. We also had an official from the county here to meet with us. It was a very productive meeting.

Finally, Home Days was fantastic. From my recollection, it was one of the biggest crowds we've had. The weather had a lot to do with it. I think the theme also had a lot to do with it. All in all, it was just a wonderful weekend. All the employees that had anything to do with it did a great job in the role. The highlight was the hotdog race. I enjoyed seeing our freshmen colleagues here frolic in their hotdog suits.

I would like to make a suggestion. I would love to see a couple more high school bands in the parade. I know that they would probably like to have the practice. There is something about high school bands and parades.

It was a great theme this year. I hope next year they go with either basketball or football. I think a sports theme is a good draw. The Cavs are right here in town. Maybe we could get some of their resources or personnel.

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

Councilman Klepacz stated the issue I want to comment about is an issue which is long overdue, that's our senior housing project. In my view it should have been in place years, and years, and years ago. I will echo Councilman Togliatti's remarks. Be sure to get your surveys in on time and as quickly as possible. A constituent told me the other day that they found a ballot from 1982. Don't send those in. But it just goes to show how long this particular issue has been around. In addition, be sure that you volunteer for the focus groups, so we get the information that we need to move ahead with this most deserved program.

I would like to compliment some of the community organizations that we have in the community. The Kiwanis had the best food, the best hamburgers, and also a reward for the three hotdogs – ketchup, relish and mustard. The Kiwanis, as part of our community service, handed out coupons to the winners. If mustard won, then mustard got free hotdogs. If relish won, they got free hotdogs. By the way, mustard won two races.

The next Kiwanis event is September 21<sup>st</sup>, and it will be the fall Chicken BBQ.

---

---

I would like to point out that the Independence Cultural Arts Council decorated the old C&B Garage window with a display of historic flags, which the Kiwanis was nice enough to provide.

Finally, I want commend the CERT and VIPS for all of their help at Home Days, and remind everyone that there is ongoing CERT training. You can find more information on the City’s website.

**LEGISLATION:**

**SECOND READING**

**ORDINANCE 2008-28** AN ORDINANCE AMENDING SECTION 1349.04 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO WORK WITHIN THE CITY RIGHTS OF WAY OR EASEMENTS 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 Crooks, to adopt. Council polled: 7 yes/0 no; motion carried.**

**ORDINANCE 2008-31** AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 143.18 RELATING TO PROVISION OF EMERGENCY MEDICAL SERVICES, FEES AND CHARGES AND DECLARING AN EMERGENCY

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

Discussion: Mayor Kurtz asked do we have a motion to amend? The Finance Director recommends that we amend the fund to “Public Safety Fund.”

**Moved by Riley, seconded by Grendel, to amend to read Public Safety Fund. 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 2008-86** 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 Crooks, to read by title only. Council polled: 7 yes/0 no; motion carried.

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

**FIRST READING**

**ORDINANCE 2008-44**      2008 AMENDED ANNUAL APPROPRIATION ORDINANCE  
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 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 Grendel, to adopt. Council polled: 6 yes/1 no (Crooks); motion carried.

**ORDINANCE 2008-45**      AN EMERGENCY ORDINANCE ENACTED BY THE CITY  
OF INDEPENDENCE OF INDEPENDENCE, CUYAHOGA  
COUNTY, OHIO HEREINAFTER REFERRED TO AS THE  
MUNICIPALITY, IN THE MATTER OF THE HEREINAFTER  
DESCRIBED IMPROVEMENT AND REQUESTS THE  
COOPERATION OF THE COUNTY OF CUYAHOGA BY ITS  
BOARD OF COUNTY COMMISSIONERS, HEREINAFTER  
REFERRED TO AS THE COUNTY

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

Discussion: Mayor Kurtz stated we need a motion to reconsider. We did not to have a motion to suspend.

Moved by Riley, seconded by Narduzzi to reconsider Ordinance 2008-45. 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 2008-46** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE M.A.P. LLC, A JUVENILE DIVERSION PROGRAM 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 Narduzzi, 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.

**ORDINANCE 2008-47** AN ORDINANCE CREATING A HANDICAP PARKING FUND 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 Grendel, seconded by Riley, to adopt. Council polled: 7 yes/0 no; motion carried.

**ORDINANCE 2008-48** AN ORDINANCE AMENDING SECTION 351.04 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO MANNER OF PARALLEL PARKING; HANDICAPPED PERSONS 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 Narduzzi, 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 2008-49** AN ORDINANCE ENACTING A TEMPORARY MORATORIUM ON THE ISSUANCE OF PLAN APPROVALS FOR UNDEVELOPED PROPERTY OF FIVE ACRES OR GREATER WITHIN THE BOUNDARY OF THE CITY OF INDEPENDENCE 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 Crooks, to adopt. Council polled: 7 yes/0 no; motion carried.

**RESOLUTION 2008-84** A RESOLUTION ACCEPTING THE BID OF GUNTON CORPORATION FOR THE WINDOW REPLACEMENT AT HISTORIC HALL 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 Grendel, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.

Moved by Grendel, seconded by Crooks, to adopt.

Discussion: Councilman Riley stated I will be abstaining for business purposes.

Council polled: 6 yes/0 no/1 abstain (Riley); motion carried.

**RESOLUTION 2008-94** A RESOLUTION SUBSTITUTING NEW HEIGHTS TREE SERVICE, LLC IN PLACE OF COLLINS TREE SERVICE, INC. FOR GENERAL CITY TREE TRIMMING, REMOVAL, DISPOSAL AND RELATED LABOR AND EQUIPMENT FOR CITY PROPERTY AND WHICH IS NOT COVERED BY THE RESIDENTIAL TREE TRIMMING AND REMOVAL PROGRAM FOR 2007/2008 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 Grendel, to adopt. Council polled: 7 yes/0 no; motion carried.

---

---

**RESOLUTION 2008-95** A RESOLUTION AUTHORIZING THE ADDITIONAL EXPENDITURE FOR THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE MISCELLANEOUS PLANNING COMMISSION 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 Grendel, seconded by Riley, to adopt. Council polled: 5 yes/2 no (Narduzzi, Piteo); motion carried.

**RESOLUTION 2008-96** A RESOLUTION AUTHORIZING THE ADDITIONAL EXPENDITURE FOR THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE MISCELLANEOUS ROADS 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 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 Grendel, to adopt.

Discussion: Councilman Crooks stated in the past I've had some questions on various similar resolutions. At the Mayor's direction, Don Ramm's memo outlining where this money is going to go and to what projects, which has helped to raise my comfort level.

Council polled: 5 yes/2 no (Narduzzi, Piteo); motion carried.

**RESOLUTION 2008-97** A RESOLUTION AUTHORIZING THE EXPENDITURE OF THE RELOCATION AND INSTALLATION OF A NEW SIX INCH FIRE HYDRANT ON STONE ROAD AND DECLARING AN EMERGENCY

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

**RESOLUTION 2008-98** A RESOLUTION ACCEPTING THE UNIT PRICE BID OF SAFETY FIRST PAINTING CO. FOR THE PAINTING OF FIRE HYDRANTS 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.

Discussion: Vice Mayor Riley commented due to the low price, I would like to get as many done as possible before the contract expires and we have to rebid this.

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

**RESOLUTION 2008-99** A RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 TO THE 2007/2008 ROAD MAINTENANCE AND REPAIR CONTRACT BETWEEN THE CITY AND ANTHONY ALLEGA CEMENT CONTRACTOR 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 Grendel, seconded by Riley, to adopt. Council polled: 7 yes/0 no; motion carried.

**RESOLUTION 2008-100** A RESOLUTION AUTHORIZING THE EXPENDITURE OF \$29,000.00 FOR THE INSTALLATION OF FENCING AND LIGHTING ALONG WISNIESKI PARKWAY IN ELMWOOD PARK AND DECLARING AN EMERGENCY

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

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

---

**Moved by Grendel, seconded by Crooks, to adopt.**

Discussion: Vice Mayor Riley stated I will be abstaining due to a business relationship with this company.

Councilman Piteo stated, I will also have to abstain for the same reason.

**Council polled: 5 yes/0 no/1 abstain; motion carried.**

**RESOLUTION 2008-101** A RESOLUTION AMENDING RESOLUTION 2008-05 TO CREATE THE STRATEGIC PLANNING COMMITTEE AND DECLARING AN EMERGENCY

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

**Resolution 2008-101 was placed on First Reading and referred to the Council Workshop without objection.**

**RESOLUTION 2008-102** A RESOLUTION AUTHORIZING THE HIRING OF GPD GROUP FOR PROFESSIONAL SERVICES FOR TRAFFIC STUDIES 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 Crooks, to adopt. Council polled: 7 yes/0 no; motion carried.**

**RESOLUTION 2008-103** A RESOLUTION ACCEPTING A PROPOSAL FOR PROPERTY, INLAND MARINE, CRIME, AUTOMOBILE AND CERTIFIED TERRORISM INSURANCE WITH NEACE LUKENS 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 Crooks to adopt.**

Discussion: Mayor Kurtz stated there is a \$5,000 decrease in the premium.

---

---

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

**MISCELLANEOUS BUSINESS:**

**Liquor Permit – Transfer of Ownership:**

1. **To:** Bonefish Grill LLC DBA Bonefish Grill  
6150 Rockside Place  
Independence, OH 44131

**From:** Bonefish Columbus I Limited Partnership DBA Bonefish Grill  
6150 Rockside Place  
Independence, OH 44131

2. **To:** Outback Steakhouse of Florida LLC DBA Outback Steakhouse  
6100 Rockside Place  
Independence, OH 44131

**From:** Outback Cleveland II Limited Partnership DBA Outback Steakhouse  
6100 Rockside Place  
Independence, OH 44131

Mayor Kurtz asked if there were any objections to the transfer of ownership for these two liquor permits.

There were no objections noted.

**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 8:10 p.m.

---

Susan E. Kurshuk, Clerk of Council

---