

**CITY OF INDEPENDENCE
REGULAR COUNCIL MEETING MINUTES
OCTOBER 14, 2008 7:00 P.M.
COUNCIL CHAMBERS**

CAUCUS:

Vice Mayor Jim Riley called the meeting to order at 5:35 p.m. Present were Mayor Gregory Kurtz, Council Members Jim Crooks, Dave Grendel, George Klepacz, Tom Narduzzi, Jim Piteo, Jim Riley and Anthony Togliatti. Also present were Law Director Gregory O'Brien, Engineer Don Elewski, Engineering Coordinator Don Ramm, Economic Development Director Ron White, Service Director Dave Snyderburn.

EXECUTIVE SESSION:

The Executive Session was convened at 5:35 p.m. to discuss personnel. Present were Council Members Crooks, Grendel, Klepacz, Narduzzi, Piteo, Riley and Togliatti. Also present were Mayor Kurtz, Law Director O'Brien, Finance Director Veres, Engineer Ramm, and Economic Development Director Ron White.

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

The Council Caucus was recessed at 5:35 p.m.

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

The Executive Session was adjourned at 6:42 p.m.

The Council Caucus was reconvened at 6:50 p.m.

Vice Mayor Riley stated we will go over legislation. First is Resolution 2008-112, Qwestcom Graphics for Program and Business Development, I think Ron touched on this. Are there any problems with this legislation?

Councilman Crooks stated I will be abstaining because my company has done business with Qwestcom in the past.

Director Ron White stated that these are specific project. I think they total a little over \$18,000. There will be some flexibility in there for what we have to do.

Vice Mayor Riley asked with their proposal and those prices, I think for a \$1,000 it was an additional \$100. My recommendation is that you get the \$1,000 more for that price.

Director White responds that \$18,000 is at the minimum production number of whatever the pieces are.

Mayor Kurtz stated so \$20,000 is the number we're asking for.

Vice Mayor Riley indicates that I would rather have extras so we don't have to go back and have something reprinted. Any other questions or concerns on that?

There were none noted.

Resolution 2008-114 and 2008-115, for Donald Elewski and Associates, any questions or concerns?

There were none noted.

Vice Mayor Riley stated, next is Ordinance 2008-56, amending Annual Appropriations. We all got that wonderful piece of literature from Mr. Veres.

There were no questions or concerns.

Councilman Piteo stated that there are some typos in this, on Resolution 2008-114, it is supposed to be \$80,500. Sorry, I am going back to Resolution 2008-114. It is supposed to be \$80,500.

Law Director O'Brien indicated the typo would be corrected.

Vice Mayor Riley again proceeds with 2008-57, storage of recreational vehicles. I think a lot of these are coming out of the BZA.

Councilman Narduzzi responded Ordinances 2008-57 through 2008-65, with the exception of 62, all came from ZBA members, Councilman Crooks and me to try to bring some of the outdated codes up to date. These are all pieces that come in front of the Zoning Board on a continuous basis month after month after month. The board approves them anyway.

Vice Mayor Riley responded, do we want to send this to a committee?

Law Director O'Brien responded, anything with Chapter 1100 has to go to a public hearing before it can pass. The 1300's, Council has looked them over and they can send them to a committee. Those do not need a public hearing.

Councilman Narduzzi asked, can we send these to a Council Workshop?

Mayor Kurtz replied yes. That's a good idea. Ordinance 2008-62 can also go a Workshop.

Vice Mayor Riley continued, Ordinance 2008-58 air conditioning, Ordinance 2008-59 height limitation, Ordinance 2008-60 exceptions, Ordinance 2008-61 method of installation, so we will be at Ordinance 2008-62.

Mayor Kurtz replied that Ordinance 2008-62, Civic Center admission charges, will go to a Workshop too.

Councilman Klepacz stated let me ask a couple of questions before we do that. On Ordinance 2008-59 on height limitation are we keeping board on board that there has to be 50%.

Councilman Narduzzi replied, no we are taking that out.

Councilman Klepacz asked, why are we taking that out?

Councilman Narduzzi replied, the Board feels what good is the four foot privacy fence?

Councilman Klepacz replied I'm not talking about the six feet. I don't care about that.

Councilman Narduzzi responded, we only allow in our code right now a four foot privacy fence, which means you can't peer through it at all. What good is that when you can stand and look over it? So the Board wants to go to a six foot privacy fence and the only thing we allow now in our code is a six foot board on board with 40% visibility.

Councilman Klepacz asked so we're eliminating see through all together?

Councilman Crooks replied that's right.

Councilman Klepacz asked and you are consciously doing that because the Board feels that the privacy fence needs to be a privacy fence.

Councilman Crooks replied that is right. In the past, at least in the two years that I was on the Zoning Board, the argument had been that we want to permit that visibility through because we want to limit our safety issue if the police ever wanted to see a burglar running through the fence it was based on that concept. Then I think a councilman had gone to Police Chief Nicastro and asked him if that had ever been a safety issue and the answer is no. There is a conscious decision to eliminate that ability to see through the six foot fence.

Councilman Klepacz added, on Ordinance 2008-60 I have a question. It relates to exceptions 1363.03. Are we taking the neighbors out and the Board may require written consent of the owners of abutting property? We're taking the neighbors out? Is that what we're saying?

Law Director O'Brien responded that was my cleanup. Sometimes residents come in and say that I am not giving my written consent. There is a question whether or not the Board is beholden as to whether or not to grant a variance based upon the written consent. The Board can always require written consent. Why it is in there as a pre-condition, or the Board may ask for other things, for example, a survey. There is another part of the Code which I have not found yet, the air conditioning one. It has to have a consent of the neighbor. Again, the Board is going to ask for reasons. We are not taking out the notice. Neighbors always receive notice on these variances.

Councilman Crooks stated, as far as their acceptance or disapproval we are taking that out as a pre-required.

Law O'Brien responded, I have always had trouble legally with why it would be the neighbor who controls the granting of a variance.

Vice Mayor Riley asked what are we changing on Ordinance 2008-58 with this air handling and air conditioning?

Councilman Narduzzi responded, I think we added generators to it.

Law Director O'Brien stated this is a whole new section. You don't see any changes because it is a whole brand new section. There were some concerns about residential generators, commercial generators and with regard to air conditioning we sort of modified our current Code. That is why you will see a strike out of the air conditioning, because it is now inserted in the new section.

Councilman Piteo asked so we can make revisions at the Workshop?

Law Director O'Brien replied yes.

Mayor Kurtz stated this will all be discussed at the Workshop. It's only on first reading.

Councilman Crooks added, we're not adopting any of these tonight.

Several people speaking at once.

Director Ron White stated I was going to bring it up in the Workshop, but it is under equipment. It is not just these pieces of apparatus. There are commercial wind turbines that are sold retail.

Law Director O'Brien responded excellent point Ron. Councilman Piteo has provided me with a stack, literally, he must have surfed the web, that will require a whole new section, and it is a very complex area.

Councilman Klepacz stated, Ordinance 2008-61, §1363.04, any fence shall be installed in a location so as to allow for maintenance of the fence without the need to enter upon adjoining property. Does that affect our ordinance that said that you can put the fence x feet away, or do you need to change something else?

Director O'Brien responded that our current Code allows them. There is no requirement for them to put a fence any distance away from the side yard. In the BZA we have always said you are going to have to put some distance so you can walk on your own property. That is correcting that problem. We can tell the residents you can put it anywhere as long as you can get around the other side of the fence on your own property.

Councilman Crooks stated, I think it is the structures that is required the side yard but not fences.

Councilman Klepacz stated the fence never required the side yard.

Councilman Crooks replied yes.

Law Director O'Brien replied if they have a maintenance free fence then the BZA remains consistent, which I think they will, they will allow them to put it right on their property line because it's maintenance free.

Mayor Kurtz stated Ordinance 2008-62 is part of our Wellness Program approach. We can discuss that more. We need support from the unions and everyone has to participate before we move forward. This will also go to the Workshop.

Vice Mayor Riley stated Ordinance 2008-63 relating to pool houses, Workshop; Ordinance 2008-64, accessory uses and buildings, Workshop; Ordinance 2008-65 relating to OBOA, Workshop.

Councilman Crooks stated that there is a point to all of this and I want to make this very clear. We are hoping that putting all these pieces of legislation on the agenda is the catalyst for an effort that we believe needs to be made. I think that it is coming out of the Board of Zoning Appeals to periodically take a look at the Code. We deal with the Charter and whether it is done on a yearly basis or twice a year, there is a need to take a look at the some of the 75 year old components of the Code that we might need to address and that is the purpose.

Councilman Narduzzi added that Debi Beal is a great asset. She printed some of these out so we could research them.

Vice Mayor Riley stated that Resolution 2008-121 the Budget Commission.

There were no objections noted.

Vice Mayor Riley stated next is Resolution 2008-122, the Mayor has an agreement with Capitanio's Landscaping.

There were no objections noted.

Vice Mayor Riley stated we have Resolution 2008-123, additional money for storm damage with the trees.

Mayor Kurtz stated this is coming out of the Insurance Fund.

There were no objections noted.

Councilman Klepacz asked so we're passing all of these?

Vice Mayor Riley replied yes, from Resolution 2008-121 forward, unless you have a question. I'm trying to move through these quickly. All the ordinances are we just discussed will be going to the Workshop.

Vice Mayor Riley stated Resolution 2008-124, Michael Baker Chagrin Valley Engineering for the Hemlock Trail.

Mayor Kurtz responded that is the situation I am asking about, these costs keep adding up. Ron White is going to put together a summary. Put this on First Reading. We'll discuss this at the Workshop.

Councilman Klepacz asked Finance Director Veres can you get a list of how much money we spent on this trail?

Finance Director Veres responded I sure can.

Mayor Kurtz stated we're going to get that out to everyone.

Vice Mayor Riley continued with Resolution 2008-125, authorizing the Mayor to enter into a contract with Public Health Service.

There were no objections noted.

Vice Mayor Riley stated next is Resolution 2008-126 requesting the county auditor to advance taxes.

There were no objections noted.

Vice Mayor Riley stated Resolution 2008-127, purchase of a storage structure for some extra salt that David Snyderburn, Service Director would like.

Mayor Kurtz stated you should have gotten that from Dave Snyderburn.

Councilman asked, how often do we get delivery for salt throughout the year?

Director Snyderburn replied it depends on how often we need it.

Mayor Kurtz added it will be for salt in the winter and other storage in the summer. We empty our bins in the winter.

Director Snyderburn responded that this is a long-term solution. We all experienced it last year, every city in this county. There are prices right now ranging from \$41 a ton, which we are going to pay, up to \$160 a ton.

Councilman Togliatti asked do we get one delivery of salt at the beginning of fall or when do we get our salt?

Director Snyderburn responded our current salt bin holds about 1200 tons and if I use 400 I might order 400 tons. As far as delivery, we might get 400 tons in, but we might be 800 tons short, then I am waiting on another delivery. I might be waiting a week or a week and a half. We're getting deliveries constantly.

Councilman Togliatti asked we ran out of salt last year? Is that the only time?

Director Snyderburn replied there have been other times when there is a three day weekend, a Christmas holiday.

Vice Mayor Riley responded one year we were paged in the last week in December to authorize more money because we were out of salt.

Director Snyderburn replied that was two years ago. There is a demand for salt. They can sell it for \$150 a ton. They are going to sell it at that price and then they are going to tell you that you have to wait. I think it's a wise idea to stockpile.

Councilman Togliatti asked, how much salt can you stockpile?

Director Snyderburn replied an additional 2,000 tons; we would have about 3200 tons in reserve.

Councilman Togliatti asked would that typically get us through the winter?

Director Snyderburn replied it isn't going to get us through the winter but it's going to help.

Mayor Kurtz added, 7000 tons so we'll still have to rely on deliveries. We won't have to be dependent on somebody to get it to us in an emergency.

Vice Mayor Riley commented, and Director Snyderburn will be using this in the off season for other storage.

Director Snyderburn replied we can use it to store all kinds of things.

Mayor Kurtz stated it's a facility for all year round.

Councilman Grendel asked where will it be located.

Mayor Kurtz replied between the bins and the open field.

Councilman Togliatti asked, are we guaranteed the salt deliveries throughout the winter?

Director Snyderburn replied there are more and more problems with that every year.

Mayor Kurtz replied, that is one of the reasons why we want the storage, so we are protecting and controlling our future rather than depending on someone that won't deliver.

Councilman Togliatti asked, how much salt do we go through during a weekend snowstorm?

Director Snyderburn responded, if you have a good three day storm, we could go through 1200 tons; I've had to borrow.

Councilman Klepacz asked if you get this new storage bin, you're going to buy how many tons?

Director Snyderburn replied I'm going to keep it full.

Councilman Klepacz asked at \$41 per ton?

Director Snyderburn replied yes.

Councilman Klepacz responded, so at the beginning of the winter we are going to have two structures. They are going to be totally full with salt. Regardless of what happens we are going to be okay?

Director Snyderburn replied, unless you can't buy salt. Say the contract reads that you can't buy salt. You can purchase salt someplace else. We will pay the difference, you go get it, we will pay the difference, try and get it. There are communities right now that can't buy salt this year. Pepper Pike can't buy salt this year.

Vice Mayor Riley stated that in the past you have shared our salt with other communities. I would be very careful this year of doing of that.

Director Snyderburn replied I'll be very, very careful.

Vice Mayor Riley stated next is Resolution 2008-128, authorizing the auction.

There were no objections noted.

Vice Mayor Riley stated next is Resolution 2008-129 regarding equipment for the Selig tower.

Mayor Kurtz stated we'll get the equipment so that if in fact we can get Crown Castle to put it up when they put Verizon's up, we going to try and get it up. It might be a heck of a deal. It would save us a lot of money.

There were no objections noted

Vice Mayor Riley stated, Resolution 2008-130 contract with Three-Z.

Mayor Kurtz stated I will not participate in this.

Vice Mayor Riley continued, Dave Snyderburn has talked to us about this and most of us are aware of what we want to do.

Councilman Togliatti asked we are giving them half of our mulch pile which last year we sold for \$15,000?

Director Snyderburn replied, no, we got rid of most of our mulch in the normal manner. We probably delivered over 2,000 yards of mulch. We probably have about 1800 yards of mulch that's ground. That is above and beyond the unground material. I would like to try and make a better product of this mulch. This year when we delivered mulch we had some complaints/concerns. People were saying, did you see the mulch product this year? I would go down and look at and it does have some big chunks in it. I would like to get it screen, ground to the same standard so all of my mulch that I deliver to you is going to be the optimum product.

Councilman Crooks commented the residents are getting this for free as it is and you want to take it one step further and make it a better product?

Councilman Togliatti added, this is \$45,000 this year that we'll be spending on grinding mulch compared to \$15,000 last year and \$10,000 in 2006.

Director Snyderburn replied all I am doing this year, no matter what I have to grind in January or February, I won't come to you and say here is \$15,000 that I need to grind mulch. I'm doing it now, a little early.

Councilman Togliatti responded, if you collect all of this yard waste, we can dump it for free at Kurtz Bros. right underneath the I-480 bridge. They take yard waste for free. We are keeping it in our pile and we are paying \$40,000 a year to grind it and then giving it away for free.

Law Director O'Brien replied, there is a value to it so you would have to include it in the legislation you pass and have someone buy it through the auction.

Councilman Togliatti responded, I'm saying if it not ground, the unground.

Law Director O'Brien replied I don't know we sold, the ones that Sagamore sold last year. When I talked to Dave, for him to utilize the unground he's going to have to take it to someone to grind it.

Councilman Togliatti responded, no, we can take it to Kurtz Bros. for nothing, get rid of it, take that yard waste that we collect, truck it another half mile down the road and give it away for free, so we don't have to pay \$45,000.

Director Snyderburn replied that would be up to Council.

Vice Mayor Riley asked you mean don't give our residents mulch?

Councilman Togliatti replied no, save a small quantity and pay \$6,000 to get it double ground. We did 500 deliveries of mulch last year.

Director Snyderburn replied it was more than that – 600 to 700 deliveries. Every week we delivered mulch.

Councilman Togliatti responded I think we can save a lot of money if we get rid of this yard waste for free, rather than stockpiling, grinding, double grinding it, and giving it away.

Vice Mayor Riley responded, but in this situation you can't because the Mayor is involved with that company.

Councilman Togliatti replied we'll ask Mr. O'Brien.

Law Director O'Brien replied you would add it to the auction items. If no one came in and bid then technically it would have no value.

Councilman Togliatti asked unground stuff?

Law Director O'Brien replied whatever – ground or unground, add it to the auction. We know there is value because someone came in and paid. If we didn't have that past, hey.

Councilman Togliatti stated I'm saying the unground stuff. They bought the ground stuff.

Law Director O'Brien asked Director Snyderburn did anyone come in to purchase the unground stuff? If was yard waste and unground it had no value. . .

Several people speaking at once.

Director Snyderburn stated to Councilman Togliatti in the future that would be up for discussion.

Councilman Togliatti responds, in the future rather than taking all of the yard waste dumping it down the end of Old Rockside we can dump it at Kurtz Brothers for nothing.

Mayor Kurtz commented time out. I'm not doing away with the mulch program.

Councilman Togliatti responded we produce a lot more yard waste than what we deliver to our residents. But we are still paying to grind it and then giving it away. Let's keep a small amount double grind, it is a great product, it will cost us a lot less and the rest of the yard waste that we don't think that we are going to need, we can take and dump for free at the Kurtz Brothers and it will save us a lot of money.

Mayor Kurtz stated you can't dump it for free at Kurtz Bros.

Councilman Togliatti stated is says that on your website.

Mayor Kurtz stated not the City of Independence. I'm not going there.

Law Director O'Brien stated you could dump it somewhere else just to get rid of it if it is unground and has no value. The ground you may have to add to the action.

Councilman Crooks stated if people are going to vote for it, they're going to vote for it. If people are going to vote against it, they're going to vote against it.

Vice Mayor Riley stated the last time is Resolution 2008-131, Elewski & Associates. We have already discussed this at a past meeting.

There were no comments or questions noted.

Councilman Klepacz asked, under Miscellaneous Business why is City Hall closed that day?

Mayor Kurtz asked why are we having a council meeting that day – Tuesday, November 11th.

Councilman Grendel stated that's Veterans Day.

Mayor Kurtz asked is there any reason we can't have it?

Law Director O'Brien replied you would need a motion. Assuming that Council believes they are going to be able to work through those ordinances that revise Chapter 11, you have to have a Public Hearing if you want to do that.

Mayor Kurtz replied we don't have to do it in November. We can do it in December. We'll call a public hearing for December's meeting, pass them and we'll still be done. These aren't time sensitive are they?

Councilman Narduzzi replied no.

Councilman Togliatti stated I have a question about our minutes. Are our minutes verbatim? Are the minutes that are taken in these council caucuses transcribed verbatim?

Mayor Kurtz replied, as they can be transcribed.

Vice Mayor Jim Riley responded, I asked the law director that and I have always had a problem with, minutes are supposed to give you a general overall of the meetings. Ours in a lot of cases ours depends on which committee or commission it is and who is taking those minutes, how detailed they are. If you look at civil service they are very general. If you look sometimes at ours they are very detailed. They don't have to be verbatim just generally what was discussed.

Mayor Kurtz responded maybe we don't have to be so specific and detailed.

Councilman Togliatti responded they have been verbatim up until the September 9th minutes where they say "discussion ensued." Finance Director Veres was discussing the auditor's talking about the bidding process with Wisnieski Parkway and the fence. None of that is included in here, the discussion regarding it is not typed out. There is a discussion between Jim Crooks and I.

Kathy Alexie asked for clarification.

Finance Director Veres replied the maintenance contracts.

Councilman Togliatti added and then there is a discussion between Jim Crooks and I about the standing committee which has been excluded. It says discussion ensued regarding.

Councilman Crooks responded, when you say the word excluded, there is a hint of intentionality there.

Councilman Togliatti replied well it's not included. I even emailed Kathy on the 20 something of September and asked them to be inserted, she said that she would do it asap and she hasn't done it and we are approving minutes this evening. I would like to see the actual minutes reflect what was said in the meeting.

Councilman Crooks responded, when items have been discussed in Council minutes if they are inaudible then it's put in there. There have been occasions in the past where I believe discussion ensued has been acceptable and approved by Council. The hint of intention, the intention of being excluded.

Kathy responds, I just started this position to help out I am trying to do the best that I can. I have completed seven meeting minutes and I am working on a couple others and I am trying to get the last Finance Committee meeting done for today but it was not possible and I am still trying to

help out at the mayor's office with the Newsletter. When I was listening to the tape and I think there was a discussion about, it was just back and forth for quite a while, so I summed it up.

Councilman Klepacz replied, I would prefer to have them verbatim and I am sure that you didn't exclude it on purpose. I would make a suggestion.

Vice Mayor Riley responded let's not approve them. Add what you want in there and we'll approve them next month.

Councilman Klepacz replied we'll table that for today.

Councilman Grendel agreed.

Councilman Togliatti commented we don't want to start down the path of generalities in minutes.

Vice Mayor Riley asked so you don't want to approve the minutes of the September 9, 2008 Regular Council Meeting?

Councilman Togliatti replied right.

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

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

COUNCIL MEETING:

Mayor Gregory Kurtz called the meeting to order at 7:20 p.m. Present were Council Members Jim Crooks, Dave Grendel, George Klepacz, Tom Narduzzi, Jim Piteo, Jim Riley and Anthony Togliatti. Also present were Law Director Gregory O'Brien, Engineer Don Elewski, Community Services Director Natalie Buc, Technical Services Director Tom Avsec, Service Director Dave Snyderburn, Recreation Director Ed Kostyack, Building Commissioner Carl Opatrny, Fire Chief Peter Nelson and Police Chief John Nicastro.

Councilman Jim Crooks said the prayer. The Pledge of Allegiance followed.

APPROVAL OF MINUTES:

Moved by Riley, seconded by Klepacz, to approve the minutes of the Council Workshop of August 26, 2008. Council polled: 7 yes/0 no; motion carried.

Moved by Riley, seconded by Grendel, to approve the minutes of the Council Workshop September 23, 2008. Council polled: 6 yes/0 no/1 abstain (Grendel); motion carried.

Moved by Riley, seconded by Crooks, to approve the minutes of the Special Council Meeting of September 23, 2008. Council polled: 7 yes/0 no; motion carried.

MAYOR’S REPORT:

The spotlight was on Cleveland recently with the Browns’ game and their huge victory over the Giants. It was a great game and a big boost as the season moves forward.

As I watched the game, and more specifically the commercials, it became increasingly obvious the “silly season,” or should I say campaign season, is in full swing...maybe it’s in overdrive. You cannot get through one commercial break without hearing about Obama, McCain, or Issue 6. It sure makes me glad I am not campaigning this year.

While I may not be campaigning, I have not forgotten the principles of my campaign. One, in particular, was running this City more effectively. Run it like a business. The City is in the business of providing services, and it needs to be run that way. We need to work smarter, not necessarily harder. With efficiency, technology and monitoring, we can do more with less.

The economy is slowing. Markets are uncertain. Credit is tight, and some people are losing their homes. This morning I read that the State Auditor has placed a neighboring community in fiscal emergency because it has been outspending its tax revenue by several million dollars. While I am confident the State and that community will “right the ship,” make no mistake, we in Independence are not immune to tough financial times.

We need to watch every dollar we spend, while maintaining the great services the residents have grown to expect. Now, more than ever, we need to double our efforts in management and create efficiency in every City department. We must do everything we can to ensure your money is spent wisely, and that you get the best value for your tax dollar. It is time to tighten the belt and focus our efforts.

I am pleased to say we have been taking strides in that direction since I took office in January. We have restructured departments, moved personnel around, and even brought on new personnel. Each move, and each change, is designed to increase efficiency, reduce overall costs, and improve City services. The proof will be in the pudding, but I believe, once all of our changes have been completely implemented, conservatively, the City will, hopefully, be stabilized and debt paid down. My goal is to make the City’s financial stability improve with every year of my tenure as Mayor. “Time will tell.”

In the coming weeks and months, more changes are likely to occur. Residents, while I know to some change means uncertainty, I can tell and will commit to you, change in my administration will be driven by creating efficiency, reducing costs, and better serving the people of this community. “That is change you can believe in.”

Chances are I do not need to remind you, but the next time Council meets, we will have elected a new president of the United States. I encourage all of you to get out and vote on November 4th.

Thank you, and God Bless.

OFFICIALS' REPORTS:

ENGINEER:

City Engineer Elewski said we are finishing up that project down on Brookside Road through the park. We probably have another week or so and that will be finished.

FINANCE DIRECTOR:

Finance Director Veres said on the agenda tonight is Ordinance 2008-56, this is our monthly appropriation amendment, and I ask Council for their support of this amendment.

SERVICE DIRECTOR:

Director Snyderburn said we have four trucks to pick up leaves this year. I guarantee we are going to pick them up; we are going to be diligent in doing so. Your leaf pick-up is normally on your rubbish day, and we will try to get them more often than that. Just be patient and I guarantee you I am going to get all the leaves.

We are going to be filling up our salt bins. Hopefully, legislation will be passed tonight for another building to allow us to have more salt storage. Salt is a commodity just like gas. I cannot believe that we live eight miles away from one of the largest salt reserves in the world. Under Lake Erie they mine 2.5 million tons a year. A lot of that salt gets shipped away and we are paying a big price for salt. We are going to stock up on salt and I am going to use it in a wise and efficient manner this year, but we are definitely going to have it. We are going to pay \$41 per ton. A community close to us, Gates Mills, is paying \$68 per ton, and others are paying \$150 per ton.

COMMUNITY SERVICES DIRECTOR:

I want to thank everybody for coming out to Fall Fest. I also thank the other department heads for helping us out with all of our needs, as well as our volunteers. Flu shot registration started up last week, and we have registration again on Friday morning, beginning at 9 o'clock. We are now focusing on preparing for online registration. We are testing it and working out all of the bugs.

TECHNICAL SERVICES DIRECTOR:

Director Avsec said the shop drawings for the Historic Hall window replacement project were submitted last week and have been approved by the architect. Delivery is in about six weeks and installation will begin thereafter.

As part of the Green Team Committee the Mayor has formed, we are looking at different ways to conserve energy. A point of interest is that we recently visited Ashland High School to take a look at the facility. They just underwent a lighting upgrade. Part of that lighting upgrade was

solar roof lights. It was very interesting to see. We are looking at ways to utilize those throughout the City. More to come later.

RECREATION DIRECTOR:

Director Kostyack said the fall programs are coming to an end--flag football and soccer. I'd like to thank all of the coaches for another great season. We will go right into the winter programs, so basketball will be kicking in.

BUILDING COMMISSIONER:

Commissioner Opatrny said at the Shell gas station on Rockside and Brecksville Roads, the right turn in, right turn out apron is completed and in use right now. The Regional Sewer District will be eliminating the pump station on Granger Road and they will be replacing it with a gravity main.

Sunoco on Rockside and Quarry Lane will be coming to us for an upgrade, and we hope to see that at the Architectural Board. There will be a new gas well on the east side of the Square on the Scharton property, Unit No. 1. That will probably start before the end of the year.

Seeing that winter is coming, we want to look at our energy usage. Now is the time to check your attic insulation. You should have at least 12" up there. Consider changing your normal light bulbs to compact fluorescent, you'll save about 76% on energy. Lastly, consider insulating your hot domestic water piping in the basement.

FIRE CHIEF:

Chief Nelson said, on behalf of everyone at the Fire Department, I would like to congratulate Ryan Dailey and his wife Amy on the birth of their twin girls, Lauren and Claire. I understand mom and girls are doing very well.

With the holiday season approaching, I would like to caution all the residents on the use of holiday decorations, especially in conjunction with the increased use of candles, both at home and at work. Most candle fires start when something that can burn is placed too close to the candle. Please use caution with candles. Along with that, don't forget to change your batteries in your smoke detectors on November 1st when you set your clocks back one hour. If you need assistance with the batteries in your smoke detectors, give us a call at the fire station.

POLICE CHIEF:

Chief Nicastro said on September 8th, the State of Ohio started a new program. If you have a current Ohio drivers' license or identification card, you can go to the Ohio Bureau of Motor Vehicles' website and log in and document your emergency contact information. You can put in up to two contacts. In the event of an accident or emergency, where you are unable to communicate, the police will have instant access to that information and they will contact

someone for you. You can download a form, fill it in and mail it to the BMV, or you can go directly on line or to a local registrar's office.

STANDING COMMITTEE REPORTS:

COMMUNITY SERVICES – (TOGLIATTI):

Councilman Togliatti said, as Technical Services Director Avsec mentioned, I am happy to announce that the City of Independence has recently created an energy conservation and Green Technology Task Force. The goal of this task force is to bring efficiencies to the City's energy consumption in all respects, and to change out higher consuming technologies for more environmentally friendly and less wasteful methods. This is a long-term project that will help to save the City money on its operating expenses and reduce the City's output of emissions. The project has begun with the purchase of a hybrid vehicle for the Building Department; the replacement of antiquated, inefficient lighting in the Old Rec center with modern, energy efficient heat and light fixtures, and the possibility of skylights to utilize natural light sources. Council and the administration will continually look for areas of improvement and we will update the residents on our progress with this initiative.

There is a piece of legislation that I would like to comment on this evening. It is Resolution 2008-130, which is authorizing an additional \$15,000 to Three-Z Incorporated for mulch grinding services. So far this year, we have spent \$30,000 grinding yard waste and producing mulch. This resolution will bring it to \$45,000 for 2008. In 2006 we spent \$10,000 for grinding yard waste and we produced more mulch than we consumed. In 2007, we spent \$15,000 on grinding and, again, we produced more mulch than we consumed. However, in 2007, we did sell our excess mulch for \$15,000, thus breaking even on the program for the year. In 2008, we are going to pay \$45,000 to Three-Z to produce more mulch than we will consume, and you are giving away, yes, that is correct, we are giving away half of our mulch pile free of charge to Three-Z. For these reasons, I cannot support this legislation this evening.

As an aside, Kurtz Bros. on Canal Road, under the 480 bridge, accepts yard waste free of charge, according to their website. Our City could dump our yard waste there for free, thus eliminating all of this excessive grinding, and only grind what we need to deliver to the residents. This could save our City a lot of money.

Lastly, I would like to send my condolences to the Garling and Agan families.

Mayor Kurtz said, just for clarification purposes, I'd like to add that there is a standing policy when I became an elected official that Kurtz Bros. would not do business with the City of Independence. So, for clarification purposes, that is not an option.

Councilman Togliatti said we did speak about it in the Council meeting and the Law Director said that if we made a motion, I believe we could do that.

Law Director O'Brien said I said, to be clear Councilman Togliatti, your question was can the City get rid of its yard waste, and then we talked about whether there was value to the waste. If

there is value to this particular yard waste, because it is my understanding there are two grades, one is refined, one is unrefined. We know, from refined, from past companies, like Sagamore Soils had offered the City money for our unused refined waste. If that's correct, I have it right, correct, and the City has transferred that to them. For the refined yard waste, if that's the way the City wants to go, it should be added to the piece of legislation that is on the agenda tonight regarding the auctioning off of City property that is no longer needed. For the unrefined yard waste, if there is no value to that, then the City can dispose of that without an auction. You would have to find a willing private company to do that. You can't force or impose that upon a private company, such as this, if the company says they are not going to accept it. As long as the City can find a private enterprise to accept it, and is willing to accept it, and they do accept it, making sure that there is no value to what we are disposing of, but for the option then, yes, you are correct.

Councilman Togliatti said I am referring to the ungrounded yard waste, and, according to the Kurtz Bros. website, they do accept that free of charge.

Mayor Kurtz said there is a policy that they cannot accept anything from the City of Independence because I asked the officials of the company not to do that because of my situation, my public service to the community, and I gave a directive to all the department heads, when I took office, that they are not to do business with Kurtz Bros.

Law Director O'Brien said that is a good policy, because that would obviously create the appearance of a conflict of interest and certainly no one here as an elected official wants to have them look at any of their practices.

Mayor Kurtz said so, we clarified that.

Vice Mayor Riley said I have a question. When we went on the tour of the City's facilities, we do have to pay someone to grind our mulch. We don't have a grinder, correct, Dave?

Service Director Snyderburn said yes.

Vice Mayor Riley said I thought part of the deal you were going to work out was that what we give them would offset their grinding charge.

Service Director Snyderburn said what I am going to do, there is a mulch pile there, a compost pile there that I am going to sift. There is a large quantity of ungrounded material that is yard waste, bulk yard waste that we have to grind. The amount of money we are spending to grind that particular pile, it is actually the 2008 and 2009 mulch pile, we will be grinding that pile. Then next year we will grind the 2009 and 2010 pile.

Councilman Narduzzi said, so the \$30,000 that we spent in 2007 was for 2007. This \$15,000 is for grinding for 2009.

Service Director Snyderburn said let me just clarify this. The \$10,000 rate that was stated, we were not able to grind the entire pile, and every year, from going way back, we ground what we

could for the amount of money we had and we were not ever able to grind the entire pile. So what we did, Councilman Togliatti, we spent that money, we were able to grind the entire pile. We cleaned up the entire area. Last year, we were able to sell that mulch back, in other words, receiving \$15,000 back. It was a zero amount we spent. So we are still at approximately \$15,000 per year that we are spending on grinding mulch. The only reason why we are grinding this year a little earlier is because we had an enormous storm. We had a few a month and a half back and we just have an abundance, a huge amount of yard waste that we need to start processing for next year. That is what I have to do.

Councilman Togliatti said Mr. Mayor, can I ask you one question? New Heights Tree Service that we contract through, they cut all the trees and collect all the waste from the City, can they dump at Kurtz Bros. because they are an Independence contractor?

Mayor Kurtz said no. Now, Councilman Togliatti, you have belabored this issue four times now. They can't do business. I don't want to give the appearance of impropriety.

Councilman Togliatti said I just wanted to ask a question.

Mayor Kurtz said for clarification purposes, if anything to do with the City of Independence, my family has decided they will contribute technology to the City of Independence for free. They have contributed a variety of different programs to the City free of charge, and they will continue to assist the City of Independence with upgrading and programs, such as grinding techniques, use of different soils, rain gardens, but they are not going to provide a service where they have to be compensated by the City. They do this free of charge as a community service, and that is the only thing Kurtz Bros. is going to do, free of charge to the City, to help make this a better community.

PUBLIC LANDS AND BUILDINGS – (NARDUZZI):

On October 3rd the Public Lands and Buildings Committee went on its annual walk through of City owned buildings. The walk through is designed to help Council set budgets for the upcoming year for maintenance and/or capital improvements for our City facilities.

This year's tour started at the body shop located on Old Rockside Road with a tailgate party. Coffee and hash browns were supplied by Dave Snyderburn. Discussion was had whether to fix up the old building, add new garage doors and lighting, general clean-up and repainting, or to relocate the whole operation to the Service Department grounds.

Our second stop was at Historic Hall, where Tom Avsec explained work in progress on the painting of eaves and façade of the building, adding that new windows will be installed in November. Possible upgrades include new security features, air conditioning and a new roof on the back side. Christmas lights on Historic Hall will not be part of our display in Downtown this year due to the installation of new windows.

Next, we stopped at the old recreation center building. Tom Avsec reported that new lights will be installed in the gym area in November. Discussion was had on possible upgrades to the heating of the gym, along with new windows and possible skylights to cut down on energy costs.

Our next stop was the City Annex building. Discussion was had on moving the engineering department to the back side of the building which is currently used for storage.

Our last stop was at the Service Department. Dave Snyderburn walked us through the daily routine of job duties and responsibilities. Discussion was had on resurfacing the black top areas, possible expansion of the northerly garage to house the body shop and to add more storage space. A storage structure for bulk salt was discussed. Dave emphasized the need to buy in bulk to be cost effective and to insure inventory levels are maintained. The structure will be used to park vehicles in during the summer months.

All in all, this year's walk through was a success. It enables Council to set priorities for our upcoming 2009 budget and helps plan for our Five-Year Capital Plan. I would like to thank all those who attended.

On tonight's agenda are Ordinances 2008-57 through 2008-65. These are an effort by Councilman Crooks, all members of the Zoning Board of Appeals, and I to bring some sections of our City's out-dated Codified Ordinances up to date. They will be placed on first reading tonight, and a public hearing will be held before any of them can be adopted.

FINANCE COMMITTEE – (CROOKS):

Recently I ran into an old friend of mine. His name is Kevin Kmetz. He's a former Independence resident whose family still lives in Independence. He married an Independence girl, and her family still lives here in Independence.

Kevin is a commercial pilot. And because I fly from time to time, as a passenger, not a pilot, I'm generally interested in most things, and I asked him, when I saw him recently, to describe the experience of take-off and flying in the sky. He made a statement to me that speaks volumes: He said, "it's all about the flight plan."

When a pilot prepares for take off, there is a series of precautions that every pilot and co-pilot must go through, but once you're up in the air, the flight plan is programmed in and you follow it the whole way. Few, if any, variations at all, are made to the plan once in flight, and if variation is required, it's for good reason and with sound judgment in mind.

He said the plan is your road map in the sky. It tells you how to maneuver the locations over which you're flying, and where to go in case of emergency. He told me, it's tough to fly without the flight plan, and you're literally flying by the seat of your pants.

I asked him, what happens if there's an emergency and you have to go off course. He told me that the plan provides for every contingency, regardless of where you're in the course of the flight. Rely on the plan, he told me, that's the best course of action.

The parallels of the planning efforts this Council has engaged are profound, starting with Vern Blaze's efforts to get the strategic planning concept off the ground, to the current efforts we've asked of the City to plan out the capital expenses for the next five years.

If the commercial pilots trust their plans with the lives of 200 people 20,000 feet in the air, then we, as elected officials, can trust the integrity of a sound plan with the civic needs of the residents and businesses right here on earth.

The International City Manager's Association, a group devoted to promoting leadership at the core of better communities, and also the Government Finance Officers Association, recommend the adoption of five-year capital budgets and strategic planning as part of their responsibilities.

Mayor, the Finance Committee has met no less than three times in the last month to continue driving home the Five-Year Capital Plan. Our goal is to have this plan completed by the end of this month. And, to put this into context for everyone, our intention is have the Five-Year Capital Plan approved by October 31, 2008, and then go right into the budget hearing process so that we can approve a budget for 2009 in November, and go through that with the department heads throughout the course of November, and then we will be in a position to adopt a budget for next year by December of this year.

Special thanks have to go out to the Finance Director for his work. He has kept Council members and the Mayor updated on a near weekly basis with different meeting schedules, and updates on the Five-Year Capital Plan, as we work towards that final draft.

The pieces of legislation that Councilman Narduzzi mentioned that have my name on them tonight are the result of a joint effort between Council and members of the Board of Zoning Appeals. They kick off a comprehensive update to the Codified Ordinances that, in opinion, is long over due. It is my understanding that most of these will be left on first reading tonight. The greater intention is for the city to formalize an effort whereby it regularly takes a look at the Codified Ordinances to see if certain sections need to be updated. Certain sections of the Codified Ordinances are near 60 years old. Hopefully, this effort in getting these pieces of legislation through will kick off an effort where we can create some sort of committee to take a comprehensive look at the Codified Ordinances. Whether it is done once a year or twice a year to see where it needs to be updated.

That's been the last thirty days, or so, in a nutshell.

UTILITIES COMMITTEE – (PITEO):

United Survey has started our sanitary sewer cleaning and televising on the Rockside Road sanitary sewers. Work started from the Seven Hills Corporation Line and will continue east along Rockside Road. This work will be completed during the evenings. Residents should be aware and use caution when traveling this area. There also may be some minor traffic impacts.

Haynes Construction has started the Brookside North Channel Sediment Removal project. They seem to be making great progress and should be finished soon. When this portion of the project is finished it will relieve some of the flooding on the lower portion of Brookside Road. Please use caution when driving this stretch of the road.

Through the efforts of Councilman Crooks, John Veres, and the Finance Committee, a Five-Year Capital Plan is being formulated. This plan will allow us to be proactive rather than reactive when it comes to certain areas of City operations. Today in Council Chambers the Utility Committee members, Council, and the administration had the opportunity to discuss the multitude of Storm Sewer and Sanitary Sewer projects and how they relate to the Five Year Capital plan. Tremendous headway was made and I look forward to the final product.

I want to say congratulations to all the people who participated in the Fall Fest. It was really evident that all the people involved put their heart and soul into making it fun for all. My family and I had a great time. We particularly appreciated the addition of the Kettle Corn stand. The food was well prepared and the service was A-1. I had many people come up to me and say how the Fall Fest is their most favorite event of the year! I believe you can catch a glimpse of some of the action at Fall Fest on the dedicated cable station at the top of each hour. I know we are not supposed to mention names, but I will in this case--I would like to throw warm thanks out to Tom Walchanowicz. Every year they have a hayride and take kids around the park. He decided this year to include a stop in the hayride route that depicted the Mayor literally working the Council to the bone. So, I want to thank him for that. I'd like to get a picture of that.

STREETS AND SIDEWALKS COMMITTEE – (RILEY):

I'd like to compliment the Community Services Department and all the other departments that helped with the Fall Fest. It was a wonderful day, weather-wise, and the event was really enjoyable.

As Technical Services Director Tom Avsec mentioned, the Green Team for the City was formed. For every meeting, Council gets a thick packet of papers, and all of the department heads get the same packet of legislation. I don't think the department heads need all of this legislation, only that which pertains to them, and then they should receive copies. I believe it is a waste of paper. We also have copies for three different newspapers, two of which rarely show up for our meeting. I'd like to start with our office conserving on paper and get this ball moving forward on more green efforts. He asked, do any department heads have a problem with that? Do you need a copy of every piece of legislation we vote on? Department heads responded no. He asked, does anyone on Council have a problem with that? There was no objection. He thanked them all.

If you noticed recently on the news, there has been a great deal of talk about the economy, businesses, banks, insurance companies, all struggling, and look what happened last week on Wall Street. Yesterday, one of our neighboring cities was declared to be in a financial emergency. Our Finance Director mentioned to us this evening that our revenues may be flat for the year. I think we all need to keep that in mind in all decisions we make here. I would like to commend the Mayor. Last week in his staff meeting he requested all of his department heads to

reduce their budgets. I think that shows, once again, that the City of Independence is ahead of the curve in looking at things and making adjustments before they become real issues here, locally.

The Streets and Sidewalks Committee has been meeting with the Finance Department on the Five-Year Capital Improvement Plan. We have been trying to prioritize the different street projects that need to be done for the next five years. We will continue to work to meet that goal of having this Five-Year Capital Plan voted on by the October 31st deadline.

SAFETY COMMITTEE – (GRENDEL):

Councilman Grendel stated that the Safety Committee met on September 30th. We discussed the fire hydrant cleaning and painting program which has been moving along. A couple of problems we had were taken care of.

Councilman Grendel said Engineer Ramm provided us with an update on the Brecksville/Hillside intersection signalization project. Chief Nicastro updated us on the deer hunting season which started at the end of September, and Chief Nelson updated us regarding the process on the EMS billing which we still hope will take effect January 1, 2009. We also discussed the ramifications of Assistant Chief Frank Kruszewski retiring.

I schedule Safety Committee meetings monthly, rather than every three or four months, to keep focused and up to date on projects we are working on. Meeting every three or four months would cause a large agenda that may require several hours of discussion. We will have another meeting in October or November, and I always ask our chiefs to let the Council office know of any issues coming up so they can be put on the agenda. I appreciate the input provided by both Chiefs and Engineer Ramm.

Updating you on school sports, we have a couple championship teams this year. Our cross country team had a tremendous year. They won the small school championship and I believe three members came in the top five positions. Three underclassmen, who are excellent cross country runners, finished very well to help win the championship. They are Ryan Polman, a freshman, Michael Rusnaczyk, a sophomore, and Zach Skoczen, a junior. There is another Polman coming up next year, so their future looks promising and is starting to get State recognition. Also, the girls' volleyball team won the Metro Division. They were ranked one of the top volleyball teams in the State. I am very proud of our athletes.

RULES AND ORDINANCES COMMITTEE – (KLEPACZ):

Councilman Klepacz said the CERT (Community Emergency Response Team) is having a continuing education class and walk-through on Wednesday, October 29th, at the Middle School Auditorium. It will be a practice session for distribution of medicine and vaccine in the event there would be a community-wide epidemic or biological attack. Keep in mind, the CERT program is a continuing enrollment program. You can go the Independence website, click on the CERT link and you can sign up there.

Also, related to the Fall Fest, if one looks at the windows next to Nick’s barber shop, you will see all the winning scarecrows from the Independence Cultural Arts Council contest. They are on display there so they can be viewed during this upcoming holiday season.

LEGISLATION:

SECOND READING

RESOLUTION 2008-112 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH QWESTCOM GRAPHICS, INC. TO PERFORM SERVICES FOR “PROGRAM AND BUSINESS DEVELOPMENT” 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 Grendel, seconded by Riley, to adopt. Council polled: 6 yes/0 no/1 abstain (Crooks); motion carried.

RESOLUTION 2008-114 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 Grendel, seconded by Riley, to read by title only. Council polled: 7 yes/0 no; motion carried.

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

Moved by Riley, seconded by Grendel, to adopt. Council polled: 5 yes/2 no (Narduzzi, Piteo); motion carried.

RESOLUTION 2008-115 A RESOLUTION AUTHORIZING THE ADDITIONAL EXPENDITURE FOR THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE MISCELLANEOUS UTILITIES 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 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: 5 yes/2 no (Narduzzi, Piteo); motion carried.

FIRST READING

ORDINANCE 2008-56 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 Narduzzi, to adopt. Council polled: 7 yes/0 no; motion carried.

ORDINANCE 2008-57 AN ORDINANCE AMENDING SECTION 1143.03 OF THE
CODIFIED ORDINANCES OF THE CITY OF
INDEPENDENCE RELATING TO STORAGE OF
RECREATIONAL VEHICLES AND DECLARING AN
EMERGENCY

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

Ordinance 2008-57 was placed on First Reading and referred to Council Workshop without objection.

ORDINANCE 2008-58 AN ORDINANCE ENACTING NEW CHAPTER 1332 OF
THE CODIFIED ORDINANCES OF THE CITY OF
INDEPENDENCE RELATING TO AIR CONDITIONING,
AIR HANDLING EQUIPMENT, AND ELECTRIC POWER
GENERATORS AND DECLARING AN EMERGENCY

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

Ordinance 2008-58 was placed on First Reading and referred to Council Workshop without objection.

ORDINANCE 2008-59 AN ORDINANCE AMENDING SECTION 1363.02 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO HEIGHT LIMITATIONS AND DECLARING AN EMERGENCY

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

Ordinance 2008-59 was placed on First Reading and referred to Council Workshop without objection.

ORDINANCE 2008-60 AN ORDINANCE AMENDING SECTION 1363.03 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO EXCEPTIONS AND DECLARING AN EMERGENCY

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

Ordinance 2008-60 was placed on First Reading and referred to Council Workshop without objection.

ORDINANCE 2008-61 AN ORDINANCE AMENDING SECTION 1363.04 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO METHOD OF CONSTRUCTING A FENCE AND DECLARING AN EMERGENCY

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

Ordinance 2008-61 was placed on First Reading and referred to Council Workshop without objection.

ORDINANCE 2008-62 AN ORDINANCE AMENDING CHAPTER 960 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO CIVIC CENTER ADMISSIONS CHARGES AND DECLARING AN EMERGENCY

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

Ordinance 2008-62 was placed on First Reading and referred to Council Workshop without objection.

ORDINANCE 2008-63 AN ORDINANCE ENACTING SECTION 1121.23 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO POOL HOUSE AND DECLARING AN EMERGENCY

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

Ordinance 2008-63 was placed on First Reading and referred to Council Workshop without objection.

ORDINANCE 2008-64 AN ORDINANCE AMENDING SECTION 1143.02 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO ACCESSORY USES AND BUILDINGS IN RESIDENCE DISTRICTS AND DECLARING AN EMERGENCY

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

Ordinance 2008-64 was placed on First Reading and referred to Council Workshop without objection.

ORDINANCE 2008-65 AN ORDINANCE AMENDING SECTION 1331.01 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO OBOA OHIO RESIDENTIAL CODE (ORC) AND DECLARING AN EMERGENCY

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

Ordinance 2008-65 was placed on First Reading and referred to Council Workshop without objection.

RESOLUTION 2008-121 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

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

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

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

RESOLUTION 2008-122 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CAPITANIO'S LANDSCAPING, INC. FOR THE RESTORATION OF THE IRRIGATION SYSTEM LOCATED AT 5005 ROCKSIDE ROAD 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 Riley, seconded by Grendel, to adopt. Council polled: 7 yes/0 no; motion carried.

RESOLUTION 2008-123 A RESOLUTION AUTHORIZING THE EXPENDITURE FOR EMERGENCY TREE WORK SERVICES PERFORMED AS A RESULT OF STORM DAMAGE 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 Crooks, to adopt. Council polled: 7 yes/0 no; motion carried.

RESOLUTION 2008-124 A RESOLUTION AUTHORIZING THE HIRING OF MICHAEL BAKER JR., INC. AND CHAGRIN VALLEY ENGINEERING, LTD. FOR PROFESSIONAL SERVICES TO PERFORM ENVIRONMENTAL SERVICES, INVESTIGATIONS AND ECOLOGICAL SERVICES FOR THE ALL PURPOSE HEMLOCK TRAIL AND DECLARING AN EMERGENCY

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

Ordinance 2008-61 was placed on First Reading and referred to Council Workshop without objection.

RESOLUTION 2008-125 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR PUBLIC HEALTH SERVICES FOR 2009 FOR THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

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

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

RESOLUTION 2008-126 A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE TAXES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO OHIO REVISED CODE SECTIONS 321.23 AND 321.34 AND DECLARING AN EMERGENCY

Moved by 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 2008-127 A RESOLUTION AUTHORIZING THE EMERGENCY PURCHASE OF A STORAGE STRUCTURE FOR THE STORAGE OF BULK SALT FOR THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2008-128 A RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS AND FORFEITED PERSONAL PROPERTY AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2008-129 A RESOLUTION AUTHORIZING THE PURCHASE OF RADIO EQUIPMENT FOR THE SELIG CELL TOWER FOR THE CITY'S EMERGENCY SAFETY RADIO SYSTEM AND DECLARING AN EMERGENCY

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

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

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

RESOLUTION 2008-130 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH THREE-Z INCORPORATED AND THE DISPOSAL OF YARD WASTE PROCESSOR SERVICES FOR THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY

Moved by Riley, seconded by Piteo, 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: 6 yes/1 no (Togliatti); motion carried.

RESOLUTION 2008-131 A RESOLUTION AUTHORIZING THE ADDITIONAL EXPENDITURE FOR THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE MISCELLANEOUS PLANNING AND DECLARING AN EMERGENCY

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

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

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

MISCELLANEOUS BUSINESS

Mayor Kurtz stated our next Regular Council meeting falls on November 11th and because that is Veterans' Day and City Hall is closed on that day. We need a motion to have the Regular Council meeting at 7:00 p.m. on November 11th due to Council Rules.

Moved by Klepacz, seconded by Riley, to hold the November Regular Council meeting on Tuesday, November 11, 2008 at 7:00 p.m. Council polled: 7 yes/0 no; motion carried.

Mayor Kurtz said we will have the Regular Council meeting on Tuesday, November 11th at 7:00 p.m.

ADJOURNMENT

Moved by Klepacz, seconded by Riley, 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 8:11 p.m.

Gayle Rudary, Pro Tem Clerk of Council
