

**CITY OF INDEPENDENCE
COUNCIL WORKSHOP
JUNE 22, 2021 3:30 PM
VIRTUAL MEETING**

MINUTES

ROLL CALL

Vice Mayor Grendel called the Council Workshop of June 22, 2021 to order via Zoom at 3:34 p.m. Present were Council Members Kathleen Kapusta, Tom Narduzzi, Kenn Synek, Jim Trakas, Dale Veverka and Chris Walchanowicz. Also in attendance were Mayor Gregory P. Kurtz, Finance Director Vern Blaze, Law Director Gregory J. O'Brien, Economic Development Director Jessica Hyser, Building Official Michael Gero, City Engineer Don Ramm, Procurement Coordinator Dennis Zdolshek and Project Manager Chrissy Lingenfelter.

Vice Mayor Grendel said we have roughly a little over to pages of agenda items there, and I think we have seven pieces of legislation. Let's get right to it.

SECOND READING

Vice Mayor Grendel said Ordinance 2021-77, and this is an ordinance enacting new Chapter 796 of the Codified Ordinances of the City of Independence requiring Peace Officers to be present on the premises for hotels, motels, transient hotels and transient motels, extended stay hotels, extended stay motels, residential hotels, residential motels and banquet facilities for events in which alcohol is served or permitted to be consumed.

I know Kathleen you are the sponsor of this legislation, but do you want Jessica to comment first or would you like to comment?

Councilperson Kapusta said that would be great, I would appreciate that.

Vice Mayor Grendel said okay, Jessica.

Economic Development Hyser said again this legislation is intended to work with our hotels and some of our other facilities here in the City of Independence to help mitigate some of the incidents that we have seen in the past and provide an extra layer of protection for both the facilities and the City. The idea again is not to be punitive but to make sure there is a higher level of security at these facilities so that when events do happen, there is a Peace Officer on staff. We have had some conversations with one of our hotels, and I think we can talk a little bit more about this later, about some changes they would like to see to this and see whether or not that's something that Council would be amenable to.

Councilperson Kapusta said and if I could just add, I think I made some of these same remarks at our last meeting; but back at the end of April after we had some things that were going on that were a little bit unusual in some of our places on Rockside, I thought that it might be worth looking into; so I asked for the assistance of Jessica and also for Greg O'Brien. Mike Gero was

involved was involved as well too and Mayor of course with the meeting we had; but the whole intent was to see if there was anything that we could put into place that would offer us a little bit of maybe reassurance, a little bit of an extra push in situations where there was alcohol for large groups either being purchased or if you had an event where it was being consumed. Again, I think I reflected back on it, and most of us know if you have ever sponsored a family event, a wedding of that nature; and you are at a venue, it is not uncommon that you will be asked to pay the fee for having the Police or the security guard to just to kind of keep order.

Jessica, thank you for mentioning, this is not a punitive stance. I see it under a more positive light because I see this being beneficial actually to the owners of the different venues on Rockside because as the folks keep coming back now and their rooms get filled and things; if things were to occur in a larger size grouping, there would be somebody there that would be able to attend to things and maybe just I think not even have to always do things. We have heard in the past that one of the big things that helped with some of the things that were going on at Topgolf got helped by the presence of the Police Officers, by the presence of the Police car. So, this should be that same kind of thing. Chief had said that it was his recommendation that it be a Police Officer, and he extended to say that it would be an off-duty Police Officer from not only Independence but from any of the communities around us that have jurisdiction within the City of Independence. So, not only could they calm an issue that might be rising, but if it were to get to an unfortunate point of needing to do booking or to get more involved with our Police, they would have the capacity to do that.

I think that this would be also beneficial to the other customers who would be residing there for the weekend or the evening or whatever because I just feel that if there was a big group going on, I would feel a little bit better knowing that there was maybe some Police presence, hoping that it won't be necessary, but if it is, it would be there.

I did explore with the Chief to ask him what the range, just so they had an idea because I think perhaps one of the things that was being under consideration was that this might be too onerous to put on someone who is having an event to put on this additional charge to them because I don't foresee it as a charge going to the facility owner or manager, I see this going to the people who are renting. At the same time, we did not want to say oh geeze nobody is going to want to rent there now because they have this huge charge. Well first of all, for a lot of things like during the day kind of things, I don't see that charge necessarily happening. I am sure we have all been at some of our facilities for seminars and different programs; and we are not typically serving alcohol during the day. So, I think it would be more for a larger venue, maybe a gala kind of event or something like that in the evening; but I did want to understand would it possibly be a deterrent to people to rent? I don't think it would. I checked with the Chief, and he said it's \$50 an hour. That was for the hiring of the person as well as having the vehicle there to increase the presence. So, if you figure a venue is even needing to be manned for three or four hours, it doesn't go into an exorbitant amount of money. So, I did feel good about that.

The penalty is nothing that is onerous either. The intent is not to punish somebody, the intent is to help modify the behavior and to try to have people there who would keep a little watch on things. So, you saw if you read the ordinance that the first offense was \$250, a minor misdemeanor, and the second was \$500, a fourth degree misdemeanor. That's all open for discussion should Council feel that this ordinance has any merit. That was just drawn up by some of the members of the committee who thought that would be a good way to put that into place; but that doesn't have to sit, as do none of the other things too. It doesn't have to be after the first, it could be after the second, or whatever. That is certainly open for exploration; but that's really what it emanated from. I did ask Greg O'Brien to check, and he did check with other surrounding cities, and this is not something that is a commonality in the cities, which I was a little surprised; but I don't think it would be bad if we felt it was helpful to be the first to offer this. Again, just kind of as an extra step. We are always looking for security. We are always conscious I think as a City and as a Council of what it is that we might be able to do to improve things, to keep them better for our residents and our business community and our visitors to our town. So, I am hoping that you would give some consideration to this, and would be interested in any comments or discussion. Thank you.

Vice Mayor Grendel said so Kathleen, my understanding is then that the threshold is for an event that they are serving alcohol. It would be 100 persons attending; and once they hit 100 persons then the requirement would be to have one Peace Officer there on the premises.

Councilperson Kapusta said that's correct, and then 200 or more, that is when they would ask that it would be a good idea to have two there is what the Chief said.

Vice Mayor Grendel said I see. This probably pertains to maybe what four or five venues in town at the most.

Councilperson Kapusta said I don't think that's it's going to affect a lot of them obviously; and as I say, for a lot of what our businesses do, we know that they have a lot of trade meetings and things during day. I don't see that as a place where alcohol will be served, unless I missed the wrong ones; but the ones that I have been at it is coffee and tea and water. It's more the galas, the big events, the fundraisers that might be in the evening, and things of that nature.

Vice Mayor Grendel said wedding receptions maybe. Now Mayor, we made this a requirement with the Saucy Brew as a Planning Commission and then later on Council approved that. That is already built in I think to their approval, one of the requirements I believe.

Mayor Kurtz said that's baked into the approval that was established during the Planning Commission's review.

Vice Mayor Grendel said I think the requirement for Saucy Brew was on weekends and possibly holidays and the days around the holidays I think. If that's correct Greg, I think we crafted something to that effect?

Law Director O'Brien replied yes.

Vice Mayor Grendel said I don't know if that varies or is different than what we have here, but they would fall under the general if this gets passed by Council, they would fall under this guidance as far as for their events.

Councilperson Kapusta said that's how it's being proposed, it doesn't have to be that way; but I guess that what we were thinking was, you know that they have a venue of a magnitude. I don't want to say just all weekends, what if they have 12 people there or 22 people, I don't know if that really warrants it. So, that's why when this was put together the folks who added the parameters were looking at something of a greater size that we would need this for.

Now I did also check and found out that we do have this with some other places, we do have it with Topgolf because we have the presence there; but also Doubletree, the Chief told me for about a year has been having some off-duty, and I don't know under what parameters, but they are having off-duty Police Officers there. Also, he said Embassy for larger events for several years; so I think that's again where my mind was going with this, larger events where there is alcohol.

Vice Mayor Grendel said I believe Saucy it doesn't have to have an event there because I think it's built in. I just think if they draw a couple of hundred people there on a weekend and everything because of the serving of the beer and everything else that we require them to have the Peace Officer there; but they are going to have an event center I believe up to 200 people, an event center there that they are proposing.

Law Director O'Brien said at least in their last presentation that is the case, but we had Saucy in mind, but there may be other event centers in the City that have a capacity that exceeds 100.

Vice Mayor Grendel said I noticed that there was an event down at Cornerstone of Hope there a few weeks back, and that's not considered really a regular event center; but I don't know if they served alcohol there or not, but they would fall under this ruling then if they had a group or a wedding there or something like that. They would have the same requirements?

Mayor Kurtz said yes.

Councilperson Kapusta said I don't know the way it's written, unless it goes under and banquet facilities. What do you think Greg?

Vice Mayor Grendel said this thing says banquet facilities, so I guess they would be covered by that.

Law Director O'Brien said we would have to see whether or not if that was the organization themselves. This is written for facilities that are open to the public for rent. So, if you want to capture those large events where companies are putting on something in that order, then we

would have to rewrite that section to capture those organizations. Traditionally, we have not had any issues with those very isolated rare events where organizations have invited guests to come to their facilities. This is more so of people open to the public.

Vice Mayor Grendel said very good. Any other questions from Council?

Councilperson Veverka said just a comment. I know that Kathleen mentions some of the places that the proprietors or management chooses to have additional security staff in place, you mentioned Doubletree and a couple of others; but I kind of wonder if this is kind of overstepping in the fact that the City is creating these requirements. It seems like maybe to me is a bit of an overreach. You mentioned the fact that the cost wasn't large. I can only relate it to a venue we are going to be using. It could easily have 100 people. The venue itself costs \$300, and we would need to add an additional \$200 to that cost for our event. So, keeping that in mind, I'm just concerned about this what I see as an overreach.

Councilperson Kapusta said if I could respond to that. I appreciate Councilperson Veverka your comment, and I did think about that. I really did, and I thought about what is the intent of this? The intent is to try to maximize an environment of safety, for as I say again, our personal residents, our business residents and our visitors to town; and I don't know how that really is with some of the other things we might do. Capacity in the parking lots, capacity inside of rooms, our fire ordinances that we have; I just see that all in a protected vain. Plus, I don't think it's all that novel either since we know that it already exists in a lot of venues that people do have to rent.

Councilperson Narduzzi said I have a legal question for Greg O'Brien. So, we have been bitten in the shorts by this by using our Police facility or Police vehicles to do off-site part-time work not working for the City. I believe we have two instances going on right now. Is there a way to protect the City by using our vehicle parked outside and using our Police inside these facilities that it's totally on them? Is there a way to protect us if the guy gets in a chase with somebody, and he's in our car, and he smashes it up? Who is paying for that vehicle? He's doing a part-time job. We are donating the gas, we are donating the vehicle. I know it's all for safety, but I am just looking at reality here, it happened, and it can happen again.

Law Director O'Brien said I hear where you are coming from, and I think for the rest of the participants when you have an officer like the City of Independence working an off-duty event, the case law is that if they are called to respond, what capacity are they responding in? In the private off-duty event or they in their public capacity, and the short answer is Councilperson Narduzzi, and I didn't write it; but we have to live by it, if you want to prevent any potential liability, workers comp claims, property damage claims, which you would have the right to subrogate and go after who caused the property damage of course. Then the clear answer is prevent any off-duty work within the City of Independence by City of Independence Police Officers. That's the only way to really truly prevent workers comp and property damage claims

in that type of scenario which you intimated.

Councilperson Kapusta said then like what we are doing now over by Topgolf with our Police cars, that would be a situation where we wouldn't want to have them there as well you are saying Greg.

Law Director O'Brien said well I can argue the importance of having them there, and the rare events in which we do have a workers comp or a property claim may overshadow that concern; but that's a policy decision for Members of Council or the Mayor. From a legal standpoint, yes if our officers are there and our property is there, even though they are in some other capacity and not in their normal course and scope; if something happens we are being asked then to immediately put their safety officer hat on within the jurisdiction which they work, so workers comp if they are injured will respond.

Vice Mayor Grendel asked any other questions regarding this legislation?

Law Director O'Brien said the only thing is Building Official Gero texted me just a few minutes ago, and I mirrored the language in the Ohio Revised Code for various hotels; and he would ask because we don't have any right now, and we can always add it in later, is to remove any and all references to extended stay hotels or extended stay motels which candidly through this research motels and hotels are synonymous. It is evident of our archaic code in some sections; but any reference to extended stay hotel or motel be removed because we don't have them now. If we ever do get them, we can add it in.

Building Official Gero said Greg, I think residential, I think there's a reference to residential hotels and motels. So, since we don't recognize those currently, I think we should eliminate those.

Law Director O'Brien asked all four Mike?

Building Official Gero said yes, I would think. The only thing we really recognize is hotel/motel under transient motels which are 30 day or less stay.

Law Director O'Brien replied okay.

Councilperson Trakas said question Mr. Vice Mayor to Greg O'Brien. So, with that, I just was curious, we have had instances where, not in our community per se, but other communities we have had people who have rented out homes where over 100 people gather for parties. Would this apply to that?

Law Director O'Brien said no because that's not a banquet center, and I would say that they have bigger issues regarding zoning violations if that should occur.

Councilperson Trakas said thank you.

Vice Mayor Grendel asked any further questions?

Councilperson Synek said a couple similar to what Councilperson Veverka eluded to. Trying to get my head around, why is the City's judgment in these matters in terms of serving alcohol to 100 or more people in a gathering at a hotel, why is the City's judgment and requirement for a security Peace Officer better than the innkeeper's? Doesn't the innkeeper have a commercial interest already in securing their guests? Why does the heavy hand of Government need to step in and essentially supplant the judgment of the innkeeper?

Mayor Kurtz said Mr. Vice Mayor, I'm not sure it's supplanting, but we get called continuously by different establishments to take action to support them in their capacity or their inability to manage things within their own establishment. So, by having this you are hands on rather than waiting for a call where there's already a problem, and it's more preventative medicine rather than waiting to get the call when we are already enveloped into a challenging situation for our safety forces.

Councilperson Synek said that's my next question or comment or observation is that as I read this legislation, it applies only to hotels, not restaurants, not like right outside my office, there's Longhorn and Wasabi and Applebee's; and they have more than 100 people there, and they serve alcohol. This doesn't apply to those restaurants. Are we not sort of creating an uneven playing field between the hotels and the standalone restaurants?

Mayor Kurtz said I would suggest that those are more structured in their clientele where they are more predictable in terms of who is going to be there, how many people are going to be there; and they are more methodical in their approach. It's when they have these larger events where they can't predict how many people are going to be there, and the challenging side effects of that in today's world. That's where the problem lies, but when you have Police presence it seems, our Police will tell you that it's a tool that effectively uses, and prevents rather than waits for a problem.

Councilperson Synek asked is this mostly about the one party that happened at the Ramada? Did they have inadequate security? We are not talking about the restaurants, we are talking about that one hotel?

Mayor Kurtz said no, not at all. If you think about it historically, when Topgolf had incidents, they utilized this same technique; and they have for the most part stemmed or managed it internally with our support. It's more of a preventative tool rather than a reactionary tool.

Councilperson Synek said they did it because it was in their commercial interest, not because of the law.

Mayor Kurtz said well again, we are actually, I believe the intent of this is not to be punitive but to be supportive in a very methodical way rather than, and letting people know that look you are

here to have a good time, let's have a good time; but if there are no guideposts or no bumpers, then people sometimes get out of line. That's when there are usually problems because hotels aren't equipped to manage that.

Councilperson Kapusta said just as a little aside, I have a friend in another city who for years was a security guard; but he would do this as a side job putting his kids through school, and his four kids through college; and what he told us more than, easily on a half a dozen if not more occasions where again, not being punitive, their presence potentially saved lives because they got the people who were so inebriated when they were leaving that they shouldn't be driving their cars out. They got their keys away from them, gave them to somebody else and hopefully didn't put a person with a high blood alcohol content on the road and maybe saved their life and someone else's. So, again it's not just to say we got you, it's sometimes to say we prevented you from doing something maybe you shouldn't. I don't think we think of that sometimes as well.

Councilperson Synek said and then my last question I was raising, Ms. Hyser if I heard you right you say you may have gotten some feedback from some of the hotel management on this issue? Could you share that information?

Economic Development Director Hyser said the Mayor and I met with some representatives of the Holiday Inn, Candlewood Suites and SpringHill Suites property; their concern was how do we structure this so that perhaps it's more of a warning system versus the way it's structured now so that if there was an incident at that property, they would be given a warning before being forced to implement having a Peace Officer on site.

Vice Mayor Grendel said so Jessica that would require maybe revising a little bit the penalty section there to provide for first time offense, a warning; and then the punitive dollar amount after the second or third offense maybe.

Economic Development Director Hyser said correct, and I had some conversations with Greg; and Greg was going to give us a little bit of guidance on how best to structure that.

Law Director O'Brien said we could amend the penalty section to say first offense shall be a written letter, probably appropriate from the Mayor's office as the Safety Director, and then second and third being the fines that you have in there, whatever you eventually decide.

Mayor Kurtz said keep in mind that the goal is to never write a letter. It's a tool if necessary, if someone is not capable or doesn't take the right measures to protect that environment and their guests, we are the second in line. I don't want to be the first in line.

Councilperson Synek said one last quick question, does Topgolf meet the definition of a banquet facility?

Law Director O'Brien said I have only been at Topgolf I believe once. I don't know if they have

a banquet hall, but it was not written with them in mind. That would be more if you wanted to amend to include all sports complexes, and we would have to define what that is.

Vice Mayor Grendel said I believe John Lesieutre from Topgolf is here.

Mr. Lesieutre said I am with Topgolf. So, we do have an area where we do have guests. It's our banquet facility, but there is a room where we can divide it up whether it is 50 or 100. We do have every night, we have Police Officers here from 6:00 p.m. until we close. So, there are things we are already doing to help alleviate any concern, and it's more not just for guest safety but for our associates. Having the presence here is a huge, huge win. I would say we put every manager and every associate through training with responsible alcohol service; so there's a lot of steps we are doing prior to this.

My only questions are if we do have a group that comes in during the morning or the evening if there's no alcohol involved, are we looking at having somebody staffed here from a Police standpoint?

Law Director O'Brien said no, it's written John either you are serving alcohol or permitting alcohol to come on premise and be consumed. So, any type of seminar, the seminars that I normally, and apparently Councilperson Kapusta go to.

Vice Mayor Grendel said very good. Well thank you John for your input. Any other questions or comments or concerns?

Finance Director Blaze asked will the annual Christmas Senior luncheon, if the Mayor provides a waiver, and they serve wine at the Civic Center, there are a couple of hundred senior citizens, are we going to require security there?

Councilperson Kapusta said it's City property, I don't know what you are doing.

Law Director O'Brien said every City function I had in that capacity, it always had a Police Officer there.

Councilperson Kapusta said they can be an invited guest too of the seniors I am sure.

Vice Mayor Grendel said very good. Well I guess then our goal maybe is not to vote on this tonight, but just to kind of fine tune it as far as the penalty section goes and try to get published what our amended legislation would look like and get comments on it and possibly vote on it in July.

Councilperson Kapusta said that would be good. I would appreciate that.

Vice Mayor Grendel asked does that sound like a good plan?

Law Director O'Brien replied yes. I will take care of the changes, and you wanted that

progressive penalty in there, correct?

Vice Mayor Grendel said I believe so. Right Jessica, you think that's a good idea, the warning and then the fine after that? Again, this has been going on for years because I know when I got married 37 years ago, we had to have two Police Officers there, and we had 400 people. So, this is something not new, it's something that has been around for years to make sure you keep the peace.

Councilperson Kapusta said thank you.

Vice Mayor Grendel said thank you Kathleen, thank you Jessica. Thank you Kenn for your input too.

Councilperson Walchanowicz said there was a question on the chat. If our maximum meeting room banquet space is under 100 people, are we exempt from having a Peace Officer on duty during events that have alcohol served?

So, is it 100 or more or?

Law Director O'Brien said it's 100 or more.

Vice Mayor Grendel said 100 or more Chris.

Councilperson Walchanowicz said I was just reading a question that was put on chat.

Vice Mayor Grendel asked anything else on that before we move on?

Thank you everyone. Let's move on then to First Reading.

ORDINANCE NO. 2021-77 AN ORDINANCE ENACTING NEW CHAPTER 796 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE REQUIRING PEACE OFFICERS TO BE PRESENT ON THE PREMISES FOR HOTELS, MOTELS, TRANSIENT HOTELS, TRANSIENT MOTELS, EXTENDED STAY HOTELS, EXTENDED STAY MOTELS, RESIDENTIAL HOTELS, RESIDENTIAL MOTELS, AND BANQUET FACILITIES FOR EVENTS IN WHICH ALCOHOL IS SERVED OR PERMITTED TO BE CONSUMED (I: COUNCILPERSON KAPUSTA)

Ordinance 2021-77 was left on First Reading without objection.

RESULT: FIRST READING

Next: 7/13/2021 7:00 PM

FIRST READING

ORDINANCE NO. 2021-75 AN ORDINANCE APPROVING THE TAX BUDGET FOR THE YEAR 2022 (I: COUNCILPERSON VEVERKA, VICE MAYOR GRENDL, COUNCILPERSON SYNEK)

Vice Mayor Grendel said Ordinance 2021-75, and this is an ordinance approving the tax budget for the year 2022, and Vern we have gotten material from you regarding this. We have done this, if anybody has been on Council, this has been a yearly routine, a July ritual for many, many years; and again it's necessary. What is the deadline that we must submit this to the County by?

Finance Director Blaze said I believe the July Council meeting is Tuesday, July 13th, and we have to have it to the County by Friday, July 16th.

Vice Mayor Grendel said very good. So, I know that you gave an explanation on how you came across using this budget; and again it's been tradition for many years to establish this with the County. Are there any comments to Vern regarding the tax budget?

Councilperson Trakas said I just had one quick question to Vern. In your revenue estimates, did you take into account any potential shortfalls relative to people not working and/or people applying to what we have been talking about? Has that been taken into consideration? I don't know how you would do it, but I was just curious if that was a factor.

Finance Director Blaze said I tried to indicate that I have no special or clear crystal ball than anybody on the line here as far as how that's going to impact communities like Independence; so I tried to take the tact when doing this that I know I could sleep pretty good at night knowing that if we underestimated revenues a little bit in the tax budget, and we overestimated expenditures, hopefully on both sides, that we have covered ourselves twice and that if the worst happens in either scenario or both, then we are kind of covered. If neither scenario pans out, we could sleep even that much better.

So, obviously our main revenue source is the income tax, and for a starting point for this tax budget Maggie and I used a \$32,000,000 even number; and that is down from the \$33,800,000 that we received in 2020, not knowing what 2021 is going to be. It's a starting point for a legal document that has to be submitted to the County. We could use any number that we are comfortable with this fall when we are doing the actual appropriation ordinance, that's the one that counts. I think by then we will have more this year in the books, and we will have a better idea of what our total for income tax collection will be for 2021; but even more importantly this year, maybe we will start to see some of the fallout from if the tax changes at the State level are included in the budget bill that needs to be passed in less than 10 days or any other standalone bills. Maybe some of that will start to play out by the third and fourth quarter when we need to do the appropriations ordinance. I don't think that will get total 100% resolution this year. I personally am of the opinion that it will be litigated up through the Ohio Supreme Court, and they will have the final say so on how local income taxes are constitutional. That's for another

day. We are starting with \$32,000,000 as the projected 2022 income tax, and we kicked up the General Fund operating expenditures by a couple of million dollars just to cover compensation increases, price of materials in all sectors going through the roof. So, if we made all the numbers, all the funds in with a positive balance, with those two scenarios, a \$32,000,000 income tax projection and General Fund expenditures and encumbrances going up by up to \$2,000,000. That's the legal requirement that we have to satisfy with the County, and Maggie and I would have to adjust things if any fund was projected to end in a negative balance, none of them do; so I think here in June of 2021, we are well on our way to at least having a baseline for the discussions we will have this fall, likely after November since it's an election year and as we start talking about the 2022 annual appropriation ordinance.

Councilperson Synek said so the tax budget and inside millage has been a passion of mine for many years, going back to my time on School Board. So, there are lots I want to say on this, but if I can begin by sharing something on my screen. Debi, could you let me share my screen if I am not already able to.

The Clerk said you can share Kenn.

Councilperson Synek said so what this tax budget boils down to is this schedule the Finance Director provided to us. This is the form that ultimately has to be filed with the County Budget Commission. What we are to vote on here in this tax budget is this 2.2 mills of inside millage. We can levy up to 2.2 mills. We can also choose to levy less, and if the City of Independence were to levy less than 2.2 mills, our public school district would then be in the position to levy more.

So, I would like to begin this discussion by proposing an amendment to the tax budget to revise this General Fund levy from 1.9 mills to 1.7 mills, a reduction of 2/10 of 1 mill. I am making that motion to amend the tax budget for that to be 1.7 mills.

Vice Mayor Grendel asked do we have a second to Kenn's motion?

Councilperson Veverka seconded the motion.

Vice Mayor Grendel asked Debi do you want to call the roll on this motion?

Councilperson Synek said can I have an opportunity to discuss?

Vice Mayor Grendel said let's have discussion, yes.

Councilperson Synek said so let me share with you some information about what that means and what that could do for our community if this were to be 1.7 mills instead of 1.9 mills. So, 2/10 of a mill is worth approximately \$100,000 of annual revenue. You can see those 2.2 mills in total generates an estimated \$1,091,000 of annual revenue to the City of Independence. That's \$1,000,000 out of our slightly more than \$47,000,000 of revenue from 2020. Again, \$1,000,000

on \$47,000,000, 2/10 of a mill is worth \$100,000. I am going to stop my screen share here so I can speak to you.

So, again if the City were to levy less, our school district could levy more, and that would be \$100,000 of revenue that the City would not receive that our school district could receive. The beauty of inside millage in the hands of a public school district is that the school district could use that revenue source to issue bonds. It is one of the few, if not only, incidents where a public school district can borrow money without voter approval. So, that \$100,000 to the City of Independence could float a bond for \$2,000,000 to our public school district to be used for facility improvements, permanent improvements only. It can't go for salaries, it can't go for benefits, only permanent improvements, buildings, school busses, tangible assets. The \$100,000 to the City is potentially worth \$2,000,000 for our public school district. That's a great opportunity for our community first of all.

Second of all, it's not a tax increase to our residents and our property owners. We are sharing the City's abundant financial resources with our school district that really has no opportunity to increase its revenue without going to the people and passing a levy. School levies are often hard work and uncertain; well here's an opportunity for us to do something for our own community that would be incredibly impactful over the years. No new taxes, no tax increase, it doesn't require the voters to pass a levy.

Again, our City revenue in 2020, excluding items like that HIDTA grant and other stuff, it's money in and money out. Our revenue in 2020 was \$47,100,000. In 2019 it was \$43,900,000; so in 2020 our revenue increased \$3,200,000. What we are talking about here is taking \$100,000 of that \$3,200,000 increase in revenue and sharing it with our public school district. It's a tiny, tiny percent of our budget, 2/10 of 1%. For every \$5.00 of revenue the City collects, we are going to obtain one penny of that and sharing it with our public school district. Despite the pandemic in 2020, the City had a great year financially, lots of other pain and problems; but money was not a problem in 2020, and 2021 is trending at least as well as 2020 was, a lot of uncertainty out there still, but things are really good for the City of Independence financially. On April 30, 2020 we had a cash balance of \$40,500,000. Another \$100,000 from the City bank account isn't going to change the City's operations, but another \$100,000 for our school district will be hugely impactful for our community; and so I just share this information with you, ask your consideration to a very small reduction in this tax budget for the greater good of our community. Thank you.

Vice Mayor Grendel said thank you Kenn. Any comments from either our Finance Director or our Mayor?

Mayor Kurtz said I am assuming this motion will be defeated, and I am hopeful it will be because quite frankly Councilperson Synek did say there's a lot of uncertainty out there; and he is absolutely correct.

With respect to income tax, it's under attack by the State Legislature. I think they are being shortsighted or they have a crystal ball that they haven't shared with a lot of the mayors because sitting on the Tax Committee for the Mayors and Managers Association, I can assure you that we are perplexed by the urgency and the rush to change the law that's worked effectively for decades; and I think that the Finance Director has appropriately stated that would probably get managed by the courts, but I can assure you it's very uncertain as to what's going to happen tomorrow. Instead of playing out and letting it play out a little in the next couple of years like I suggested, there seems to be this, unless the Governor does something, a line item veto, to support these hundreds of communities that are going to be adversely impacted. Actually, even the communities that would benefit, they are not supportive of this initiative; but that being said, let me go one step further.

I view this as a bandaid approach to revenue sharing between the schools and the cities. I can assure you that we have had constant communication with the school leadership, and we are focusing on crafting a strategy for the future that would involve and benefit both the schools, their facilities, and the City. It is similar to what we did by a different mechanism that we did for the Shared Use Facility.

The request is again, first of all, it's just a knee jerk to me when I'm sitting here listening; and all of a sudden there's a motion to make an amendment. In all fairness, it's your prerogative. It's your decision, and I obviously will work within the parameters you establish; but I have to say that we are working on some major initiatives, this community campus initiative that would be so comprehensive in terms of what we are dealing with the schools, school upgrades, new schools, replacement of facilities, outdated facilities, upgrading facilities, along with infrastructure. We are talking a levy that would be comprehensive, and something that would be much more appropriate, like Councilperson Synek said, this menial \$100,000. So, to me \$100,000 is a lot of money, but I am not comfortable changing the process, procedure and mechanism that puts us in this position when I am faced with this huge uncertainty that we don't know what's over the horizon.

So, as much as I support the fact that, and I am going to create an initiative that will unite the schools and the City to have a mechanism that will provide this community with a comprehensive strategy that will serve future decades of our citizens rather than just something that there's no strategy involved with it. It's just a dollar sign. So, as much as I support the initiative, the vehicle of working with the schools, I think that's the genesis of the request is to work with the schools; and if that's the premise, then I believe a more comprehensive approach is in the best interest of our community which envelopes the City as well as the school. Thank you for indulging me.

Vice Mayor Grendel said thank you Mayor. Any response Kenn or Dale? Anybody has any further comments or discussion on the motion?

Councilperson Kapusta said Kenn I heard you begin your remarks by indicating as I know to be true that you have had this as a passion of yours for many years, going back as long as when you did serve on the Board of Education. I know that it was discussed at that point and time, and yet never brought forward with a majority vote by the Board of Education. Can you give us what some of their concerns were related to this?

Councilperson Synek said well really it's up to City Council, the City Government. The School Board is a bystander in this. Until and if the City Council were to act, there's really not much for the School Board or school district to say. They are on the receiving end, and it's not their fight, it's not their decision. It's City Council's decision, and the Mayor's decision.

Councilperson Kapusta said I understand that. I do understand that, but was there any momentum by the majority of the Board Members to bring this up for discussion with the City or any support?

Councilperson Synek said you would have to ask them.

Councilperson Kapusta asked you can't remember, is that because I know you were part of the Board.

Councilperson Synek said I have always supported it, but again the School Board has always been on the receiving end, and is really in no position to dictate anything with the City Government.

Councilperson Kapusta said I wasn't implying that. They couldn't dictate it because we would have to still vote on it, and ultimately we have the decision; but I guess I was just trying to understand if you are a body of five at that time, if your majority consensus was that this was something that they wanted to entertain. I know our Mayor then, and I know Mayor Kurtz now certainly would have entertained a discussion with them; and yet to my recollection or to my knowledge, we were never approached. So, that leads me to believe that this was something that was not of the interest of the majority of the Board, and I was just wondering why that might have been.

Councilperson Synek said I don't know.

Mayor Kurtz said Vice Mayor if I may again.

Vice Mayor Grendel said yes Mayor.

Mayor Kurtz said I would just ask Council the motion and the second, to please just hit the pause button and reconsider the motion because we are beginning the discussions with the schools that I believe, I am confident will result in something much more comprehensive, and I think Councilperson Synek and Councilperson Veverka, I believe that we are going to create something that's going to be longer lasting and more stable and sustainable. If you could indulge

us, and with all due respect, indulge us for the next year; so if you would rescind the motion. I think we are on the same page in terms of wanting to make sure that the school and education component of the umbrella of the community is well funded and managed properly. I think there is a unanimity in the people on this call for that. I ask you to just reconsider this temporary situation. A year from now if we haven't introduced something that we can hold on to, and pull on the reins and something that is sustainable, then obviously you could reintroduce it and have a different discussion.

Vice Mayor Grendel said now there has been a request made, Kenn would you want to rescind your motion or have it continue to be voted on?

Councilperson Synek said this is a concrete actionable step that's measurable and determinable today, and there is no reason not to make a decision on it today. This is something we can do that is concrete, actionable, decisive that helps our school district that is not a very, very comprehensive plan someday down the road that we may be able to find consensus on it. Maybe the voters will approve it. This is about as clear cut of a decision and action path as one will ever see in public life.

Mayor Kurtz said with all due respect, that's the mechanism that's in place that voters approve school funding; and so the City can enhance that by its economic development strategies and the way we have over the years. I think that there's a bigger opportunity, and I would like to have everybody stay on the same page and let's exhaust that; but if you are inflexible in that, then I respect your position.

Councilperson Synek said well no new ideas ever popped when it first came out, and this is a good idea. This is good for our community. The City has abundant financial resources. Our schools have limited resources and far less opportunity for growth than what our City has. This is a clear, concrete actionable way for the City to share its abundance with our public school district. We are all one community. We are unique in that respect, and in many aspects and certainly throughout Cuyahoga County there are few communities like us where the border of our City and the border of our school district line up exactly. So, it's all us. No matter how you slice it, it's all us, and whatever this turns out to be, it's good; but these are the kinds of things we need to be exploring for the greater good of our community, and I am happy to be part of that discussion.

Finance Director Blaze said well it's up to Council to vote on this, and I guess it should be pointed out, although I am sure a lot of you are aware, that this wouldn't be the only \$100,000 that the City, I will use the word contributes to the school district; even though we would be foregoing it, and the school district would pick it up. Just from assigning officers, School Resource Officers to the school district that aren't billed to the school district from the Campus Life donation every year to free use of the Community Center after school, no rental charge for swim team practices, rubbish pickup, snowplowing of grounds. The list could probably go on

and on of the amount of services that cost money that the City already provides. It's not for me to opine whether that number, that dollar amount should increase; that's up to the collective body here. I just wanted to point out that it's not like the City is starting from a baseline of zero, the City already contributes quite a bit and is glad to do that; so this would be in addition to the level that's already provided.

Vice Mayor Grendel said I had a question, I mean I know Kenn you made mention about the \$100,000 serving as a basis for the school going out and getting a \$2,000,000 bond issued. Don't we approve this, Council approves this every year. Can they count on that revenue if next year Council decides that it wasn't a good idea, and we are going to take back our 2/10 of a mill and everything? I didn't know if they could depend on that as yearly income.

Councilperson Synek said so this is a very complex area of law, but there's something called the 20 mill floor. Every public school district in Ohio must levy at least 20 mills of property tax against the owners of property in their school district. Certain things count towards the 20 mill floor, and certain things do not. Inside millage that is levied toward general operating counts the 20 mill floor. Inside millage that is levied toward permanent improvements does not count towards the 20 mill floor. So, if the school district ever found itself in the position where the City wanted to reclaim the 2/10 of a mill, the school district would reduce its levy for general operating purposes which then the 20 mill floor would kick in and restore that 2/10 of a mill back to the school district. The school district would continue to collect the same money, but the additional 2/10 of a mill would be collected by the City if the City changed its mind. That result to the taxpayers is an unvoted tax increase of 2/10 of a mill. The school district revenue remains constant. The additional 2/10 of a mill comes to the City unresolved, unvoted tax increase on the people; so the school district is safe and secure in this. It would be very unpopular for \$100,000 a year for the City to push through an unvoted tax increase. They could do it certainly, but as a practical matter it's very, very unlikely to happen.

Vice Mayor Grendel asked any other questions or comments or discussion regarding this? We do have a motion on the floor.

Councilperson Walchanowicz asked Dale, are you still going to second the motion; and if you are, can you explain your views on it?

Councilperson Veverka said well I seriously believe we need to look at it and explore some other options. I know in some conversations that I had with other Council Members one of the issues that the school has is when they vote a certain tax level, they are limited to that amount of tax; and despite the fact that inflation and other things that affect it, even with increases, it only entitles them to a certain level of financial support. So, because of that it just seems to make sense to me to explore the option of we have one City, we have one school district. We are not like Brecksville-Broadview Heights or Cuyahoga Heights, Valley View where we have the opportunity to deal with what I might describe as rich man/poor man. We have had an increase

this past year in 2020 despite the dire economic predictions; there was an increase in income, and it seems like an appropriate time to explore this opportunity.

Vice Mayor Grendel said thank you Dale. Any other comments? Tom, any comments from you?

Councilperson Narduzzi said I could go on forever, but the one right off the top of my head, it's \$100,000 we are talking about. Get rid of the Assistant Superintendent, and you save \$130,000. So, there are different ways that the School Board can help themselves. The City goes over and above what other cities do for their School Board. I don't know. Like Vern said, the list is endless. I have seen City workers picking weeds in front of the middle school. I see them trimming the grass. How far does the City go? I am not complaining about it, it's all good; but when Councilperson Kapusta asks why the other four members didn't support Kenn in the past, I think they saw what Vern was talking about that you know what, the City does give a lot over and above; and they were afraid if we tweak them the wrong way, they might pull back on some of those freebies that we get. They saw the opportunity that they are getting and realized you know what, we have a good thing going here, let's not push it too far.

So, I don't know if it's true or not, that's just my observation, and I had a very close relative on the School Board for many years. I kind of know why the other four members didn't pursue, and like I said, I think the School Board for the \$100,000, I think it's a big thing to ask for the City to give up that money. We are very blessed, don't get me wrong. We are more blessed than a lot of cities are; but we don't have an abundance of money that we just flush down the drain every month. As Council we know what it's like to put a budget together, and there are a million things we can do to make the City better; and we can't do it because we don't have the funds to do it. There have been street projects that have been pushed back for 5, 6, 7 or 8 years. I am looking at Lafayette, we were talking about that 10 years ago; and it just came to fruition last year. We didn't have the money to do it, and we just kept pushing it back. So, you can say we have an abundance of money, we are blessed and much better off than other communities; but every day is a struggle. I am not saying that we struggle financially, that we can't support what we have, but we don't know what the future holds, and I think we have to be cautious. I think the bigger plan is going to be much better than the measly \$100,000.

Vice Mayor Grendel said thank you Tom. Any other comments? Jim, would you want to comment or weigh in on this?

Councilperson Trakas said I guess I would just say that I agree with what Dale said that the effects of House Bill 920 are real, and the Board raises only the same amount of money that it raised 2, 3, 4 or 5 years earlier, depending on the length of a levy. So, by taking this action it in no way precludes the City from further helping the schools in putting together these great ideas that the Mayor is talking about; but this gets them a little bit of an inflationary bump. So, by being able to have resources like this, it does give them some growth, and I think when you look

at the Board of Education budgeting, they always have to predict shortfalls every year because of that growth factor. So, I just look at it is if the City is able to contribute just that minor amount of money which is the growth that they don't get through inflationary growth that the City and other entities do get, I see that as a bonus to the residents because I think you get less levies. The school doesn't have to go out for levies as frequently as they would have to for just a fairly small amount of money.

I also look at it that it's great that the Mayor has this relationship with the Board, and I am looking forward to hearing about what more we can do; but I don't think that precludes this type of an action. I think we are looking at the same thing.

I also look at what the City of Cleveland proposed yesterday down in Columbus that these types of school districts got a very teensy weensy increase in funding from the Senate budget proposal, and there was outrage that these "rich districts" are getting more additional money. The reality is we have to help ourselves, and I think by helping the school district in this way, it's not a make or break, it's not as bold of a vision as I think we might be hearing in the future; but it is something that can help with growth. That makes the difference in curriculum, and it may be adding a person here or there or whatever they might need during the course of a school year. So, I think these are both very healthy constructive conversations, and I think we could and should do both.

Vice Mayor Grendel said thank you Jim.

Mayor Kurtz said so let me understand that we fund different people, positions for the schools through Council's decisions annually, and let's see you are going to give them \$100,000 and there's no accountability. So, I think that before you take any action that is just writing a check or turning over monies, a blank check, you will have to hold people to the same standards you hold the Administration to in terms of accountability for the monies that we spend, that we get approval for. I think it's just premature to do it this way. So, it sounds good, but let's be realistic about some of these things, and if you want to be like Cleveland where the Mayor runs the district, or other districts. I am not looking for additional responsibility by the way just so you know.

Vice Mayor Grendel said well Mayor I look at it, I was elected to be a Councilperson to take care of City matters. I spent 9 years on School Board, so I know from that side of it too; but anything that we would do, anything we would do in conjunction with the School Board, with the Superintendent, that's two bodies, not unilaterally going one person or two people going in their direction, deciding just out of the blue to give that money. I look at the responsibility as a Councilperson for our City is our safety, the infrastructure we have to provide. We have a lot of things citywide that we have to be very, very aware of; and of course, keep an eye on, what the schools need. I see some of the rulings of what is going on with schools and everything else nationally and locally and everything. I think of some of that being the problem that we have

with today's generation and with some of the things that have been taught; and that's why we are paying for it now, two generations in after that. I look at my responsibility as making sure that the City along with the Mayor, and we work together, our body, the legislative body, the executive body work together to promote and take care of the City needs, safety being right at the top which you helped take care of in a recent matter and everything with our backing; and then also as far as infrastructure goes, it's never ending. We have sewer system, water pipes and everything that are very old that we should concentrate on because our country nationwide, the infrastructure is falling apart. You don't see that in other countries. We have to maintain that, and it falls usually on the local Government. We are blessed that we are able to take care of as much as we have; and I think that myself, that's not going to make a difference in running the schools. I want to help the schools and listen to what their concerns are and everything. So, I am going to be voting no on this motion because it really won't settle anything as far as I am concerned, but just take money away. Who knows what the School Board would do with it. Once it's gone, it's in their boat.

That's where I stand, and I think we should probably take a Roll Call on the motion that's on the floor.

Councilperson Walchanowicz said if I can ask Mr. O'Brien if there's any, what are his thoughts are with legal ramifications or what that changes for him or how he looks at it.

Law Director O'Brien said no as far as what you are attempting to do with the budget, no not from a legal standpoint.

Councilperson Walchanowicz said okay.

Vice Mayor Grendel said Kathleen did you have your hand up?

Councilperson Kapusta said just to add what Vern had said about what we provide. I think it's next month that we will be voting on probably one of the most important things we provide which is a social worker to the district; but anyway that's another thing that we provide for our students.

You are talking 11 years on the Board of Education, many of those years as President; so my vote that I will make today if we do vote on it is not made lightly; and it's not made with any lack of support for our schools. That's been a big part of my life, both personally and professionally for decades; so it's not that. I like where the Mayor is coming from in terms of a more broad brushed effort. I particularly like the collaborative, and that's what generated my question to you Councilperson Synek. I want to engage in this with an understanding where the School Board is in this process as well. So, thank you.

Finance Director Blaze said just to follow up because I heard a couple of comments about the effects of House Bill 920 and how that cap a school district's revenue stream; and that's 100%.

What's not being said though is that new growth is new growth; and that's how a school district can sustain itself without suffering from the negative impacts of House Bill 920. I believe Mayor Kurtz has pointed out a number of times over his career that when he started as Mayor in the 1980's, the tax duplicate in the City was approximately \$150,000,000. By the time he was term limited out in 2000, the tax duplicate was close to a half a billion dollars; and that all resulted in the school district not needing to ask for any new money from the residents because it was getting new money from the tax duplicate growth. Maybe we are not in an era here now where we are putting up the number of buildings and developments that we did in the late 1980's and 1990's, but just off the top of my head, we had Topgolf come on the tax duplicate. We have Saucy Brew Works proposing a multi-million dollar facility next door to that. CBIZ just announced yesterday that they are going to build a headquarters building here in Independence. There has been dozens and dozens of residential single-family homes built primarily in the Chestnut Woods Subdivision over the last couple of years. All of that is new growth, all of that is new growth that goes on the tax duplicate, and that is new additional revenue for the school district. Is it as much they got in the heydays of the 1980's and 1990's, probably not; but I want it known that the school district is not operating with a 100% flat line revenue base that through Council's efforts, the Administration's efforts, all of the efforts combined that the economic development that has been and is occurring in the City is resulting in additional property tax revenue for the school district.

Vice Mayor Grendel said thank you Vern.

Councilperson Trakas said just to complement what Vern just said. They also have an emergency levy which they levied and the voters supported, and emergency levies do provide growth. So, just to what Vern was saying.

Mayor Kurtz said by the way, I never asked the schools to sacrifice in any of our economic development projects either to this point.

Vice Mayor Grendel asked any other comments? Seeing no hands, we do have a motion on the floor and a second.

Moved by Synek, seconded by Veverka, to amend the tax budget to revise the General fund levy from 1.9 mills to 1.7 mills. Council polled: 3 yes (Synek, Trakas, Veverka)/4 no (Grendel, Kapusta, Narduzzi, Walchanowicz); motion failed.

Vice Mayor Grendel said the motion goes down.

Councilperson Synek said thank you everyone for your consideration and discussion of this. It's been a very healthy and fruitful discussion. It's obviously challenging issues, but I thank you all for indulging in the discussion and that went very well. Thank you all for that.

Vice Mayor Grendel said thank you Kenn. Again, we had a good robust discussion; and again

everybody's point of view, there's not a right or wrong. It's just something that we deeply believe in.

Now the next question is, I know that if we put this on First Reading and vote on it to pass it at the July meeting, Jim were you going to make a motion to change the date of the July meeting?

Councilperson Trakas said I had suggested to the Vice Mayor that since he can't make it to the July meeting, and because our Clerk couldn't make it to the July meeting, perhaps it would be prudent to discuss that, just getting a consensus. I wasn't planning a motion if there wasn't a consensus; but if there was a consensus, I thought it made sense for all of us to be present, and certainly at a meeting like this we could make that change if we wanted to. It would just depend on what everybody wanted to do Mr. Vice Mayor.

Vice Mayor Grendel said thank you Jim. Like I said, the reason why I brought that up now is that if we do change the meeting date and everything, that would be past the date that the County accepts this tax budget and everything. So, is it Council's pleasure to vote on the tax budget this evening?

I know Vern you had mentioned that not much is going to change on this. It's pretty much a standard tradition that we have, and actually the 3 to 4 vote we took was probably the biggest statement on that. So, I bring that up, if you want to vote on this ordinance this evening.

Finance Director Blaze said I am not opining on past practice, but I know when I sat in your shoes for some 15 or 16 years, that we would have a public hearing on the tax budget. There would be no comments from the public. There would be no comments from the legislative body, and it would just be passed. It was more of a perfunctory measure. So, all the discussion we had this year, last year on the tax budget, it's more than we ever had when I served on the legislative body. It's neither good nor bad, it's just an observation. It's Council's choice, but if there's not going to be any changes between now and whenever it would be voted on in July, I would be fine. If it was voted on right now Maggie and I could just get it down to the County that much earlier. Again, it's the formality of setting the tax rate. It's really the annual appropriations ordinance that is the meat and potatoes of appropriating money and doing the actual budget. So, it's your choice.

Mayor Kurtz said if nothing is going to change, just vote on it and get it over with.

Councilperson Synek said two points. First of all, this is an issue of great importance to our wider community and rushing through on a Tuesday mid-day workshop meeting is a disservice to our community first of all.

Second of all, if we wait until our regular July meeting, and nothing says we could move that meeting sooner, not later, if we wait until our July meeting, the State budget would have been passed, enacted. The Governor would have line item vetoed or not line item vetoed, whatever he

was going to do; and if we want to move significant uncertainty with regard to City income taxes and the State budget and how the State is going to fund the public schools next year, to vote on this now in the midst of that is unwise. Again, the public deserves the opportunity to learn more about this, and it would do us well to find out exactly what's in the State budget before we act with finality on this issue.

Vice Mayor Grendel asked Vern would this budget necessarily change if the State legislature, depending on what they approve with their budget?

Finance Director Blaze said well I have been pretty consistent since last year in saying that whether the State acts in a manner that's favorable to communities like Independence or is not favorable to communities like Independence, somebody is going to challenge it either way, the Buckeye Institute, communities that are on the wrong side of the formula; and it's going to be litigated through the courts on up to the Supreme Court. So, we might get some immediate temporary clarity by early July; but I think it's short term clarity because it's going to get cloudy again as soon as the litigation starts up over however those laws take form.

Vice Mayor Grendel said it's my opinion, I would rather vote on it this evening; but Kenn has a point there too. So, I will do what Council sees fit on this, but I don't see us changing it even though no matter what the State does, this is still going to be going. This isn't as critical as the appropriations, and what we do specifically towards the end of the year for next year. So, this just gets Council approval for our tax budget.

Any other things? I would like to have this voted today on First Reading if we can. This way, if we do change the meeting, we don't have to worry about this piece of legislation having to be passed at a special meeting or that.

Councilperson Walchanowicz said I would vote on it today.

Councilperson Narduzzi said I will vote on it today Dave.

Vice Mayor Grendel said very good.

A motion was made by Grendel, seconded by Walchanowicz, to read by title only. Voice Vote: 7 yes/0 no; motion carried.

A motion was made by Grendel, seconded by Walchanowicz, to suspend the rules. Voice Vote: 7 yes/0 no; motion carried.

Finance Director Blaze said thank you Council. Maggie and I really appreciate your support and the constructive debate. It's all healthy. It's all good.

Vice Mayor Grendel said it sure is. Everybody has good opinions and everything.

RESULT:	APPROVED [6 TO 1]
MOVER:	Dave Grendel, Vice Mayor
SECONDER:	Jim Trakas, Councilperson
AYES:	Grendel, Narduzzi, Trakas, Kapusta, Veverka, Walchanowicz
NAYS:	Kenn Synek

ORDINANCE NO. 2021-88 AN ORDINANCE ACCEPTING THE PROPOSAL OF FAIRSITE TECHNOLOGIES LLC FOR CIO SERVICES AND ON-SITE SUPPORT FOR THE IT DEPARTMENT (**ICE VICE MAYOR GRENDEL, COUNCILPERSON SYNEK, COUNCILPERSON VEVERKA**)

Vice Mayor Grendel said Ordinance 2021-88. This is an ordinance accepting the proposal of Fairsite Technologies, LLC for CIO services and onsite support for the IT Department.

I know Dennis was here.

It was your memo that was attached to the legislation. I don't know if you or the Mayor wish to proceed on how we are going to go about with the IT Department.

Mayor Kurtz said I can give an overview; or Dennis it's up to you if you want to, I am comfortable either way.

Procurement Coordinator Zdolshek said I can give you a quick overview on this. I did an informal survey of some other vendors that might be able to offer some support since the resignation of Ryan Prosser, our Interim IT Director.

With the four or five vendors that I did talk to, the majority of them require a one year contract. I have their proposals attached to the request for legislation just for Council's benefit.

After reviewing their proposals, it seemed like Fairsite offered the best solution for our day-to-day operations and onsite support of a technician. There were a couple of things that Fairsite will provide. They will provide a technician onsite 40 hours a week in addition to a Chief Information Officer to assist with any major issues that we would have.

Another advantage that we gain from Fairsite is that it is owned by Jim Gibbs who was a former IT Director for the City. In addition, he has 18 years of public sector experience. So, Jim has intimate knowledge of our systems and hardware; and I felt Fairsite would be best suited to help us bridge the gap before a decision is made regarding IT leadership.

Vice Mayor Grendel said Dennis this contract with Fairsite would be for the balance of this year. Is it for 12 months?

Procurement Coordinator Zdolshek said it's a 12 month contract.

Vice Mayor Grendel said I see.

Councilperson Trakas said Dennis thanks for the comparison; I thought those were healthy comparisons, and you did a good due diligence there. So, usually when you try to hire someone it's a several month process, and if we hired somebody in 3 months could we get out of the contract or do we have to pay this out for a year?

Procurement Coordinator Zdolshek said it's a commitment for one year. You know, the Mayor might be able to address that a little bit further because that was one of the questions that he had talked to Jim Gibbs about. We still do have some flexibility. Mayor, I don't know if you want to add to that.

Mayor Kurtz said keep in mind, and I appreciate the Procurement Coordinator's enthusiasm and commitment to moving this fast because as some of you are aware, in 2019 we were hacked. It was Jim Gibbs that came in and really helped stabilize the situation because of his vast experience being our former IT Director. He was vitally important at the time.

My concern is with the abrupt nature of the IT departure, that we have immediate protection. Jim Gibbs is knowledgeable about our infrastructure. He's knowledgeable about all the different projects we are working on right now. So, the thought was that he embrace, and he would have somebody on site here so we would have someone working here every day.

So, the immediate support to guard against any ransom or infrastructure hacking. Jim Gibbs, most of you supported or worked with him. He is very respected in that community in that type of community, and so long term it gives us the opportunity to create a more comprehensive approach to information management; so we are not band-aiding the situation, but we are actually being able to use this. It's the offset of the cost if we had our current person over there. It gives us a little layer of additional protection, and it gives us a chance to really take a more comprehensive approach to our infrastructure, our technology, our information systems, the different processes and systems that we are initiating with Tyler. It's just going to give us another layer of protection. That is why we are moving pretty fast because of the abrupt nature of the change.

Vice Mayor Grendel said Mayor this would allow you and the Administration an opportunity to take a look at that department and gives you a full year to be able to come up with maybe a proposal, look at other communities and maybe come up with a proposal that would be more permanent in nature.

Jim was our first IT Director. I remember early on in the 2000's that we hired him, and he had done a tremendous job establishing what is now our IT Department here in the City.

Mayor Kurtz said absolutely Vice Mayor. As we work through the different changes, different projects we have been working on, he will work hand-in-hand with the people that are being put on board for us, as well as with Tyler and what we are doing with them. We will embed all this as a more comprehensive approach long term to see how we can best manage our information

using technology. We are turning lemons into lemonade.

Vice Mayor Grendel said thank you Mayor.

Councilperson Trakas said Mayor along those lines, I guess I would have thought while we are bringing in Tyler which is a major upgrade to our infrastructure, wouldn't we want a full-time person overseeing that. I guess my concern is you're the Administration, and we are Council; and I always respect those roles. It would seem to me that you would want to have someone who is going to be there for the long term overseeing that process rather than have a consulting company who obviously is extremely qualified. Mr. Gibbs is excellent, and that's not the issue. Wouldn't we rather have somebody who is going to be involved with this from the get go that you can trust to help you see the implementation. I think if you do it on the other end, then they are coming in and someone else put in that system and maybe they don't get up to speed. Your thoughts on that?

Mayor Kurtz said as a matter of fact, the person that was brought on board to be the Project Manager, the GIS, is Chrissy Lingenfelter who is one of our newest acquisitions or employees or specialists, and she is going to, among other things, she will be focusing on the Tyler implementation.

Chrissy Lingenfelter said thank you Mayor Kurtz. Thank you for inviting me to be here today. I was brought on board to manage the Tyler implementation. I have done similar work with another local city; so it's in my wheelhouse, and it's something I feel comfortable doing. Mayor Kurtz has also brought me into the conversation about IT, and I think this is a really good strategy to fill the gap. It will give us time to develop that long term strategy and make sure that we are making our decisions down the road.

Mayor Kurtz said so Jim you are a prophet.

Councilperson Trakas asked Chrissy are you an IT person? Are you a technical person?

Ms. Lingenfelter said my background is GIS, and I have been local Government for 20 years now. As GIS has evolved, it has become highly technical; so I do not paint myself as an IT guru, but I know enough to be dangerous. I feel comfortable being in this role and taking Independence where we need to go.

Mayor Kurtz said she was brought in under Project Manager GIS provision ordinance, and she is much more talented in many more respects than she is leading on. She knows what questions to ask, and she knows how to facilitate. Actually we became familiar with Chrissy over a year ago when she was brought in on a Zoom meeting to talk to the Administration and our team about GIS and the benefits. When we were embarking on who to bring on to help us with systems, and we had the implementation started with Tyler for the Building Department. Now this more comprehensive approach is going to be more exciting with opportunities for the departments as

we launch this new strategy.

Vice Mayor Grendel asked Chrissy what communities or cities have you worked for previously?

Ms. Lingenfelter said I worked for the City of Green in Summit County.

Vice Mayor Grendel said thank you.

Mayor Kurtz said and the Mayor when I talked to the Mayor, he was very complimentary of her work for the City of Green and all of her talents and skillset. He did not want to lose her, but I was up front when I called him so it was good.

Councilperson Veverka said just curious, obviously there is a cost differential not having an in-house as compared to the cost of outsourcing. Can you tell us a little bit about what might have tipped the balance?

Finance Director Blaze said the contract that is before you is \$105,000 not to exceed, and it's almost to the dollar the same as what the in-house cost would have been if we were not paying our most previous Interim IT Director a ton of money. I think his salary was a little over \$75,000 a year, 14% of that on pension is about \$10,000 a year. That takes you up to \$85,000; and if you just round the employer's share of medical costs at \$20,000 a year, it takes you to \$105,000. So, the contract with Fairsite Technologies where we get a 40 hour a week person on site with a rock-solid resume, plus the former IT Director of Independence as an overseer, we are actually getting more than one person versus the previous setup with just a single Interim IT Director.

I support this because it gives the Administration time to receive resumes, the position is being advertised. It gives them time to sort through them, go through the interview process. That's a multi-month process right there, and even if somebody, if the Administration chooses to not go with the contractor model and chooses to go back in-house with an IT Director, there would probably be some benefit to having some overlap with an incoming IT Director and the current firm if adopted. There is a lot of benefit to be derived by having that overlap, and I think that's been lacking sometimes in the past where positions are not even filled or looked to be filled until the position is vacant. Then you don't have that overlap between an outgoing and an incoming. I see this as a real benefit.

Councilperson Veverka asked so do you see it as going in the direction of outsourcing ongoing?

Finance Director Blaze said well that's up to the Mayor and the seven of you. I am just saying from a financial standpoint it's a wash either way; and logistically it offers some benefits. It gives flexibility. It gives time to evaluate whether the contractor model works just fine or we want to go back to what we had with an in-house salaried employee as the IT Director or maybe some type of hybrid develops. At least the pressure is off by bringing somebody in to perform

this very, very important function for the City. I don't think anybody can deny the importance of the role of IT right now, especially on the security end.

Mayor Kurtz said even Ryan was clear when he said look it's more than a one person job. You can't be here 7 days a week. It is not an 8:00 a.m. to 4:00 p.m. There are a lot of different moving parts, and we are not an 8:00 a.m. to 4:00 p.m. service community. We run two shifts and three shifts in a variety of different positions. You can burn people out too with just the work desk type situations. So, I think that this gives us some flexibility, but the primary driver was immediate protection. That is what I am looking for.

Councilperson Kapusta said I just wanted clarification. The question I thought I heard asked was are we committed for one year for this, and it is my understanding then that if we got a person on board and we didn't need to retain these services, we would still have to pay out money. Is that what I am understanding, I am not sure about that.

Procurement Coordinator Zdolshek said this is a one year contract. We are committed for 12 months, but I think Finance Director Blaze touched on the fact that with all these other new programs that we have coming in, Tyler and the like, we certainly can use the extra support.

Councilperson Kapusta said in your memo to us you indicated that of the five vendors, four did require this; so there was one outside of the one we are taking that did not require this, is that what you are saying?

Procurement Coordinator Zdolshek said that is correct, but the one reason why I didn't even include this vendor was because of the fact that they were a very small company. They only had a staff of three, and we would kind of be back to where we are now. If one of those people would take another position or whatever, they were down 33% of their staff.

Councilperson Kapusta said I guess I'm still a little bit unclear, and I am not questioning that we might need this for the whole year's duration; but I thought a lot of times when a contractor made a contract you could have an out clause on either their part or the person who is paying them. Is that not true in this?

Procurement Coordinator Zdolshek said no, this is strictly a 12 month contract. When I was putting this together, it was very time sensitive, so we tried to just simplify it and get something to Council which would certainly bridge the IT gap that we have currently.

Councilperson Kapusta said I have no question about bridging that gap, but I am saying so we couldn't, you don't feel that we could have put in this contract something that said if Jim needed to leave us or we found somebody and wanted to leave, maybe we found somebody in two months and wanted to keep them on for the next six, but not the whole year, we could not have that written in, is that what you are indicating?

Procurement Coordinator Zdolshek said yes. We had asked Jim if he would consider a shorter term, and because of the commitment of the tech that he's going to have in place for us, he had to be able to commit her for one year; and I think that probably played in his decision.

Councilperson Kapusta asked and also do we still have on a part-time person working in that department as well that we are going to retain or no?

Mayor Kurtz said yes.

Councilperson Kapusta said okay. Thank you.

Vice Mayor Grendel said Dennis I was going to ask, so how many techs does Fairsite have in their employ?

Procurement Coordinator Zdolshek said Vice Mayor I don't know. I know that they do have some other techs out there, but the total number I am unaware.

Vice Mayor Grendel said and we are going to get to have the same tech for the full 12 months.

Procurement Coordinator Zdolshek said that is correct.

Mayor Kurtz said that's a good point.

Procurement Coordinator Zdolshek said Vice Mayor, her resume is attached. It is a female who is very highly respected and great credentials.

Vice Mayor Grendel said very good. Any other questions for either Dennis or the Mayor or Chrissy?

Councilperson Synek said I would just like to comment, my 35,000 foot view of our City is that our most thinly staffed department is the IT Department; so there is plenty of work to do for a full year for a contractor. I don't think we are going to get six months into this and decide there is no more work for Jim Gibbs' company. I just don't think that's possible.

I will also add that the contractor route really is in the City's best interest. The world of technology constantly changes, and to find somebody with all the skillsets that we need, it's going to be a lot easier to plug and play that through a combination of contractors and City employees than it is going to be solely through dedicated City employees. Maybe this year the issue is e-commerce, and next year it might be internet security. Those are all very different skillsets in the IT world, and contractors give us a great opportunity to get what we need when we need it at a market price.

Vice Mayor Grendel said and Mayor I agree. I think this is going to give you the best opportunity to evaluate the contractor system and give you a period of months to evaluate both options. We will have the comfort knowing that we are protected with an IT person here 40

hours a week and then some.

So, we do want to vote on this ordinance this evening. Any other questions before I entertain a motion for title only.

Mayor Kurtz said we appreciate your support Council.

Moved by Grendel, seconded by Veverka, to read by title only. Voice Vote: 7 yes/0 no; motion carried.

Moved by Grendel, seconded by Synek to suspend the rules. Voice Vote: 7 yes/0 no; motion carried.

Mayor Kurtz said by the way, I would like to thank Council very much for your support. The review team Chrissy, Dennis and everyone who participated. We appreciate your support. Thanks for giving us a quick turnaround on this.

RESULT:	APPROVED [6 TO 1]
MOVER:	Dave Grendel, Vice Mayor
SECONDER:	Chris Walchanowicz, Councilperson
AYES:	Grendel, Narduzzi, Kapusta, Veverka, Walchanowicz, Synek
NAYS:	Jim Trakas

ORDINANCE NO. 2021-89 AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 TO THE ENGINEERING DESIGN SERVICES CONTRACT WITH DONALD G. BOHNING & ASSOCIATES, INC. IN CONNECTION WITH THE ROCKSIDE WOODS BOULEVARD NORTH – ROAD AND UTILITY EXTENSION PROJECT (REV. 2) **(I: VICE MAYOR GRENDEL, COUNCILPERSON VEVERKA, COUNCILPERSON NARDUZZI)**

Vice Mayor Grendel said we have Ordinance 2021-89. It’s an ordinance authorizing Change Order No. 2 to the Engineering Design Services Contract with Donald G. Bohning & Associates, Inc. with connection with the Rockside Woods Blvd. North Road and Utility Extension Project, revision 1. Don, are you still here with us.

City Engineer Ramm said yes I am.

Vice Mayor Grendel said this was a big part of our Streets & Sidewalks meeting. Will you again kind of give us an overview of this ordinance.

City Engineer Ramm said it was discussed at the Streets & Sidewalks Committee meeting and really in concert with the proposed development project that was perspective at the time of the memo, but the big announcement yesterday is very much a reality. We felt that with our success and our trust that we have developed with Bohning & Associates throughout our Topgolf project,

will meet very strict commitment dates with that project and having chaperoned our EPA work in the landfill for our road and utilities a couple of years ago, and the fact that we had an open contract still with them; they still were obligated to certify the closure of the landfill work for our roadway project. It was a most efficient mechanism that we could utilize to hit the ground running to keep this fast paced project moving in everybody's favor would be to utilize, expand the work of Bohning & Associates.

So, we asked them to look at the work and develop a scope and a schedule and some fees; and they have kind of outlined in their proposal those aspects of work and set some fees to them. The first couple few items there, we are primarily dealing with the real estate end of things, getting the property lined up and positioned to transfer ownerships. Of course, the Rule 13 permit modification would handle what is necessary from the regulatory standpoint to construct a parking lot and any and all grade changes, utility work for the lot to support the CBIZ project. Then all the things behind that are just preliminary engineering in coordination and final design to develop the projects on a very parallel time track and in conjunction with each other. They need to be developed, designed, coordinated together to make them work and support each other.

So, I do want to bring something that I just caught as we were sitting here. The fourth item down for the Rule 13 modification item, I mistyped a number, it was supposed to be \$27,500, and in translation of their fee number and to my memo, I mistyped it. So, then the total number of the fee \$170,000 actually is not correct now. It needs to be \$175,600. I wanted to make note of that.

A lot of these items that you see listed above have to be done on a parallel timeline so that we can make best use of the calendar and not stagger things start to finish, beginning to end, one after another, but we did move things forward together.

Mayor Kurtz said keeping a timetable.

Vice Mayor Grendel asked do we need a motion then to the change from \$170,600 to \$175,600?

Mayor Kurtz said you need a motion.

Moved by Walchanowicz, seconded by Veverka, to amend Ordinance 2021-89 to be \$175,600. Voice Vote: 7 yes/0 no; motion carried.

Vice Mayor Grendel said this project here is critical in the fact that two other big projects rely on what is going on here, that is the CBIZ and then Saucy too now. This opens the door then Mayor, I think it takes care of Saucy's as far as their requirement for additional parking?

Mayor Kurtz said this would satisfy any additional parking the way it's going to be configured for any additional overflow for whoever is going to be in a position to develop any of the properties, like Embassy for example on special events. We will craft utilization agreement to make sure that we have some flexibility because we are going to retain the property.

Vice Mayor Grendel asked will this parking lot be used by CBIZ, that office building in the day time?

Mayor Kurtz said absolutely. It's a primary issue in our configuration of our agreement that allows for the parking to be installed simultaneous to the development of the building. It's a prerequisite.

Vice Mayor Grendel said I see. I kind of compare this with what we did on Patriot's Way there with that parking lot next to the hotel to facilitate a company that were in one of the office buildings; they needed additional parking so I think it's comparable. We are not having something brand new, we have done that before to facilitate a company's keeping their location in Independence.

Mayor Kurtz said this is the first major step in our comprehensive approach to make sure we match the timeline of the need by Welty and CBIZ.

Vice Mayor Grendel said very good. Any questions for Don on this?

Councilperson Narduzzi asked Don, are they going to be managing the pedestrian crosswalks to go over the streets with signage or signalization or something like that? Is that all included in this?

Mayor Kurtz said we will approach all of those details. This basically is just to make sure the environmental thing is handled.

Vice Mayor Grendel said and I think Mayor we discussed in Planning Commission as far as Saucy goes is that requiring them to have the Peace Officers and everything; and one of them was to make sure in the parking lot that they were not having stolen cars and things of that nature too by having a presence there. I think it all fits in.

Mayor Kurtz said in Saucy's final configuration, if they need to use the parking, they are going to have to address it with a safety mechanism in place.

Vice Mayor Grendel said correct.

Don, I think we need to vote on this legislation this evening to keep things moving with that project. So, any other questions or discussion before I make a motion to read by title only?

Law Director O'Brien asked did you already amend it?

The Clerk replied yes.

Moved by Grendel, seconded by Veverka, to read by title only. Voice Vote: 7 yes/0 no; motion carried.

Moved by Kapusta, seconded by Veverka, to suspend the rules. Voice Vote: 7 yes/0 no; motion carried.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Dave Grendel, Vice Mayor
SECONDER:	Kathleen Kapusta, Councilperson
AYES:	Grendel, Narduzzi, Trakas, Kapusta, Veverka, Walchanowicz, Synek

ORDINANCE NO. 2021-90 AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 TO THE GENERAL CONSTRUCTION ENGINEERING AND INSPECTION SERVICES CONTRACT WITH ACM CONSTRUCTION MANAGEMENT LLC (REV. 1) (**I: VICE MAYOR GRENDEL, COUNCILPERSON VEVERKA, COUNCILPERSON NARDUZZI**)

Vice Mayor Grendel said Ordinance 2021-90, and it’s an ordinance authorizing Change Order No. 1 to the General Construction Engineering and Inspection Services Contract with ACM Construction Management, LLC, revision 1.

City Engineer Ramm said I briefly discussed this at the Streets & Sidewalks Committee meeting. We recently awarded or added a significant amount of funding for projects that are going to be ongoing this summer; and the initial \$50,000 allocation for ACM is winding down and will be completed here very shortly. We feel that it would be in our best interest to authorize an additional \$50,000 for the continued support of inspection services and testing services for these upcoming construction projects.

Vice Mayor Grendel said and according to your memo, it’s less than 3% of the total contract; so it is reasonable as far as what is being charged.

City Engineer Ramm replied correct. It’s one of the more affordable, cost-effective consulting firms around performing this inspection work.

Vice Mayor Grendel said and Vern from a payment standpoint, I think both of these there are different mechanisms we can use to pay these additional expenses.

Finance Director Blaze said that’s correct, yes I outlined them as briefly as I could in my Legislative Review that went out yesterday.

Vice Mayor Grendel said and a lot of this could be involved with TIF financing at some point.

Finance Director Blaze said correct. We would just have to forward the money to the TIF funds, advance them; and then over time hopefully the TIF funds can pay back the municipal income tax and/or General Fund.

Vice Mayor Grendel said and probably anticipate two new TIF’s both for Saucy and for the CBIZ project.

Finance Director Blaze said that’s correct, yes very much so.

Vice Mayor Grendel said very good. Any questions for Don or Vern or that?

Seeing none, I will make a motion.

Moved by Grendel, seconded by Veverka, to read by title only. Voice Vote: 7 yes/0 no; motion carried.

Moved by Kapusta, seconded by Veverka, to suspend the rules. Voice Vote: 7 yes/0 no; motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dave Grendel, Vice Mayor
SECONDER:	Kathleen Kapusta, Councilperson
AYES:	Grendel, Narduzzi, Trakas, Kapusta, Veverka, Walchanowicz, Synek

ORDINANCE NO. 2021-91 AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 4 TO THE AGREEMENT WITH E.L. ROBINSON ENGINEERING FOR PROFESSIONAL ENGINEERING DESIGN SERVICES IN CONNECTION WITH BRECKSVILLE ROAD IMPROVEMENTS (ROCKSIDE ROAD TO S.R. 17 CLOVERLEAF) (**I: COUNCILPERSON VEVERKA, VICE MAYOR GREDEL, COUNCILPERSON NARDUZZI**)

Vice Mayor Grendel said Ordinance 2021-91, and it’s an ordinance authorizing Change Order No. 4 to the agreement with E.L. Robinson Engineering for professional engineering design services in connection with Brecksville Road Improvement, Rockside Road to State Route 17, the Cloverleaf.

City Engineer Ramm said this one also was very briefly discussed last week at the Streets & Sidewalks meeting. We did splice out the intersection portion of Brecksville Road because of the Topgolf project, and we spent a lot of time and effort to get that thing fully designed, bid and constructed; and now we are just really trying to refocus on the rest of the corridor which was back to the original scope of work.

We did ask E.L. Robinson in recognition of the extremely narrow pavement width, the lanes that are out there I believe are all very narrow, 11 foot in width. There is about 44 feet of available pavement from curb to curb; and we thought to improve safety we would ask the consultant to look at the feasibility of widening an additional foot or two to try to better meet ODOT standards for lane widths and just to improve safety.

So, we also learned some things during construction of the project that we built the last couple of years relative to utility conflicts and feel that doing some what they call subsurface utility

exploration where we identify potential conflicts in utilities, especially when we are looking to move a curb back a foot or two and wanting to determine exactly where that utility is horizontally and vertically, that we would spend time and effort with a third party consultant who is efficient in performing this work, certified to go out and identify utility conflicts in advance which would then inform the detailed engineering design so that we could know more during the design and better plan for anything as a result of what we find and make good decisions during the design so that when we bid out a project, we are less susceptible to exposure from down time or the need to have a consultant like E.L. Robinson work so hard with the aspect of the services during construction. Routinely we would engage them, and if we came up against something in the field where they would need to come out and troubleshoot things, take some elevations and figure out how to redesign something, we just couldn't make something work because of the utility not being exactly where we hoped it would be or just flat out in the wrong spots. This scope of work tries to accommodate all of that as we look to get back on target with this project and design the remaining portions from Rockside all the way to the Cloverleaf.

Vice Mayor Grendel asked Don, when do you anticipate construction of the road then, is it 2022 or 2023?

City Engineer Ramm said well that's kind of a good question. So, it could be both. Knowing that the job has kind of been split up, we have a section south of the piece we just built; and then the section north of the bridge, and we think ideally that bridge will be under construction all of calendar year 2022; and we do think we would love to be able to be doing the underground water main portion of the project so that we can make use and make it look like all one continuous traffic zone. While we are doing the underground work within the right-of-way and within the pavement limits, we could be buying time for right-of-way acquisition and coordination with CEI to move poles and push the utility lines so that once that gets moved, then much like we lived through with the Fabrizi job. When that work got done, then Fabrizi was able to come back through and start working on the surface work, curbing, pavement widening, sidewalks and the things on the surface.

So, we can sort of see this project winding up that way, and knowing also full well that the north end, north of I-480 there may be a desire to hold off on even constructing any portion of that project because of some development opportunities that may be coming soon. So, we would have that ability to have these plans all designed but maybe staggered or released in such a way or bid out in such a way that it would give us maximum flexibility to release or authorize certain phases.

Vice Mayor Grendel asked is the State still going to provide us some funding for this?

City Engineer Ramm said for the resurfacing component yes. Once all the underground is in and all the streetscape components are in, which they don't need to participate in, then the final work would be to clean up behind everything and resurface it. That's where they will be participating

with that funding.

Vice Mayor Grendel said Jim I know you sent an e-mail and had some concerns as far as some of the homes there on the south part of this.

Councilperson Trakas said yes I did. Don, I was curious what you thought of that. We talked about that, not in detail before, and I think the Council Clerk received a question from one of the residents that she forwarded to me earlier, and I wasn't really able to respond, but what are your thoughts?

City Engineer Ramm said Councilperson Trakas that is a very legitimate question. There's no dispute that those homes are exceptionally closer than the rest of the homes on the corridor on that west side, and because these (inaudible) are working for us, I think a feasibility study still needs to be pursued. I think it will put us in the best position to make good decisions, and we can certainly be respectful. In other words, we can dictate the final design. If there's a desire to try to minimize the impacts, the design would reflect that at that southerly limit. So, I think the ball is in our court so to speak on that, and I think we drive those decisions.

Mayor Kurtz said Vice Mayor, the benefit is that by going through this exercise we will be able to generate enough information so that Council, Streets & Sidewalks, and then be in a position to give direction to how they want to proceed and the costs associated with that. Right now it's premature.

Vice Mayor Grendel said thank you Mayor.

Councilperson Trakas asked would it be the desire then to say that we want to be cautious about those properties? There are only like four or five of them, but I think they are exceptional in a sense that they are so close. Is it your desire Don to give that type of instruction to E.L. Robinson as they look at this project?

City Engineer Ramm said I think there was always going to be a transition point on this project that we would have to get back to existing at the southerly limit, and for sure by the time we get to Drug Mart where it's a full concrete pavement with five or six lanes, we are kind of maxed out there. So, somewhere from that point north, we knew we had to come back to touch down, and being sensitive to L.A. Pete's area, and the tire and battery place there, and all those areas; and then the homes of course, we have to make a decision giving E.L. Robinson direction on how to tie this project back into the existing conditions.

Councilperson Trakas said thank you.

Councilperson Veverka said Don, Rockside Woods North sidewalk width there.

City Engineer Ramm said that sidewalk should be 8 feet wide.

Councilperson Veverka said okay, well just a thought to throw into the mix. I know in our discussion with Tom and Dave, at that time we had talked about possibly widening that sidewalk to 8 feet; and if there is a potential of moving toward those homes, then maybe we better consider revisiting the 5 foot sidewalk in that area so it would have less of an effect on those residential houses along that segment. I would just suggest that be something considered, and obviously the other piece of the puzzle directly related to the placement of any kind of lighting, particularly in the area of where those homes are because of their immediate proximity to the sidewalk and to the road.

City Engineer Ramm said yes, points well taken.

Vice Mayor Grendel asked any other comments regarding this for Don?

I will make the motion.

Moved by Grendel, seconded by Synek, to read by title only. Voice Vote: 7 yes/0 no; motion carried.

Moved by Kapusta, seconded by Narduzzi, to suspend the rules. Voice Vote: 7 yes/0 no; motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dave Grendel, Vice Mayor
SECONDER:	Tom Narduzzi, Councilperson
AYES:	Grendel, Narduzzi, Trakas, Kapusta, Veverka, Walchanowicz, Synek

ORDINANCE NO. 2021-92 AN ORDINANCE AMENDING SECTION 105.01 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE RELATING TO LOCATION AND ATTENDANCE OF MEETINGS (**I: MAYOR KURTZ**)

Vice Mayor Grendel said we move to the last piece of legislation on our agenda on Page 3, and that’s Ordinance 2021-92. It’s an ordinance amending Section 105.01 of the Codified Ordinances of the City of Independence relating to location and attendance of meetings. Mayor, you sponsored that. I think Greg you drafted the legislation.

Mayor Kurtz said this just gives us flexibility, and by passing this, we can have flexibility both ways.

Vice Mayor Grendel said it’s my hope that we can get back to in-person meetings. I think they are the most productive. It’s easier to see everybody and call on them appropriately and everything. I think it lends to a more robust discussion and not kind of stifling because of the limits with technology. Plus, it allows our residents to be in attendance, and easier for them to make comments and suggestions. I think it’s a little more difficult, a little bit more prohibitive there at least for most people, this kind of setting, unless you have a lot of experience with Zoom

and everything. It is my hope that we do go back to in-person meetings. I think we will be more productive. It will be nice to see everybody in person too and be able to have that connection.

Law Director O'Brien said obviously it's City Council that determines the manner, and I agree with the Mayor; it just provides an additional method in which you are. If City Council wants to go back to in-person that's fine, but this also includes your bodies, your Planning Commission, your Board of Zoning Appeals, your ARB. I can just tell you because I sit on most of them because Debi does a great job and Don does a great job with the documents. From my experience, we get more participation at the virtual Zoom meetings at the Board of Zoning Appeals. Now maybe that's because objecting to your neighbor is easier on video, but just an fyi, it seems very proactive.

Councilperson Narduzzi said it's funny that Councilperson Trakas put something on Facebook starting a debate about this, and the feelings were mixed. I think there are a lot more people who like the Zoom because they can attend from wherever they are at. They don't have to give up their hour doing whatever they were doing to focus in on what Council is up to. So, I would go both ways. I think as long as we give us the opportunity to have it in-person or via Zoom; I think it's a good option.

Councilperson Kapusta said well my question was going to be if we have our meetings and regroup in person, I guess I thought this was an adjunct. So, the way I was interpreting it, we could have our meetings in person; but if we wanted to keep the meetings still virtual as a component of them, our residents from home could watch. Is that not how it is? Is it an either or?

Law Director O'Brien said it's written as a hybrid as well.

Councilperson Kapusta said that's what I thought. So, I think that could be a plus, not a negative. We extend another way for some of our residents to be able to watch.

Law Director O'Brien said I know some communities because we are part of, the Law Directors obviously talk, some want to remain virtual through the end of the year for obvious reasons. Some want to go in person, but they want their Directors to attend virtually because they are there all day long, and it's more convenient to have the Directors at home and then click them off. It's a whole smattering of ways.

Councilperson Trakas said a couple of questions along these lines. So, I could understand why we would want to have hybrid as well as why we would want to have some of our committees potentially meeting; but I do think Council should meet in person, and I would like to begin that here in July because I think we have a responsibility to our constituents. We are going to be talking about a lot of things that some people just aren't technologically capable of; so I think a hybrid approach makes sense. Is there a way that we can state in ordinance that says the meetings of Council, the regular and workshop meetings of Council are in-person; but at the

choice of the bodies, they can have committee hearings that could be virtual. Does that make any sense, or is that complicating things?

Law Director O'Brien said well it's not complicating things, but the majority of Council would rule that anyway; so I can make the change, and then a majority of Council can say can we make the change back. We wrote it up in such a way that we are being flexible. If the motion by a Councilperson and seconded is to have in-person meetings until otherwise, then that would stand. We could make the change, and assuming no one would make the change back to another way, it would stand as well.

Mayor Kurtz said it gives us flexibility, that's all.

Councilperson Kapusta said so let me understand then. So, like for the next meeting where Debi and Dave cannot be here, if we approve this the way it was, we could hold the meetings as it was scheduled; and they could still be in attendance?

Law Director O'Brien said yes, that is the flexibility that the Mayor is referring to.

Councilperson Kapusta said that's a positive.

Mayor Kurtz said once you are done with this, we will talk about the next meeting; so I don't want to cloud the issue.

Vice Mayor Grendel said very good. Any other questions regarding the legislation?

The Clerk said the real reason for this is because if the July Council meeting is virtual, and is able to be virtual by this ordinance, then you will not have to get anybody to come and do this meeting, I will be able to do it remotely. If not, I don't know who you will get to do the meeting.

Mayor Kurtz said well we have flexibility then Council.

Councilperson Narduzzi said let me clarify that real quick. If we vote on this legislation the way it stands right now and it passes; Debi can still run the meeting from Zoom and we would be in person?

The Clerk replied no. We don't have that capability yet in Council Chambers. We could have one more remote meeting, be in compliance, and then you could decide to go in-person after that because you will have somebody available to you to be in attendance at all of the meetings.

Finance Director Blaze said you could meet in the Council Caucus room, you have the Zoom capabilities in there.

Mayor Kurtz said you know the other thing we can do is if you want to change the meeting date; I heard that conversation about changing the date. I don't see any reason why we couldn't have a meeting at 6:00 p.m. after the Planning Commission meeting now that we have had this meeting.

It should be quicker, and we can do it on the day of Planning Commission, that way everybody could still be there.

Councilperson Kapusta asked what day is that?

Mayor Kurtz said that would be July 6th.

Councilperson Kapusta said I already told Debi that I have a commitment at 6:00 p.m. that night.

Mayor Kurtz said well this gives us flexibility Council, that's all I can say.

Councilperson Trakas said point of order, the reason we might not be able to meet on July 13th is because the Council Chambers is not set up for virtual, is that correct?

The Clerk replied for hybrid.

Law Director O'Brien said and Debi will be out of town, so unless you give the flexibility for Debi to attend virtually, you will not have a Clerk.

Councilperson Kapusta said so if we do keep it with July 13th and we keep it virtual, we are good to go because Debi could be available, is that correct?

Law Director O'Brien said I think Debi's suggestion is one more virtual and then go in-person because that way she can get your Minutes done.

The Clerk said I can be in attendance.

Mayor Kurtz said it would still give us flexibility for the other Boards and Commissions though.

Councilperson Trakas asked what is the determination? Who determines that? When does that determination get made? How much time do we give the public to either participate in Zoom? How is that process?

Mayor Kurtz said Debi I think a week would be a minimum, let the public know. It's much more flexible when it's a Zoom meeting because people can do that anywhere, they don't have to be in attendance. If we try to call a Special Meeting the day before in-person, it may be more challenging; but if you do the same thing with a virtual, they can be anywhere and still attend.

Councilperson Veverka asked do we sometimes get legislation 10 days in advance, might the 10 days be more appropriate?

Mayor Kurtz said a week for those meetings, virtual meetings, a week is plenty. That's a goal. It's all a goal anyway, but legally it has to be 24 hours or 48 hours.

Law Director O'Brien said other than an emergency yes.

Mayor Kurtz said we are looking for flexibility. We are looking for transparency. More people attended the virtual meetings than they did in person. Look, it's your Council meeting, I just facilitate it, that's all. The Boards and Commissions, like the Law Director appropriately stated, we have had more people attend; and it's been a more robust discussion. So, we have some benefits through all of this. It gives us flexibility.

Councilperson Veverka said what about the Council meetings. For example, Jim your Utilities meeting, the three committee members agreed that we could do it in-person. So, where do we stand with that one?

Councilperson Trakas said we were waiting to hear back from Debi as to how to facilitate that?

Mayor Kurtz said well we do it in-person, just post it and have the meeting.

Councilperson Trakas said Deb, I think you got your marching orders.

Councilperson Synek said I think hybrid does give us the most flexibility. It sounds great. Let's think about, practically speaking, who determines whether it's an in-person meeting or a hybrid meeting or an online meeting only? Who gets to vote on that?

Law Director O'Brien said good question, City Council, the majority of City Council would decide those questions. For the Planning Commission, a majority of Planning Commission would decide that question. For BZA; however, if Council didn't like what it saw or received complaints, then Council could amend the rules and dictate to the Boards how they should meet and when they should meet.

Councilperson Narduzzi asked what about committee meetings?

The Clerk said I would leave it up to the committee Chairman. If you decide to have an in-person meeting, it is your committee, and if your members are comfortable, I would leave it up to the committee Chairman.

Mayor Kurtz said that's a good point.

Councilperson Veverka said yes.

Councilperson Synek asked does that need to be written into this ordinance?

Law Director O'Brien said I don't think so. The whole point of the ordinance as drafted is to give you flexibility; and my only advice would be whatever type of meeting it is, is to make sure you publish well in advance where and when the meeting will take place. So, if a committee meeting is on Zoom, just like we have been doing for a year and some change, that's what will continue. If City Council is in person, then we send out that notice which we do well in advance where it's at. I think it's just a publication where the public meet, and they are notified in

advance of where they can attend and how to participate and watch the deliberations of the public body.

Councilperson Synek said my other question/comment Mr. Mayor, I know you have so much going on your plate already, but if we are going to do a hybrid solution, we really need a robust technology solution that doesn't make us look like fools to the general public. We really have to spend some money, time, effort, contractors to make sure we have the right microphones and cameras and it creates the right experience for all involved. Where we sit today, the technology, one little camera on a big TV in that Council Caucus room is not ideal. We need significantly better technology for our meetings than what we have now. I beg the Administration to do all it can to get those wheels in motion sooner rather than later.

Mayor Kurtz said that's a point well taken Councilperson, I agree.

Law Director O'Brien said Mayor I will send you because I'm in the office, I will send you the technology we use in our larger conference rooms; and I don't know how expensive these systems are, but they are like little mini microphones that go scattered around the conference room that we do not have a problem picking up conversations.

Mayor Kurtz said perfect, and I agree, that's a good idea.

Vice Mayor Grendel said very good, any other discussion?

Moved by Grendel, seconded by Kapusta, to read by title only. Voice Vote: 7 yes/0 no; motion carried.

Moved by Synek, seconded by Veverka, to suspend the rules. Voice Vote: 7 yes/0 no; motion carried.

RESULT:	APPROVED [6 TO 1]
MOVER:	Kathleen Kapusta, Councilperson
SECONDER:	Tom Narduzzi, Councilperson
AYES:	Grendel, Narduzzi, Kapusta, Veverka, Walchanowicz, Synek
NAYS:	Jim Trakas

MISCELLANEOUS BUSINESS

Vice Mayor Grendel said that concludes the legislative part of the agenda.

Mayor Kurtz said I have a hard stop at 6:00 p.m., so you guys are doing a great job.

Councilperson Trakas said we knew that Mayor.

Several people began speaking at once.

Mayor Kurtz said I do appreciate the robust conversations, that means people are engaged; and we don't even disagree, there are a lot of different paths to get to the same finish line. I appreciate your willingness to have these meetings and make decisions; and it's really imperative with some of these things like we have talked about the last couple of weeks. We have to show good faith to our partners in some of these projects that we are going to be as quick as we can and expedite some of these decisions because they are depending on us. It's a domino effect, and so I do appreciate that.

I appreciate the discussion where we can share our thoughts, our opinions, and then gravitate to a solution and knowing that by having these discussions, it furthers the thought process so that we can make a better long term ideas and potential solutions. So, thank you very much.

Vice Mayor Grendel said thank you Mayor. Any other comments before we entertain a motion to adjourn.

Finance Director Blaze said one quick housecleaning item to mention. Everybody should have received a letter last month in May from the auditing firm, Ciuni & Panichi, it's a formality; but they need responses back from all of Council regarding a related party confirmation. As of yesterday they indicated they still haven't received four of them from four Councilpersons; so if you need another copy let me or Maggie know so we could get the auditors to get you one. Otherwise, respond back, I think it was a hard copy letter, just fill it out; and there might have even been a self-addressed envelope to send it back in. Hopefully, it was a painless process.

Councilperson Kapusta said Vern put me down, I never received the original. I know what letter you are talking about that we get every year.

Councilperson Narduzzi said Vern if I'm one of those, send me one because it's not in my folder on the desk. Here's my folder, and it's not in there.

Councilperson Veverka said me too.

Councilperson Trakas said Vern we really do care when you say something to us.

Councilperson Walchanowicz said and me as well Vern.

Mayor Kurtz said that's five.

Finance Director Blaze said four of you are on the list.

Several people began speaking at once again.

Mayor Kurtz said send them out to everybody.

Finance Director Blaze said Kathleen you are not on the list; so somehow they got one from you I am being told.

Councilperson Kapusta said if we got it long ago, but I don't remember doing one recently Vern. I know the letter you speak of.

Finance Director Blaze said I will put you down, and we will go from there.

Councilperson Walchanowicz asked who is the overachieving Councilperson who did the letter?

Finance Director Blaze said Vice Mayor Grendel is not on the list.

Vice Mayor Grendel said I thought I got an email, not a written letter. I printed it out and just responded and mailed it back to them ordinary mail.

Councilperson Trakas said I sent mine too.

Councilperson Walchanowicz said I better talk to my secretary and find out where this stuff is. Debi?

The Clerk said I didn't get it.

Councilperson Narduzzi said you are probably better off sending them off to Debi, and Debi can get them to us.

Finance Director Blaze said excellent, we will get those out again.

ADJOURNMENT

Moved by Synek, seconded by Veverka, to adjourn the Council Workshop of June 22, 2021. Voice Vote: 7 yes/0 no; motion carried.

There being no further business, the Council Workshop of June 22, 2021 was adjourned at 5:55 p.m.

Debra J. Beal, Clerk of Council

Minutes Unapproved at Time of Release June 24, 2021
