

# City of Willoughby Hills

## Regular Council Meeting Minutes of March 26, 2015

*All Council Meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Written minutes of Council shall be shortened whenever possible.*

**Meeting Called to Order at 7:00 p.m. by President Raymond C. Somich**

### ***Pledge of Allegiance***

### **Roll Call of Council**

**Members Present:** Councilman John Plecnik, President Raymond C. Somich,  
Councilman Christopher L. Biro, Vice President Nancy E. Fellows,  
Councilman David M. Fiebig, Councilman Christopher Hallum

**Absent:** Councilwoman Jennifer Sommers Greer, Law Director Thomas G. Lobe

**Also Present:** Mayor Robert M. Weger, Todd Cipolo attending for Law Director Thomas G. Lobe, Finance Director Frank J. Brichacek, Jr., City Engineer Pietro A. DiFranco, Clerk of Council Victoria Ann Savage

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Hallum to excuse Councilwoman Jennifer Sommers Greer from the Regular Council Meeting of March 26, 2015.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich stated that Councilwoman Jennifer Sommers Greer has been excused from the Regular Council Meeting of March 26, 2015.**

### **Disposition of the Journal**

### **Regular Council Meeting of March 12, 2015**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Hallum to approve the Regular Council Meeting Minutes of March 12, 2015 as submitted.

**Roll Call: Plecnik-yes, Somich-yes, Biro-yes, Fellows-abstain, Fiebig-abstain, Hallum-yes**

**MOTION PASSES: 4 AYES/2-Abstentions**

**President Somich stated that the Regular Council Meeting Minutes of March 12, 2015 have been approved as amended.**

### **CORRESPONDENCE**

City Engineer's Report dated March 19, 2015 (Emailed: March 19, 2015)

Memo from Assistant Director of Finance dated March 24, 2015 re: New Hire (Emailed: March 24, 2015)

### **NOTIFICATIONS**

Recreation Commission Meeting of April 1, 2015 (Emailed: March 24, 2015)

Rules and Legislation Committee Meeting of March 23, 2015 (Emailed: March 13, 2015)

### **MINUTES**

Charter Review Commission Approved Meeting Minutes for February 3<sup>rd</sup>, February 17<sup>th</sup> and March 2<sup>nd</sup> of 2015 have been posted to the City's Website (Email: March 24, 2015)

## **MAYOR'S REPORT – Robert M. Weger**

Saturday's News Herald headlines were terrific in outlining our great contract with Republic Services which officially begins on April 1<sup>st</sup>.

State of Cities Address was given today at the Willoughby Western Lake County Chamber luncheon

Our budget is on tonight's agenda. Appreciate Council's passage of the budget tonight so we can continue to work for our residents.

### **Acknowledgements:**

Had the privilege of preparing a Proclamation for Eagle Scout for our resident Andrew Higgins! Congratulations on this fine achievement!

Congratulations to Recreation Coordinator Denise Edwards on the great job she did with this year's Spring Craft Show. Over 500 people attended. It was a huge success.

Thanks to our Service Department workers for helping the residents on Trailard, Glengate and Mayfriars with their flooding problems. They hauled away tons of trash for these residents over the past few weeks during the clean up process. Great job, Mark!

### **Events:**

Easter Party – Saturday, March 28<sup>th</sup> at 1pm

## **LAW DIRECTOR'S REPORT – Todd Cipolo attending for Law Director Thomas G. Lobe**

The Law Director was asked to render a legal opinion regarding the effective Emergency Tag being placed on Ordinance No. 2015-10. The opinion of the Legal Department is that for the passage tonight or any other night that only 4 votes would be required. The Emergency Tag does not add anything substantive to the Ordinance. As a matter of law, in any ordinary situation if there were an Emergency Tag only...if there is an Emergency Tag only 4 affirmative votes and if only 4 affirmative votes are obtained, the ordinance still passes but would not become effective until the thirty (30) day period would end. The Emergency Tag in this particular case, this particular legislation is moot as a matter of law and because of this specific ordinance, specific provisions of the Charter, City...Section 6.2 of the Charter which provides for the effective date of ordinances, according to the City Charter there are 4 instances where ordinances were become effective immediately upon the signature....passage of Council, signature of the Mayor and not be required to wait the thirty (30) day period. They are (1) for the appropriations of money or (2) an annual tax levy or (3) for improvements petitioned for by owners of a majority of the front footage of a property to be benefited and especially assessed therefore and the (4) would be for emergency purposes. The Charter goes on to provide a Section 6.3 which specifically and only applies to emergency ordinances and under that provision 5 votes are required to make the effective date immediately rather than the thirty (30) days which is for normal legislation. So Ordinance 2015-10 is an appropriation of money; therefore, it is the opinion of the Law Department that it can take effect immediately if passed by 4 votes of Council.

## **FINANCE DIRECTOR'S REPORT – Frank J. Brichacek, Jr.**

No formal report was given.

## **CITY ENGINEER'S REPORT – Pietro A. DiFranco, P.E.**

Received bids today for the Pleasant Valley Road Resurfacing, Eddy Road Resurfacing and the 2015 Pavement Markings. Good news all of the bids came in under the Engineer's estimate so we are just reviewing the bids and will be making a recommendation shortly.

Last week on Wednesday, Service Superintendent Mark Grubiss and the City Engineer met with Christina Zindarsic of the Chagrin River Watershed Partners and we walked the Municipal Complex here to get familiar the storm sewer system and to make sure that we are in compliance with the EPA Stormwater Permit. Everything looked good; however, there were a few improvements that they will be making recommendations that we incorporate.

Received a notice from a resident who noticed the slope along the Chagrin River near Dodd Road was eroding so Assistants Dan and Kevin went out there today to look at it. Apparently a large concrete retaining wall had collapsed several years ago which doesn't create an issue; however, the slope that it was holding back is starting to erode and could potentially compromise another retaining wall further up so we will be working with Mark to make some recommendations and hopefully stabilize that slope.

Working with the City of Willoughby and NOACC to get our SOM Center Road Resurfacing Project ready to go in 2016. ODOT had some changes to their requirements that affect how a project can be administered so we are trying to work through that.

Communicated with Kirtland this week about the Worrell Road Resurfacing Project. We submitted a proposal to them and if they are in agreement we will make an application for funding.

**Councilman Fiebig:** What was, generally speaking, what was the findings that Christine and you found on City Property, the Stormwater that needed to be done. **City Engineer Di Franco:** Just regarding some of the storage of materials and equipment that is outside. EPA prefers that everything is covered so that contaminants that the trucks pick up or the rust from old equipment isn't washed into the streams so it can either be covered by a tarp or a roof but we are looking at some options.

**Councilman Fiebig:** We are looking at equipment as well as material. **City Engineer Di Franco:** I think that there are some backhoes stored outside.

**Councilman Fiebig:** Pete, could you also mention briefly what was the administration of the ODOT recommendation on SOM, what are they suggesting there.

**City Engineer Di Franco:** The project is receiving Federal Funds; therefore it has to go through ODOT requirements, it's called a LPA; a Local Public Agency. So if ODOT doesn't run the project themselves a qualified LPA needs to run the project according to all the Federal requirements. And they implemented a program just a few weeks ago or a couple months ago that requires the LPA to go through 12 training modules and to have past experience running a similar project. Typically in the past, they allowed the City Engineer to run the project, however, now that person needs to be a full time City employee. So we are not sure Willoughby Hills would qualify to run the project; however, Willoughby may.

**Councilman Fiebig:** I see, thank you.

## COMMITTEE REPORTS

The following Reports have been listed alphabetically by Committee.

**FINANCE – Raymond C. Somich, Chair**

**Committee Members:**

**Christopher L. Biro, Nancy E. Fellows**

### COMMITTEE MEETING OF MARCH 23, 2015

**Members Present:** President Raymond C. Somich, Chair, Councilman Christopher L. Biro, Vice President Nancy E. Fellows

**Also Present:** Councilman David M. Fiebig, Councilman Christopher Hallum, Councilman John Plecnik, Law Director Thomas G. Lobe, Finance Director Frank Brichacek, Mayor Robert M. Weger

Purpose of the Meeting was to discuss **City Finances** and any other business.

**Meeting convened at 6:00pm**

#### *Order of Business*

In response to a request from a member of the audience, the meeting opened with Public Portion (See below). The Chair explained that this was the 2<sup>nd</sup> planned meeting to discuss the proposed 2015 Annual Budget. After offering the Finance Director (FD) to give any opening comments, he opened up questions to everyone.

Councilwoman Fellows asked if Department Heads and the two Safety Chiefs are involved in the budget process and Finance Director (FD) said they all are. Councilman Fiebig expressed concern that we have a deficit budget. Finance Director explained that this was his recommendation but Council could change this if we delayed some service projects or made other cuts. Councilman Plecnik suggested that we return to staffing levels of the prior administration, and Finance Director said that that change would add people to and increase payroll. We are operating with minimal staffs and several department staffs were questioned and explained. We especially discussed the increased budget for community center wages and how its usage also increased. We discussed if we should increase rates but generally agreed that we did that not long ago and it needs to be an affordable resource for residents. Councilman Plecnik said we must cut payroll by \$5000,000. He especially said the Mayor's Office budget should be cut, so we then discussed that the Mayor's salary is based on the pay level of a part-time Mayor, so a full-time Administrative Assistant is needed. Councilman Biro said our operations are efficient, our people are an asset and our City service level is high. He also said that many recent years of state audits confirm that we are financially sound. Councilman Fiebig suggested we pay for a state performance audit to verify our efficiency and Councilman Fellows concurred. Councilman Fiebig also said he has concern about success of

the Economic Development Office. He also questioned if any recommendations from the Economic Task Force were followed and was told that all suggestions were considered and several were done. Discussion continued on possible ways to cut expenses but no idea was presented that was viable and agreeable to all Council Members. The Chair reminded all that the Third Reading and Vote of Council will be this Thursday (March 26<sup>th</sup>). If a budget is not passed by March 31, 2015, the City will operate only with emergency staffing. A simple majority of four (4) Council Votes are required for passage.

***Public Portion***

**First Public Portion - Opened at 6:01pm**

**Dale Fellows** spoke on the importance of this budget process and expressed concern that we were deficit spending in 2015. He also questioned if we should have accrued some of the 2015 expenses at the end of 2014 to reduce that carryover. No one else spoke.

**First Public Portion - Closed at 6:04pm.**

**Second Public Portion - Opened at 7:10pm**

**Frank Cihula** reminded Council that budgets are estimates and can be changed as needed through the year. He also said that anyone who thinks we can slice City Hall staff budgets needs to come to City Hall and see how busy the staff really is every day.

**Linda Fulton** said we should not support deficit spending, but also complained that we should spend more on roads. She also questioned how and why employees with City vehicles get fuel reimbursement.

**Cheryl Ota** said that people should be happy to have a job even if they get a salary cut. She also expressed concern that we did not budget for the 2016 Route 91 Project.

**Frank Cihula** then used the remainder of this time to address how Gloria in the Mayor's Office is excellent in tending to the needs of our residents.

**Second Public Portion - Closed at 7:23pm**

**Meeting adjourned at 7:24pm**

**RULES & LEGISLATION – Nancy E. Fellows, Chair**

**Committee Members:**

**David M. Fiebig, Raymond C. Somich**

**COMMITTEE MEETING OF MARCH 23, 2015**

**Members Present:** Councilman Christopher Hallum, Councilman Christopher L. Biro, Councilman John Plecnik

**Also Present:** Councilman David M. Fiebig, Councilwoman Jennifer Sommers Greer, President Raymond C. Somich, Finance Director Frank Brichacek, Street Superintendent Mark Grubiss, Law Director Thomas G. Lobe, Mayor Robert M. Weger

Purpose of the Meeting was to discuss **Pending Legislation** and any other business.

**Meeting convened at 6:00pm**

***Order of Business***

Legislation for the Council meeting of March 26, 2015:

**Ordinance 2015-8** - Authorize the Mayor to accept the Limestone Bid for 2015 presented by Osborne Concrete & Stone, as recommended by Mark Grubiss, Road Superintendent. **Rules and Legislation recommend a 3<sup>rd</sup> Reading and Adopt.**

**Ordinance 2015-9** - Authorize the Mayor to accept the Asphalt Bid for 2015 presented by Osborne Concrete & Stone, as recommended by Mark Grubiss, Road Superintendent. **Rules and Legislation recommend a 3<sup>rd</sup> Reading and Adopt.**

**Ordinance 2015-10** – 2015 Budget. This was discussed thoroughly in the Finance Committee meeting. **This is the 3<sup>rd</sup> Reading.**

**Ordinance 2015-12** – An Ordinance accepting the bid of Longo Sewer Construction of South Euclid, Ohio, for the Lamplight Lane culvert replacement project. Per the City Engineer:

**Recommend the 3 Reading Rule be Waived (and Adopt) and that the legislation take effect immediately.**

- 1. These projects (2015-12 & 2015-13) have been planned and discussed for multiple years, and will be fully funded by Lake County.**
- 2. Both projects include precast concrete headwalls and pipe, which have long lead times (minimum 2-4 weeks), therefore the sooner we can execute a construction contract, the sooner the material procurement**

**process can begin.**

**Ordinance 2015-13** – An Ordinance accepting the bid of Woodford Excavating, LLC of Leavittsburg, Ohio, for the Knecht-O'Brien channel restoration project. **See above recommend to Waive the 3 Reading Rule and Adopt.**

**Ordinance 2015-14** – An Ordinance to amend Chapter 925 of the Codified Ordinances concerning industrial waste, in reference to discharge from the BP Station on Rt.91 to the City of Willoughby. This is an annual standard protocol.

**Rules and Legislation recommends 1<sup>st</sup> Reading.**

**Opened at 7:39pm with no one coming forth, Public Portion was closed at 7:39pm**

**Meeting adjourned at 7:39pm**

## **PERSONNEL RELATIONS – Christopher L. Biro, Chair**

**Committee Members:** John Plecnik, Mayor Robert M. Weger

**Chair Biro** reported that he would be calling for the Committee to meet in the next couple of weeks to discuss insurance, health insurance. There is an issue with the Affordable Care Act and the number of hours with our part-time workers so we will meet to discuss that and some other issues too.

## **OTHER COUNCIL REPRESENTATIVE REPORTS**

**Councilman Plecnik** provided the following report on the Park Subcommittee of the Recreation Commission: We met yet again, and the gist of the meeting is the coming together of the Committee with the idea that the major projects that should be done in the parks are to have essentially a path or a trail that would go through all of the different baseball fields in Roemisch probably beginning with limestone and possible being fully paved at a later date. Followed by the end of the baseball season this year, working on the drainage and hopefully having fences and parks or possibly a little playground area added but the first 2 steps that most people were in favor of were a path through the parks followed by the end of the season working on the drainage for all of the fields. No final decisions have been made but that is where the discussion is today.

## **PUBLIC PORTION**

**Section 107.08 – Public Meetings of Municipal Bodies** of the Codified Ordinances of the City of Willoughby Hills:

(a) All meetings of any municipal body are declared to be public meetings open to the public at all times. All meetings shall provide a reasonable opportunity to hear public opinion.

## **Public Portion was opened at 7:24pm**

1. W. James Walsh  
38755 Berkshire Drive

Re: I'll keep it simple: please pass the budget. Don't embarrass us. The reason that I have been coming to the meetings over the last two years is because I see a return to the embarrassing years of ten years ago. I don't want to see that happen. Pass the budget tonight, that's your job; you need to do it.

2. Cheryl Ota  
2960 Marcum Boulevard

Re: Responding to the Mayor's letter that accompanied the budget, it was addressed to Raymond C. Somich, President of City Council, 2015 Proposed Operating Budget: I noticed that it says that the 2015 General Fund Proposed Operating Budget is summarized as follows and it shows that there will be a \$560,800 estimated excess of Expenditures over Revenues of which they are proposing, the Mayor is proposing a \$617,000 carryover at the end of 2015. I don't know how you can do that even though you have a carryover this year I don't think that you are going to have \$617,000 unless you are going to take a lot of things off the budget and not vote for them. My idea of a budget is Council is giving permission to the Administration to spend money on any of those items; if I am wrong I would be glad to found out about that. Also too, I see in the budget that there's..it includes the 1% adjustment for City Council and all other employees not covered by collective bargaining agreements this means that they would be getting a raise next year. Also it says about City debt – the City owes \$13,909,000 right now of which they are paying off \$1,119,000. I'm wondering if that is just interest or what that is because that seems to me to just keep going and then we keep taking out more loans and adding on to that such as I am sure since we have saved no money for 91 paving and we are going to have

to pay 20% of that I'm sure that we are going to have to take out a loan and that is going to add to that debt. So, it also says here paid \$859,000 so much money extra that 2015 reduction in City long-term debt. I would like to know how much the long-term debt really is because it's not listed here. And also, too, do we really need this \$35,000 for a digitalized records management system to be first implemented in the Mayor's Court and the Finance Departments or could we put that off for another year? Also listed on here the Mayor's got an expenditure it says \$732,700 for eight stormwater management projects and of course these are going to be funded by Lake County Stormwater Management. It is very nice to put on this list that we are going to accomplish that but it shouldn't be only an expenditure I hope that it was listed as revenue also since we are going to be reimbursed for that, so if you are going to do one you should do the other. At the bottom of his letter it says as the past has shown, we cannot continually balance budgets by deferring the replacement of equipment needed by the staff to operate or maintaining streets and infrastructure without paying a significant price in the future. In my opinion we need to reduce non-union employee wages. I worked for a company for forty-three I had...**President Somich stated that Ms. Ota's time was up.**

3. Linda Fulton  
2990 Marcum Boulevard

Re: I am here to urge Council not to pass this irresponsible budget. Deficit spending is not a good idea. It will eventually backfire on you. Do not pass this. It was mentioned at the Finance Committee; that oh deficit spending is done all the time. Does that make it right? If you and your household would continue to spend money more than what you have, what will happen. Are you going to go bankrupt? Be responsible. It's time that the City wakes up. And any resident that is listening to this show, be wise. Get knowledge because knowledge is power.

**Public Portion was closed at 7:30pm**

## **UNFINISHED BUSINESS**

**President Somich:** The City budgets are estimates so when...there was one item mentioned in terms of saying that we are already granting raises for non-union employees those have not been discussed yet. But they have already been put into the budget if that decision is made to do it, it is in there, if it is not made to do it then...The budgets are estimates, they are not exact, we are not sure what's going to happen from day to day or month to month so that has not been increased. And in fact, I believe you had mentioned that Council is budgeted for 1% increase; in fact, Council has been decreased this year because we are according to the Federal Scale with inflation and because that has gone down nationally and so have we. So there is definitely not going to be an increase for Council and that is not something that is subject to the vote of Council anyway, we can't vote ourselves increases or decreases. I am sure there are a lot of other items that were brought up there that can be addressed and can be researched and I would ask our Finance Director in particular relative to the debt reduction and things like that but I believe from my memory that we will actually be reducing our debt overall this year.

## **LEGISLATION**

### **ORDINANCE NO. 2015-8 – THIRD READING**

**1<sup>st</sup> Reading: February 26, 2015**

**2<sup>nd</sup> Reading: March 12, 2015**

**AN ORDINANCE ACCEPTING THE BID OF OSBORNE CONCRETE & STONE FOR THE PURCHASE OF LIMESTONE FOR THE YEAR 2015 AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adopt Ordinance No. 2015-8.**

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2015-8 has been adopted.**

### **ORDINANCE NO. 2015-9 – THIRD READING**

**1<sup>st</sup> Reading: February 26, 2015**

**2<sup>nd</sup> Reading: March 12, 2015**

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**AN ORDINANCE ACCEPTING THE BID OF OSBORNE CONCRETE & STONE FOR THE PURCHASE OF ASPHALT FOR THE YEAR 2015 AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Plecnik to adopt Ordinance No. 2015-9.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2015-9 has been adopted.**

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**ORDINANCE NO. 2015-10 – THIRD READING**

**1<sup>st</sup> Reading: February 26, 2015**

**2<sup>nd</sup> Reading: March 12, 2015**

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**AN ORDINANCE ADOPTING PERMANENT APPROPRIATIONS NECESSARY TO MAINTAIN CITY SERVICES FOR THE FISCAL PERIOD BEGINNING JANUARY 1<sup>ST</sup> THROUGH DECEMBER 31<sup>ST</sup> OF 2015; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Hallum to adopt Ordinance No. 2015-10.

**Vice President Fellows:** Good evening. Some weeks ago a news letter was sent out to our community. In it, it described that the City has a carryover balance of approximately 1.2 million dollars and that the City was able to achieve this through careful management of its budget combined with a half percent increase in the City's income tax rate that was approved by the residents in January 2011. During Council's Committee Meetings we were informed that this careful management was due to a couple things (1) not all budgeted positions being filled in the Dispatch Center and not all budgeted positions being filled for part-time police positions. Wasn't this what the campaign to raise our tax rate was based on? If one remembers, there was an over-sized sign posted on Chardon Road of a burning house suggesting that if we did not have a tax rate increase then there would be less fire and police personnel on the road to get to emergencies fast enough. How can one be proud of an exorbitant carryover when the money should have been used to put more safety forces on our streets? By not doing this, it has compromised the safety of our residents and me as this is why the tax rate was increased and what the money budgeted was to support. Tonight Council is being asked to approve the budget for 2015 which identifies more than half a million dollars in deficit spending. Deficit spending: when a government's expenditures exceed its revenues. This excess spending may result in borrowing which leads me to another point. Council recently approved, including me, borrowing money for the purpose of purchasing a service truck a much needed refurbishment of a fire ambulance; however, even with the 1.2 million dollar carryover we will be borrowing more than we will be paying off on our existing debt. And resident Ota said that we have 13 million in debt. And there is more, it appears that Council may be asked to borrow money to repair our streets. One reason is because more than half of the Road Levy money is being used for salary and benefits. I cannot support approving a budget that is more than half a million dollars in the red which is nearly three-times more than what I support last year. We are going in the wrong direction.

**Councilman Hallum:** My concern with everything that has been communicated over the last several weeks is that while certain Members of Council have concerns about the deficit spending budget there was one approved last year. I don't recall anyone setting up meetings to discuss ways in which to improve for the coming years. I heard a lot of people talking about that they are promising, you know, a balance budget, you know we can do better, I've never seen in the short time that I have been here anyone who has raised these concerns actually talk about and set meetings to talk about how we can do better. And here we are going into another year; we've spent three weeks with this current budget and again no one has come forward with anything that has information or facts that show we can do it differently. I am not okay with us not having a budget approved so that we can't run the City. This budget, while it is showing a deficit spend, is as we said estimates and really will be affected how this Council approves things throughout this coming year. In many ways we still have a lot of control and I would urge those members that are concerned to help step up and work with all of us to try to find ways through this coming year to try to avoid any deficit spending as much as possible instead of just talking about it and posturing for political gain.

**Councilman Plecnik:** How many of us have watched C-Span or CNN and groaned every time you see a politician give a mealy mouth excuse for why they are going to spend more than they are taking in. There is always a reason why they have to do it, there is always a reason why the tough decisions should be made next year by the next congressperson, by the next senator and we all say we would do better if we had the chance. Well sitting at the Dais on a very small level, we have the chance to do better, we don't need to make excuses, we can pass a balance budget and many of us have offered solutions that would allow us to do so. Not necessarily easy solutions and it is never easy to cut back and do more with less but that is what our residents and neighbors have had to do year after year, after year, after year in Willoughby Hills and I admire them for that. They have also had to do it because this City raised their income taxes in 2010 and raised their sewer fees on a scheduled five years for 2013 and they are still suffering the effects of that. And yet, even after all of those, all of those incidences the City has asked for more from its residents and neighbors. We come back to the budget again and say, well we just can't balance it. That's not good enough for me. I am not going to be that person who says the congressman should do better, the senator should do better, the president should do better and then do the same thing. Now I agree there should have been more meetings to discuss this budget but I am not the Chair of the Finance Committee. It is not in my power to call those meetings. I wish that we had discussions going back not just weeks but months because our budget is one of the most, if not the most important thing that Council does. And I would just like to say to paraphrase is to take a word from a great Councilman from our neighboring City of Wickliffe, Matt Jaworski the time to deal with these tough issues is now when we have a little bit of breathing room. If you wait until we are literally bankrupt, we've literally on the brink, we literally have no wiggle room whatsoever, it is much harder because the decisions have to be made fast and furious with less time to consider them. Now we saw our 2014 budget have less spent on police, less spent on fire and a lot less spent on roads than necessary. Those are the three most important priorities: Roads, Police and Fire. It would be an embarrassment to the City of Willoughby Hills to neglect those priorities and it would also be an embarrassment to the City to try and advocate more debt, more taxes or more fees. What Willoughby Hills needs is a balanced budget and that is what I will support but I will not vote for deficit spending, I won't vote for a deficit budget. I promised when I was first elected that I would be blunt, honest and fiscally responsible and tonight that is just what I am going to do. I am going to be honest with you a deficit budget is not a good thing whatever anyone may say and I will not vote for one.

**President Somich:** Are there any other comments from the Members of Council?

**Councilman Hallum:** I just want to respond to just one thing. One thing, while Mr. Plecnik you are not the Chair of the Finance Committee, I agree with that, I would like to believe that would not in any way shape or form keep you from providing information that you feel is important to the City and improving the financial situation; that you would not allow that to stop you from providing input that would make things better for our residents. So the fact that you are not the Chair of the Finance Committee and that you couldn't call meetings, I just don't think that follows with what is right.

**Councilman Plecnik:** If I could just say one thing that I stood firmly against last year was the raise for City Hall over 1% passed in December, retroactive to January that is part of the problem. And now this budget proposes yet another raise for City Hall. We passed one in December, I voted against it, we passed one in December and now again we have another proposed raise for City Hall. That is part of the problem. It is time to refocus on Roads, Police and Fire and understand if residents are first they shouldn't be the first to pay taxes, they should be the first to get the benefit of the City. We should be the first to take the cut, not our residents. So I have time, and time again when these votes have come up voted the fiscally responsible way and I hope that the rest of Council will join me in opposing giving raises to City Hall and reprioritizing what really matters: Roads, Police and Fire.

**President Somich:** For the purposes of this evening's meeting because we have had two lengthy meetings relative to this discussion already, I am going to ask if people have already spoken twice that we give other Members of Council an opportunity to speak. So is there anyone else that would like to use one or two of those opportunities?

**Councilman Biro:** Just, and you have expounded on this as well, I think Mr. Plecnik, I understand his concerns, as I am sure that everyone in the audience does, a budget though has to plan for the worst and I think what's part of the problem with that is, you know, you throw a number out there and you think oh, we are over spending that much money but this Administration has shown great restraint in terms of spending. The Administration Staff here have



been working with very little and with the staffing that we have it is the lowest that we have ever had and they do the most that we have ever seen, so they have done a tremendous job. I think that even the auditors suggest that we are fiscally responsible and we are doing a pretty good job by getting an excellent audit so, I trust that our Administration will do the right thing and we have the ability to modify our budget throughout the year too. If we see things going south we have the ability to do that so I believe the budget is strong, I think it is something that we have to adopt if we don't want to shut City Hall down basically. I think we pass it, we keep an eye on things and we move ahead.

**Councilman Fiebig:** I will have to disagree with my colleague in that I don't believe this budget is strong; I believe this budget is fiscally irresponsible. We have had two meetings about this budget, they were hardly what I would call lengthy when you are discussing a \$13,000,000 budget; to be handed a multi-page document and said here is our first meeting and then have an hour, maybe two hour discussion about it. And then simply one more meeting when I was asking for meetings back in December of last year to please let's begin that process and let's talk about this. We're literally in the final few hours, so I don't think that this process has been handled very well. In our last meeting that we had we did recommend several suggestions. I am disappointed with the Mayor and Finance Department that didn't take any of those into consideration; as far as I know there has been no communication regarding those so, I believe, from what I understand, we might be a stalemate on this and I think that there needs to be more work to be done. **So I am going Call the Question, a Motion to Call the Question.**

**President Somich:** Before I do that I am going to exercise my privilege and also speak because I did say....**Councilman Fiebig** said to do that, please pass the gavel for you are relinquishing control of the meeting. President Somich acknowledged that he did pass the gavel and said: I am Chair of the Finance and I have been here at least two times here tonight, attacked basically for not having more meetings and having short meetings. I have been in my life of fifty-eight years in a lot of meetings and to have a meeting without having anything of substance discussed is not a good use of anyone's time. Neither of those meetings ended until we actually stopped talking. Okay, I had said is there anything else, in both meetings, if they would like to add. And there were no additional comments because we had already talked all of our ideas out so those meetings ended when we were done talking. Not once did any one member of this Council, including the two who criticized me for not having meetings asked me by email, by text, by phone or in person can we have another meeting. Not once.

**Councilwoman Fellows:** I think that once the Question has been Called there is no further debate.

**President Somich:** I did say that I would give every person on this Council...

**Vice President Fellows:** **When a Question has been Called by Robert's Rule, I believe that there is no more debate to be followed, the vote needs to be taken.**

**President Somich:** I think that it is very unfair to our Members of Council to eliminate a person to speak, but I had more to say. I will ask legal opinion; do I have the opportunity to speak?

**Acting Law Director Cipolo:** If the Motion wasn't seconded, the Motion...**Vice President Fellows:** The Motion to adopt the budget was indeed seconded that is why we had a discussion to follow.

**Acting Law Director Cipolo:** **Mr. Fiebig's Motion to Call the Question wasn't seconded.**

**Councilman Fiebig:** **I made a Motion to Call the Question.** **Vice President Fellows:** I stand corrected.

**President Somich:** Okay, then let me finish.

**Councilman Fiebig:** **Mr. President, I made a Motion to Call the Question.** **President Somich:** **And I have been told without a second that isn't a valid question.**

**Councilman Fiebig:** **Did you recognize that Motion?** **President Somich:** **I did recognize the Motion.**

**Councilman Fiebig:** Okay. **Councilman Plecnik:** **Then I will second the Motion.**

**President Somich:** We can all see how games are being played in our City. I am speaking now as the Chair, not as the Chair of the Finance, but as the President of Council we will do our best to follow proper procedures and do things properly; we will let the community be the judge. If you feel that people are acting in the proper way.

**President Somich:** We are about to take the vote and this Chair does feel it is important to remind Members of Council that there is a March 31<sup>st</sup> deadline for approving a budget. We have a temporary budget that will expire on that date. If we do not have a new budget passed by that date, by the end of 3/31 then we will be operating as a City only under emergency operations with the bare minimum of staffing. We do require four (4) votes this evening to pass this budget. This Council can change this budget at anytime and can make adjustments accordingly after this evening's meeting or after 3/31 as we determine necessary. A four Member majority of Council can make any changes to this budget at any time for the rest of 2015. And to be advised that the President of Council will call additional meetings, Special Meetings after tonight if in fact it is not passed. We will have additional meetings that will be called of Council to attempt to pass this again before the deadline of March 31<sup>st</sup>. We will now call for the vote.

**Roll Call:** Plecnik-no, Somich-yes, Biro-yes, Fellows-no, Fiebig-no, Hallum-yes

**MOTION FAILS:** 3 AYES/3NAYES

**President Somich declared that Motion to adopt Ordinance No. 2015-10 has failed. Be advised that there will additional meetings called.**

#### **ORDINANCE NO. 2015-12**

**AN ORDINANCE ACCEPTING THE BID OF LONGO SEWER CONSTRUCTION CO., INC. OF SOUTH EUCLID, OHIO FOR THE LAMPLIGHT LANE CULVERT REPLACEMENT PROJECT AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2015-12.

**Roll Call:** Plecnik-yes, Somich-yes, Biro-yes, Fellows-yes, Fiebig-yes, Hallum-abstain

**MOTION PASSES:** 5-AYES/1 Abstention

**President Somich declared that the Three Reading Rule for Ordinance No. 2015-12 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Plecnik to adopt Ordinance No. 2015-12.

**Councilman Fiebig:** Could I ask the explanation as to why Councilman Hallum abstained? **Councilman Hallum:** I live on the street. I don't want to vote for something that may be construed as a conflict of interest.

**Roll Call:** Plecnik-yes, Somich-yes, Biro-yes, Fellows-yes, Fiebig-yes, Hallum-yes

**MOTION PASSES:** 6-AYES

**President Somich declared that Ordinance No. 2015-12 has been adopted.**

**Vice President Fellows:** Mr. President, I was just thinking back that Councilman Hallum abstained for suspending the Three Reading Rule, but yet he voted for it.

**Councilman Hallum:** I think that I just realized that I voted for the wrong one, if you could change my vote to abstain on that, I forgot we were doing the vote (to adopt) after the suspension. **I change my vote to abstain.**

#### **ORDINANCE NO. 2015-13**

**AN ORDINANCE ACCEPTING THE BID OF WOODFORD EXCAVATING, LLC OF LEAVITTSBURG, OHIO FOR THE KNECHT-O'BRIEN CHANNEL RESTORATION PROJECT AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2015-13.

**Roll Call:** 6AYES – unanimous

**MOTION PASSES**

**President Somich declared that the Three Reading Rule for Ordinance No. 2015-13 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Plecnik to adopt Ordinance No. 2015-13.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2015-13 has been adopted.**

#### **ORDINANCE NO. 2015-14**

**AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE THREE – UTILITIES, CHAPTER 925 – SEWERAGE SYSTEM REGULATIONS, SECTION 925.06 – FEES, SUB-SECTION (c) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.**

**President Somich declared that Ordinance No. 2015-14 would remain on First Reading.**

#### **NEW BUSINESS**

**Finance Director Brichacek:** I would just like to remind Council, I am not sure what the process is going to be, if we have to re-introduce the Appropriations Ordinance or if there will be a Motion to Reconsider the Ordinance that did not pass tonight. Council will need to, if they don't want to pass the Ordinance as proposed, will need to propose amendments to revise the appropriations.

**Councilman Fiebig:** Today at the Chamber Meeting the Mayor said that we have over projected our revenues and under projected our expenses. I believe that is exactly what you had said. So I would ask Mr. Brichacek to please get with the Mayor find tune those over projections and under projections and produce a document back to Council that we can look at in a timely manner.

**Mayor Weger:** I said we over budgeted the expenses and under budgeted the revenue. Exactly what is in the letter, the Budget Message.

**Councilman Fiebig:** So fine tune it, come back with numbers that are closer to what we can work with.

**Mayor Weger:** The process is I submit a budget and you either approve it or amend it, so amend it, if you wish.

**Councilman Fiebig:** We did offer several suggestions on that, has the Mayor considered those suggestions from the meeting held on Monday?

**Mayor Weger:** I submitted my budget, and you are to amend it, period. That's the way it goes. So cut whatever you will; but you amend it, not me.

**President Somich:** In the meantime I will...the Chair will entertain a Motion to Reconsider, at a later date, Ordinance 2015-10.

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Hallum to reconsider the vote on Ordinance No. 2015-10 at a later time.

**Councilwoman Fellows:** So the Motion on the floor is to reconsider exactly what failed...the Motion that failed tonight. The same thing. Is that what you are asking? Is that what the Motion is for, the second for, for identical? **Councilman Biro:** To reconsider Ordinance No. 2015-10, the budget. **Councilwoman Fellows:** As it might be amended? With suggestions for decreasing the deficit spending? **Councilman Biro:** To put it back on the floor. **Mayor Weger:** You can do it next time.

**Councilman Biro:** I withdraw my Motion. **Councilman Hallum:** I withdraw my Motion.

**President Somich stated that the Motion and the Second have been withdrawn for Reconsideration this evening.**

**FOR THE GOOD OF THE ORDER**

**Councilman Plecnik:**

Just want to wish all of our Catholic neighbors in Willoughby Hills a blessed Palm Sunday.

**ADJOURNMENT**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Hallum to adjourn the Regular Council Meeting of March 26, 2015.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Somich declared the Regular Council Meeting of March 26, 2015 to be adjourned at 7:58pm.**

**APPROVED:**

April 23, 2015  
Date

Raymond C. Somich

Raymond C. Somich  
President of Council

**ATTEST:**

Victoria Ann Savage  
Victoria Ann Savage, CMC  
Clerk of Council