

# City of Willoughby Hills

## Special Council Meeting

### Minutes of March 30, 2015

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*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.*

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*Meeting Called to Order at 7:01 a.m. by President Raymond C. Somich*

#### *Pledge of Allegiance*

#### **Roll Call of Council**

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

**Also Present:** Clerk of Council Victoria Ann Savage

President Somich thanked everyone for coming and stated that the first order of business was the reading of **Ordinance No. 2015-15.**

#### **LEGISLATION**

##### **ORDINANCE NO. 2015-15 – SECOND READING**

**1<sup>st</sup> Reading: March 29, 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.**

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President Somich declared that **Ordinance No. 2015-15** would remain on Second Reading.

#### **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 7:03am**

1. Linda Fulton  
2990 Marcum Boulevard

Re: This is a prime example of cronyism. She stated that she thinks that Council should start voting their conscious and vote what is really right. Asked if anyone on Council would run their household like this? Run a deficit budget, maybe three, four out of the last five years, she knows in the past, Council has voted a deficit budget through, doesn't make it right. If you feel that you are caught in the middle of this, then you should stop and think what you constituents would really want; do they really want a deficit budget to go through. Yes, it is serious, it shuts down the City, but maybe that's the only way to correct this. She said that she didn't see any bending back and forth. Think about this is cronyism.

**Public Closed at 7:04am.**

**President entertained a motion of Council for adjournment.**

**Councilman Plecnik addressed President Somich and was recognized by President Somich. Councilman Plecnik:** Before we adjourn, I think that it is important to discuss a few things before this Council. Firstly, I want it on the record my concerned expressed by many of my neighbors, a lot of our residents that we have these three Council Meetings scheduled at 7:00am beginning on Palm Sunday Morning. I had calls, I had emails saying I read in the paper that there is going to be a 7:00am meeting on Sunday, it must be a typo and I was embarrassed to say to them no its not, we are having a meeting then. Justice Brandeis of the U.S. Supreme Court use to always say sunshine is always the best disinfectant and what better way to avoid the sunshine then to have a meeting before sunrise. I don't think that it was appropriate. And what kept going through my head honestly was on that Sunday morning, Jesus and the money changers. I think that if he came to this Council Dais he would have upended the table and said get out of my father's house. With all due respect, I think that he would have. I don't think that it was appropriate. This is wrong to pass a deficit budget. This is wrong to have a budget with \$4,000 gas reimbursement allowance for Bob Weger. This is wrong to give another raise to City Hall months after we passed a raise in December. This is not what our residents and neighbors want. And I know that it is the easy thing to just vote yes and I know that it is the easy thing to say that no suggestions have been made to the contrary. For over a year now I've been making proposals for how to improve this budget in the City, it's just that you don't agree with them. It was also said at the last meeting that our Council Clerk was given notice to draft up any ordinance that any Councilperson might give. Two notes on that, firstly, no one was told of that so no one could have reacted to it. Secondly, and more importantly, it is the duty, right and responsibility of every Councilperson to bring proposed legislation as they see fit. In the past, our Council President has said to our Clerk and to us that everything has to go through him. A Congressman, a Councilman can propose whatever they choose if you don't agree with it then you can vote against it. But the Council Clerk doesn't work for any one Member of Council; she works for all of Council. Also supposedly these times including Palm Sunday were chosen for that everyone could attend, well I have to say the scant attendance here shows that is not the case. The purpose of the Three Reading Rule is not just so that Council can attend, it is so that the public can attend and it is not easy, it is not feasible for most people to attend in the morning. I don't know why the evenings were not chosen. We were told that it was so that everyone could attend but I certainly wasn't consulted in advance of the meeting and I believe that a good Chair or a good Council President consults with Council prior to calling a meeting, asks their members when they can come and thinks twice before they call it. I am very disappointed with this budget and I sincerely second the public's concerns. I hope that everyone at this Dias thinks twice before they vote for a deficit. You won't do it in your own house why are you listening to people who are telling you to do it here.

**President Somich:** I will not give an opinion at this time; I think that it has already been yesterday. But I will say that I have never denied, this Chair has never denied one ordinance that has been proposed given to the Clerk whether by a Member of Council, or Administration, it's never been denied. And some have gone through. Ok, so I think that the record speaks for itself. I would entertain that motion for adjournment.

**Councilman Biro:** I would like to comment too. It's my hope that we do pass the budget and that we can move on and have fruitful discussions, serious discussions about the budget reduction. But at least I would like to see sensible discussions; you know desecrating the City Hall and things like that, it doesn't serve our community. So hopefully we can get beyond this and have the decisions that we really need to have discussed and then move on. Unfortunately I can't make the meeting after this and I am not sure of the legality of the meeting because it is less than 24 hours but hopefully we can do that.

**Councilman Fiebig:** Can I just comment real quickly, I came yesterday to discuss the budget, I brought the paperwork. I was here yesterday morning, although I wasn't asked if I could make the meeting at 7:00am; you did make a comment that you were trying to find a time when everybody could attend, but I wasn't asked. I just heard that Councilman Plecnik wasn't asked so I don't know who you meant by everyone. You can please comment on that. I came yesterday to discuss this; I literally sat here shocked when the meeting was adjourned. I thought that we came here to seriously discuss this budget and to work on it. And I want to remind everyone that I had asked for this back in November of last year that we should start work in this and in December of last year to start working on it. I asked to be on the Finance Committee so that I could be an active member of that specific Sub-Committee of Council so that we could really work on this and we only had two meetings of Finance since the beginning of the year. And that is very, very disappointing to me. I assume since it looks like the tone of this you are just going to read this and you are not opening the floor to any discussion on this so I guess we have to call another meeting. And Councilwoman Fellows was gracious enough to say that she would hold a meeting this morning. I know that immediately after the last meeting she had asked the Clerk to post notice of that meeting that would begin promptly after this one. So when were we planning to discuss this? We have had two Finance

Meetings. The first meeting was just simply hand us the budget. It is very hard to have a substantive discussion when you have just been handed an eighty page document. So when were you planning on working on this? I am glad to stay here and be in the Rules and Legislation Committee to discuss the legislation and that is my intent. I came here to work.

**Councilwoman Fellows:** So, because of the gravity and the importance of this as soon as the meeting commenced yesterday, I asked Council Clerk to call a Rules meeting so this is an emergency meeting. I know that the Law Director gave you a message Ray to give to me that it's not protocol that we have to wait to 8:45am; that's absolutely ludicrous. This is so important and now to say that we have a standard in so many instances we don't for whatever reasons that they maybe; this is an emergency meeting of Rules this is the only opportunity for us to take this topic and really look at some of the things and possibly bring some suggestions to help decrease this deficit spending. I have said in public that to have \$13,000,000 in debt, to borrow necessary money to refurbish an ambulance and to buy a service truck which we absolutely need to then borrow more than what we are going to pay off this year and then to have nearly three times as much deficit spending then we did last year which I support last year, I wasn't real happy about it and asked some questions but I really do believe we are going in the wrong direction. And Chris to your point, Councilman Hallum, to say that we can pass this and these are just estimates and we can go back and change it I respectfully don't agree with that. When City Council passes a budget we are authorizing any department that is on this budget to spend up to that amount that's been budgeted for. Now they may not but we have authorized them to do that. So to go back and say that we can just change it as other comments have been about other legislation; to say well it's not really the best legislation and it could be written better, let's pass it anyway and we can change it. I don't think that's our job. I think that all the homework to the best of our ability needs to be done before we do that. So this is an emergency Rules and Legislation Meeting; if you choose not to stay, the Committee Members just stay Councilman Fiebig and I, that's a quorum and we will send the information forward to whoever is interested in reviewing it.

**President Somich:** I will respond to the best that I can to some of the questions that were asked. In terms of planning these three meetings we were backed into a corner because if we are trying to pass this and I am as Chair trying to pass this legislation we had to have three successive meetings on three successive days and by the time frame that we were operating in I made my own decision in terms of saying on a Sunday, Palm Sunday, I was in Church yesterday, John so thank you for reminding me, I was there. On Palm Sunday and on this morning and on tomorrow morning what would be the best time at the last possible moment, last possible time frame to try to get all of us together so that we could at least have a quorum if not have all of us at the same place at one time. I didn't think that would be in the middle of the day so I thought that it would either be early morning or late at night. I happen to get up early every day anyway so it isn't that early to me maybe to some of you it is and I realize the invasiveness of that but I felt that especially because a Sunday was involved that it would be better to do it in the morning than in the evening so that is why I called 7:00 so some people could go to work as many of us have to do today, so that is number one. Number two, yes there was not really any time for discussion because the action of this body last Thursday and then the failure to come through with an ordinance and I already mentioned that there were no other ordinances to be discussed so this is the only one I felt that this was a necessary formality for us to have the Three Readings, in reality right now we cannot put a major amendment to this ordinance because if it changes substantively then we are questioning the integrity of the Three Readings for the public. So while we can discuss it all we want at these meetings we cannot make any type of substantive change to this particular ordinance at this late date. The only that we can take on this ordinance is to read it and pass it. Now again, here I will respectfully disagree with my colleague Nancy (Councilwoman Fellows) I believe our first job is to keep the City running. Our first job is to provide services to our community so if God forbid there is fire in our City on Wednesday or there is somebody who has a heart attack on Wednesday, or some other kind of an emergency that happens that we are able to help these people and not be in a shut down position. So I think that our first job is to make sure that this City runs. There is nothing wrong with us meeting and making changes. Nobody is going to spend all of these dollars as soon as the budget passes and especially if we get the word out as we have over the last few days that we plan to make further changes, nobody is going to allocate any further spending beyond the next couple of weeks so we have every opportunity and I said yesterday Finance can do it, Service can do it, Safety can do it, Personnel Relations can do it, any of these meetings can be called and I will also stand by what I said yesterday, I do find it a little ironic, and I got to say this to you Dave, I am glad that you are asking me now for my opinion because when I wanted to give my opinions the other night you put a muzzle on me and called for the question, you called for the question and wouldn't let me talk.

**Councilman Fiebig:** I didn't put a muzzle on you Ray. You put a muzzle on yourself. I didn't do that I simply exercised my authority as a Councilmember to call for the question.

**President Somich:** And I had previously to that, if you remember, said that I was going to give opportunity, every councilperson an opportunity to speak at least once on this and yet because of this you didn't give me my opportunity, so....

**Councilman Fiebig:** Again, you didn't follow procedures and you can go over it all you want.

**President Somich:** I didn't follow procedures and the procedure was?

**Councilman Fiebig:** Robert's Rules of Order. You would have had to call the question; you have somebody second...and I didn't purposely do that to shut you off, I mean, I just simply thought....

**President Somich:** It seemed like it to me because...

**Councilman Fiebig:** If you took personal offense, I didn't mean for that; that wasn't my intent, it was just simply to call the question because I thought that there was enough discussion on it.

**President Somich:** Okay, as I did say yesterday....

**Councilman Fiebig:** There could have been a vote taken, if the vote went down, discussion would have continued. That is the way it should have happened.

**President Somich:** Councilman Plecnik you had said that nobody has listened to you and any of your opinions, okay, as a Councilperson we each have a responsibility to actually move our ideas forward. Just to say this or that at a meeting without taking the initiative to actually do something with that is a failure to fulfill our duties. So anytime that we say slice the budget by \$500,000 and get it done that's not an accurate presentation of what you should do. What you need to do is to sit down with the Finance Director and say what is exactly included in this line item and then one by one look at that and say can we cut this can we change this. What's a statutory position that we can't change. What's a union already contracted position that we can't change and what areas can we and get specific and slice and dice it the way it needs to be done. All I've heard from you is you know, let's cut this and let's make this change; we've spending too much here. We need to get specific that's what needs to be done.

**Councilman Plecnik:** I think that we need to follow Robert's Rules of Order and you are expressing opinions without passing the gavel.

**President Somich:** I will entertain a Motion for Adjournment.

**Councilman Fiebig:** Mr. President, Mr. President...

## **ADJOURNMENT**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Hallum to adjourn the Special Council Meeting of March 30, 2015.

**Roll Call:** Biro-yes, Fellows-no, Fiebig-no, Greer-Are we voting on adjournment, yes, Hallum-yes, Plecnik-no, Somich-yes

**MOTION PASSES: 4-AYES/3-NAYES**

**President Somich declared the Special Council Meeting of March 30, 2015 to be adjourned at 7:20am.**

**APPROVED:**

  
Date

  
Raymond C. Somich  
President of Council

**ATTEST:**

  
Victoria Ann Savage CMC  
Clerk of Council