

**City of Maple Heights
Special Council Meeting Minutes**

Maple Heights Senior Center

March 25, 2015

Council President Jackie Albers called the meeting to order at 6:35 p.m. Council Clerk Katherine Unger called the roll.

ROLL CALL: Those present were Council President Jackie Albers, Council Members Alex Adams, Toni Jones, Ron Jackson, Anthony Cefaratti, Bill Brownlee, and Richard Trojanski. Edwina Agee was absent and excused. Also present were Mayor Jeffrey Lansky, Police Chief John Popielarczyk, Fire Chief Vito Kavaliunas, Human Services Director Linda Vopat and Clerk of Council Katherine Unger. Law Director John Montello and Finance Director Irene Crowell were absent and excused.

Mr. Adams made a motion, seconded by Mr. Trojanski to suspend all regular items and reports from the meeting except the legislation. ROLL CALL. Ayes: Adams, Jones, Cefaratti, Jackson, and Trojanski. Present: Brownlee.

LEGISLATION:

THIRD READING:

ORDINANCE NO.: 2015-08

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MAPLE HEIGHTS, STATE OF OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015, AND DECLARING AN EMERGENCY.

Ms. Albers stated that the primary purpose of this meeting is to pass the appropriation legislation, which must be submitted to the County for their approval by April 1st. If this legislation is not passed, then all City Services will stop on April 1st, including Police, Fire, Service, payroll, and all City buildings will be shut down.

As this Ordinance was on its third reading, Ms. Albers asked for a motion for adoption. Mr. Trojanski moved, seconded by Mr. Adams that the Ordinance be adopted.

Mr. Brownlee stated that he believes that the Council is required to hold a public hearing on the budget before it is passed and the certificate of estimated resources has yet to be amended, so he is recommending that the budget not be passed. Mr. Brownlee stated that the Council did not receive the budget in a timely fashion. Ms. Albers stated that the Council has had many meetings on the budget including March 4, 11, 18, 23, and now the 25th; and that all meetings were advertised and opened to the public.

Mayor Lansky stated that everyone knows what's in the Charter, and that the Charter states, "Public Hearings" not hearing. The Mayor stated that the dictionary states that a public hearing is a public meeting. Mayor Lansky said that the council has had plenty of meetings for the budget and the public could have spoke. Mayor Lansky stated that in the twenty five years he's been in office, the Council has never held a Public Hearing for the budget. Mayor Lansky stated that this

is just another way that Mr. Brownlee is trying to intimidate people. Mayor Lansky stated that there is no reason to hold up this legislation.

Mr. Adams stated that even though the budget was a few days late, there were meetings where the agenda was handed out and publicized, so everyone knew the budget would be discussed. Mr. Adams stated that there have been several auditors in City Hall keeping the finance department busy getting information for the auditors. Mr. Adams stated that he hopes Council will do their due diligence and pass the budget, because he does not want to shut down the City. Mr. Adams suggested that in the next few months, if it needs to be changed, the budget can be changed to keep up with the revenues the City receives.

Mr. Jackson asked if there was an opinion from the Law Director as to whether the Council was required to hold a public hearing. Ms. Albers stated that no, there was nothing official, only that he was concerned about the way it was said that we were doing something illegal and not doing the right thing. Ms. Albers stated that we are doing what we need to do, and obviously he is not able to be here tonight.

Mr. Adams stated that all of the meetings were publicized in the newspaper, on Facebook, and on web site, and at Monday's finance meeting, only one person showed up from the public. Mr. Adams stated that tonight, there are only five residents. Mr. Adams stated that Council should not hold up a budget for the public, because they could have been at any of the meetings and chose not to be. Mr. Adams stated that the public can speak if the Council President allows. Mr. Adams stated that he believes that the Council has followed the law, and we must do the job that we were elected to do, and that is to run this City, not to shut it down.

Mr. Brownlee disagreed that a public hearing is only a public meeting. Mr. Brownlee stated that the purpose of a public hearing is to obtain public comments about a particular topic, which he stated has not been done.

Mr. Bruce Terrell, a resident living at 6258 Dunham Road, asked the Chair to speak. Ms. Albers recognized Mr. Terrell. Mr. Terrell stated that Council has the opportunity to adopt legislation to amend the budget at any meeting for revenue that is falling short or for expenses that are getting too high. Mr. Terrell stated that most communities amend the budget multiple times during the year because no one knows what problems the City may run into. Mr. Terrell stated that last year, when the budget was over spent, it most likely was for the overtime from the warehouse fire at Fannie Mae Candies. In addition, Mr. Terrell stated that no one could predict the costs increase for gasoline, asphalt, salt, or repairs, and that's why the appropriations are amended. Mr. Terrell asked the Council to consider the passage of the budget because if the City stops, they will have many more problems with the auditors than they have now.

Mr. Jackson stated that without the Law Director present, he believes that the meeting should be cancelled and rescheduled with a public hearing followed by a vote on the proposed budget.

Ms. Albers stated that there is a motion on the floor for adoption.

Mr. Adams stated that the Public Notice that was sent out to everyone stated the entire title of the legislation to approve the budget on its third reading. Mr. Adams stated that it was put into the newspaper and on the website, and is on its third reading. Mr. Adams stated that the Council is here tonight to vote on the third reading of the appropriations.

Mayor Lansky stated that there was never a public hearing for the appropriations in his tenure of public office. Mayor Lansky stated that everyone is afraid of a lawsuit because Mr. Brownlee waits until the last minute and then sues the City, which costs the taxpayers money. Mayor Lansky stated that this is just a ploy by Mr. Brownlee to intimidate and make everyone second guess their duties as Council members. Mayor Lansky stated that the Council has a duty to vote on this legislation tonight.

Clerk Unger called for the vote on the adoption of Ordinance Number 2015-08. ROLL CALL. Ayes: Adams, Jones, Cefaratti, Jackson, and Trojanski. Nay: Brownlee. The Ordinance passed by the vote of 5 yes and 1 no and will become law upon the Mayor's signature.

ORDINANCE NO.: 2015-11

AN ORDINANCE AUTHORIZING THE CITY OF MAPLE HEIGHTS TO ACCEPT THE TITLES TO PARCELS OF LAND AT 5130 LEE ROAD OBTAINED THROUGH THE CUYAHOGA COUNTY LAND REUTILIZATION CORPORATION IN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY

This Ordinance had its second reading.

There being no further business to come before this Council, Council President Jackie Albers adjourned the meeting at 6:50 p.m.

Passed: April 1, 2015

ATTEST:

S/S Katherine M. Unger, CMC
Clerk of Council