

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

Maple Heights Senior Center

July 7, 2014

PUBLIC HEARING

Council President Jackie Albers called the Public Hearing to order at 6:00 p.m. and Clerk Katherine Unger called the roll.

ROLL CALL: Those present were Council President Jackie Albers, Council Members Alex Adams, Toni Jones, Anthony Cefaratti, Ron Jackson, Bill Brownlee, Richard Trojanski, and Edwina Agee. Also present were Mayor Jeffrey Lansky, Assistant Law Director Blair Melling, Fire Chief John Drsek, Police Chief John Popielarczyk, and Clerk of Council Katherine Unger.

Council President Jackie Albers stated that the Public Hearing was called according to Chapter 208 of the Codified Ordinances of the City of Maple Heights to permit the public to speak in opposition or in favor of the 2015 Tax Budget and only comments directly related to the tax budget will be heard for up to three (3) minutes.

ORDINANCE NO.: 2014-55

AN ORDINANCE ADOPTING THE 2015 TAX BUDGET OF THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.

Ms. Albers asked if there were any proponents to the Ordinance three different times. There were none. Ms. Albers asked if there were any opponents to the Ordinance three different times. There were none.

There being no further business at the Public Hearing, Ms. Albers adjourned the Public Hearing at 6:04 p.m.

SPECIAL MEETING OF COUNCIL

Council President Jackie Albers called the Public Meeting to order at 6:05 p.m. and Clerk Katherine Unger called the roll.

ROLL CALL: Those present were Council President Jackie Albers, Council Members Alex Adams, Toni Jones, Anthony Cefaratti, Ron Jackson, Bill Brownlee, Richard Trojanski, and Edwina Agee. Also present were Mayor Jeffrey Lansky, Assistant Law Director Blair Melling, Fire Chief John Drsek, Police Chief John Popielarczyk, and Clerk of Council Katherine Unger.

Mr. Adams made a motion, seconded by Ms. Jones to suspend all regular items and reports from the meeting except the legislation. ROLL CALL. Ayes: Adams, Jones, Jackson, and Trojanski. Nay: Brownlee. Present: Cefaratti and Agee. The motion passed by the simple majority of 4 ayes, 1 nay, and 2 present.

LEGISLATION:**RESOLUTION NO.: 2014-46****A RESOLUTION AMENDING RESOLUTION NUMBER 2013-55 AND DIRECTING THE FINANCE DIRECTOR TO TRANSFER ALL EXISTING AND FUTURE FUNDS ASSESSED AND COLLECTED FOR GARBAGE AND RUBBISH COLLECTIONS IN THE CITY FROM THE SOLID WASTE COLLECTION FUND TO THE GENERAL FUND IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY**

Mr. Jackson stated that in listening to the City Finance Director and the City Attorney talk about this fund, he wanted to know if, for accounting purposes, if this money could be moved legally and if there was a surplus in the fund in the future, he asked if that money could be moved at that time. Mr. Brownlee stated that he believes that the money in this fund is from assessments to the residents to pay for the garbage and trash collections and he believes that there is enough money in the fund to pay for those collections. Mr. Brownlee also stated that the fund money was already used for something else because the Waste Management bill was not paid. Mr. Brownlee stated that there should not be any surplus in this fund because there is a section in the Codified Ordinances that state that the Finance Director is supposed to determine how much is needed and if there is a surplus, the following year the amount that the residents pay should be lowered. Mr. Brownlee stated that this money is only for trash and shouldn't be transferred out and used for something else.

As this legislation was on its third reading, Ms. Jones made a motion, seconded by Mr. Adams to adopt the resolution.

Ms. Jones asked that the Mayor or the Finance Director speak on the fund. Ms. Crowell stated that this is a general operational fund and that the State does not restrict these funds, but Council did. Therefore, she stated that the Council can change the law to no longer restrict the funds. In addition, Ms. Crowell stated that the General Fund has to absorb and shortage of the fund. Ms. Crowell stated that the assessments come into the City in March and September, but when the bills come in every month, the General Fund has to pay the bill, if there is not enough money in the garbage fund. Ms. Crowell stated that it is perfectly legal to move the money. Mr. Adams stated that he is grateful that Waste Management still collected the garbage and he questioned where the money went. Ms. Albers stated that the deficit in the fund happened at the end of last year and that Ms. Crowell had nothing to do with it. Mr. Brownlee stated that the fund started the year with \$553,000. and Ms. Crowell estimated that the City would collect \$1.5 million in residents' assessments, bringing the total of the fund to over \$2 million. Mr. Brownlee stated that the garbage cost for the year was only \$1.3 million, so there should be enough money to pay the bill for this year, even if the city keeps the recycling. Ms. Albers thanked Mr. Brownlee for his opinion and asked that the Clerk call the roll for adoption.

ROLL CALL. Ayes: Adams, Jones, Jackson, and Trojanski. Nays: Cefaratti, Brownlee, and Agee. The resolution passed by the vote of 4 ayes and 3 nays and would become effective in 30 days.

RESOLUTION NO.: 2014-47

A RESOLUTION AMENDING RESOLUTION NUMBER 2013-55 REGARDING THE SPECIAL FUND KNOWN AS THE “ SOLID WAST COLLECTION FUND,” NUMBER 251, SPECIFYING THAT PAYMENTS FROM THIS FUND BE DESIGNATED ONLY FOR THE PAYMENT OF GARBAGE AND RUBBISH COLLECTIONS IN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY

As this legislation was on its third reading, Mr. Cefaratti made a motion, seconded by Mr. Brownlee to adopt the resolution.

Mayor Lansky asked for clarification from the Law Director as to when the previous legislation would become effective. Mr. Melling stated that five affirmative votes were not obtained for the legislation to pass as an emergency, therefore, the legislation would become effective in 30 days with four affirmative votes.

Ms. Albers asked that the Clerk call the roll. ROLL CALL. Ayes: Adams, Cefaratti, Brownlee and Agee. Nays: Jones, Jackson and Trojanski.

Law Director Melling asked for the vote count. Clerk Unger stated that there were four affirmative votes and 3 nays. Mr. Melling stated that the Ordinance would become effective in 30 days and supersedes the previous Ordinance because it was passed after the previous ordinance.

Mr. Adams made a motion, seconded by Ms. Jones to reconsider the vote. Mr. Cefaratti stated for clarification, the money in this fund would pay the trash bill first, and then any money left in the fund could be transferred to the General Fund with Council’s approval by Resolution. Mr. Cefaratti stated that the residents paid \$1.5 million for their trash to be picked up and there was a deficit in the fund. Ms. Jones asked Mr. Cefaratti how we had a deficit. Mr. Cefaratti stated that the previous Finance Director stated publically that he was using that money to pay other bills. Mr. Jackson asked if extra money was placed into the General Fund. Mr. Cefaratti stated that the new legislation would put extra money in the General Fund only with a resolution of Council.

Clerk Unger clarified that the following vote is to reconsider the vote of Resolution 2014-47 and it will need a simple majority to pass. ROLL CALL. Aye: Trojanski. Nays: Adams, Jones, Cefaratti, Jackson, Brownlee and Agee. The motion to reconsider the vote of the Resolution 2014-47 failed by the vote of 6 nays and 1 aye. Therefore the original vote for Resolution 2014-47 stands.

Resolution number 2014-47 passed by the vote of 4 ayes and 3 nays by superseding Resolution Number 2014-46, and would become effective in 30 days.

RESOLUTION NO.: 2014-50

A RESOLUTION PURSUANT TO SECTIONS 5705.19 OF THE REVISED CODE SUBMITTING TO THE ELECTORS OF THE CITY OF MAPLE HEIGHTS AT THE

NOVEMBER 4, 2014 MUNICIPAL ELECTION THE QUESTION OF AN ADDITIONAL 1.3 MILL TAX LEVY FOR FIVE (5) YEARS FOR THE PURPOSE OF THE CURRENT EXPENSES AND GENERAL OPERATIONS OF THE MAPLE HEIGHTS SENIOR CENTER AND DECLARING AN EMERGENCY

Mr. Cefaratti stated that for this Resolution and the next, the Council is waiting for the computation as to exactly what amount of money it will cost the residents.

This Resolution had its Second Reading.

RESOLUTION NO.: 2014-52

A RESOLUTION PURSUANT TO SECTIONS 5705.19 OF THE REVISED CODE SUBMITTING TO THE ELECTORS OF THE CITY OF MAPLE HEIGHTS AT THE NOVEMBER 4, 2014 MUNICIPAL ELECTION THE QUESTION OF AN ADDITIONAL 4.7 MILL TAX LEVY FOR FIVE (5) YEARS FOR THE PURPOSE OF THE CURRENT EXPENSES AND GENERAL OPERATIONS OF THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY.

Mr. Brownlee asked why there are three levies being presented and not just one. Ms. Albers stated that we are waiting for the numbers to determine how many issues will be on the ballot.

This Resolution had its Second Reading.

RESOLUTION NO. 2014-54

A RESOLUTION AMENDING ORDINANCE NO. 2014-27, TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND EXPENDITURES OF THE CITY OF MAPLE HEIGHTS, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014, AND DECLARING AN EMERGENCY.

Mr. Brownlee asked why is the Council changing the appropriation ordinance. Ms. Crowell stated that all of these appropriations were discussed and Council has to pass the budget. Mr. Jackson asked from the budget that was presented in March, are the differences shown? Ms. Crowell stated that the differences are noted and that is why it is on its first reading.

This Resolution had its First Reading.

ORDINANCE NO.: 2014-55

AN ORDINANCE ADOPTING THE 2015 TAX BUDGET OF THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.

Mr. Jackson asked that a Committee Meeting be scheduled to discuss this Ordinance before it is adopted. Mr. Brownlee asked why the public did not have more time to review this budget and asked that the Finance Director present documents earlier than the date that it is up for a vote. Ms. Albers stated that the Council can look at and discuss this budget tomorrow or Wednesday.

Ms. Agee agreed with Mr. Brownlee and stated that the Council needs to get the legislation earlier. Ms. Jones asked that the legislation be placed on first reading and discussed tomorrow. Mr. Trojanski asked that the document be reviewed tomorrow at the meeting.

This Ordinance had its First Reading.

RESOLUTION NO.: 2014-56

A RESOLUTION TERMINATING THE RAINY DAY CONTINGENCY FUND (102), TRANSFERRING THE BALANCE TO THE GENERAL FUND IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY.

Mr. Jackson stated that he would like more time to review the legislation and that he believes that the contingency fund should remain and be built up to use in case of emergencies or for separations payouts instead of going to the General Fund. Ms. Jones asked how much money is in the Rainy Day Fund. Ms. Albers stated that there is about \$121,000.00 in the fund. Ms. Jones stated that the City is in a deficit of almost \$2 million dollars so we need to use all the money that we can to get out of the deficit. Ms. Albers stated that the fund was created years ago and that it is raining in the City.

This Resolution had its First Reading.

There being no further business to come before this Council, Council President Jackie Albers adjourned the meeting at 6:58 p.m.

Passed: November 5, 2014

ATTEST:

Katherine M. Unger, CMC
City of Maple Heights