

SPECIAL COUNCIL

April 3, 2008

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3 **Special** meeting of Macedonia City Council was called to order at 6:32pm, April 3, 2008
4 by presiding officer Mayor Don Kuchta.

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6 **Present:** Council members' Shane Barker, David Engle, Kenneth Martin, Nicholas Molnar
7 Peggy Spraggins and Janet Tulley; Law Director Joseph W. Diemert, Jr., and
8 Council Clerk Josephine Arceci. Also present, Summit County Council President
9 Nick Kostandaras

10 **Absent:**

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12 **Purpose** Pursuant to Article III Section 3.03(c) of the Charter, Council required to reconsider
13 Mayor Kuchta's March 31, 2008 veto of Mrs. Spraggins' specific amendment to ORD. NO. 2-
14 2008: AN ORDINANCE PROVIDING FOR THE 2008 ANNUAL APPROPRIATIONS, AND
15 DECLARING AND EMERGENCY as adopted on March 27, 2008, no later than its next regular
16 meeting. .

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18 **Discussion** Councilor Tulley chastised Councilor Spraggins' secretiveness with regards to the
19 amendment she introduced on March 27. Particularly Mrs. Tulley stated since Mrs. Spraggins
20 becomes angered and accuses others, including the clerk when information is not provided to Mrs.
21 Spraggins days in advance. Why when Mrs. Spraggins so vehemently purports open
22 communication did she fail to disclose her recommendations prior to the March 27 meeting, why
23 was her amendment introduced without fair warning Mrs. Tulley asked? The amendment could
24 have been emailed to every member of Council or it could have been included in each member's
25 packets Mrs. Tulley stated. There was excuse or viable reason Mrs. Tulley told Mrs. Spraggins that
26 this information wasn't given to everyone days in advance. Open and direct communications are
27 not important to Mrs. Spraggins Mrs. Tulley added when Mrs. Spraggins' has a personal agenda.

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29 Councilor Spraggins told Mrs. Tulley that her comments were not relevant to the business at hand
30 to which Mrs. Tulley disagreed. "You are obviously setting me up, so state what you want to say"
31 Mrs. Spraggins told Mrs. Tulley. Mrs. Spraggins asked the Mayor his willingness to compromise
32 on the 2008 budget to which the Mayor answered that the administration has already compromised.
33 "Need I remind you that after the 2008 budget were brought to Council in November 2007? The
34 budget was redrafted because Council said it wasn't good enough. Then it was redrafted again
35 earlier this year well in advance of Mrs. Spraggins' March 27th amendment."

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37 Council President Engle suggested that there be no further discussion, that the question be called to
38 approve the amendment to Ordinance No. 2-2008 as vetoed by the Mayor.

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40 Councilor Tulley reminded Mr. Engle that Council is of six not of one. Mrs. Tulley still had
41 questions of Mrs. Spraggins that Mrs. Tulley felt deserved answered.

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43 Mr. Engle responded that he felt there was no reason to belabor the issue or take the next three
44 hours laying blame. Council is here tonight to reconsider the Mayor's veto and since it has come
45 to Mr. Engle attention that a council member has changed his opinion the motion should be called
46 now he stated.

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48 Mrs. Tulley asked Mr. Engle how, before coming to this public forum did he know that a member
49 of Council had changed their vote to which Mr. Engle answered, "Unlike you Mrs. Tulley I try to
50 talk to other council people." Occasionally he added he has advance notice of how another
51 member is going to vote because of prior discussions with that member. There is nothing
52 intrinsically wrong or illegal about openly discussing how one is going to vote he added. Mr.
53 Engle told Mrs. Tulley that council members would do well to speak to one another between
54 meetings.

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56 Mrs. Tulley agreed. She wondered why then Mrs. Spraggins did not make it a point to speak to
57 every member of Council about her amendment. Why did she just inform Messrs. Engle and
58 Molnar? Mrs. Tulley told Mr. Engle, as council president, he was remiss in not letting every
59 member of Council know that Mrs. Spraggins would be introducing a major budget change.

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61 Mr. Engle responded to Mrs. Tulley that he doesn't like communicating via the Internet, through e-
62 mail and that personally, Mrs. Tulley is difficult to reach by telephone. Mr. Engle admitted that he
63 also spoke with Mr. Martin about the amendment but he did not speak to Mr. Barker. Mr. Engle
64 apologized that he didn't speak with everyone and said in the future he will make every attempt to
65 contact each member.

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68 Mrs. Spraggins interjected that no one is responsible for the amendment or how it was introduced
69 but her. She explained that the amendment was not finished until late Tuesday evening. There was
70 no time to include it in Council packets. Mrs. Spraggins said she took it upon herself to create the
71 amendment because the administration's budget and its revisions were unacceptable. The first
72 budget had an unencumbered balance of only \$5,000. The next had one of \$56,000, an amount that
73 still was not nearly enough Mrs. Spraggins stated. Mr. Brunot was told more money was needed
74 and yet he did not increase unencumbered anymore insisting there was no other areas within the
75 budget to cuts. Under the principles of GAAP it is recommended a community have between 5%

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76 to 15% of its GF budget or two months worth of salaries represented as unencumbered dollars.
77 Certainly that is not the case in Macedonia's situation Mrs. Spraggins stated. Her amendment was
78 not intended to cause layoffs. The amendment was meant of offer flexibility in time of emergency.
79 She felt the money she transferred into unencumbered would be eventually be used as it was
80 needed she stated. She reiterated that she accounted for every dollar that was spent 2007 in the
81 2008 budget, that she increased salaries by 3.5% and that it was only nine line items she cut from
82 the General Fund. The amendment Mrs. Spraggins stated was not major as the administration
83 claims. Mrs. Spraggins asked Mayor Kuchta again if he was willing to compromise by increasing
84 unencumbered to \$200,000.
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86 Councilor Barker told Mrs. Spraggins he asked for a compromise on the March 27th but she wasn't
87 willing. Why is she willing now he asked? Mr. Barker expressed frustration that Mrs. Spraggins
88 froze fuel and utilities expenditures. These expenses realistically cannot possibility remain at 2007
89 levels he stated. Mr. Barker said Mrs. Spraggins is being vague about how much money has
90 actually been set aside in 2008 for unexpected contingencies he said. As usual she is "mudding the
91 waters" and misleading the public he said. Mrs. Spraggins continues to make the point that only
92 \$56,000 has been set aside when if fact the amount is \$256,000. Two hundred thousand was place
93 the Emergency Fund. This Fund now has a balance of \$600,000. Combined the City has a
94 cushion of \$656,000 for emergencies.
95

96 Councilor Spraggins told Mr. Barker that just prior to his election the City experienced a tornado
97 that caused financial concern until the City was reimbursed by FEMA. The City cannot and should
98 not be caught in that same predicament she stated. If Mr. Barker views the \$200,000 Emergency
99 Fund dollars as unencumbered dollars, than it should be transferred to unencumbered Mrs.
100 Spraggins suggested.
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102 Councilor Engle told Mr. Barker that the budget and earmarking specific dollars to unencumbered
103 is serious business to which Mr. Barker answered it isn't anymore serious than it was last week.
104 Mr. Engle asked Councilors Barker and Tulley if they are going to support the hire of all the new
105 employees the administration has suggested. Mr. Barker answered that he doesn't go back on his
106 word. He holds to what he told Mrs. Spraggins' at the March 27th work session, that is, new hires
107 and some capital expenses can be held until the second half of year.
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109 Mrs. Tulley answered that both she and Mr. Barker had said on the 27th that new appointments
110 could be held until there was a comfort level with regards to projected revenues. Mrs. Tulley
111 asked Assistant Deputy Loren Sengstock if he thought another \$200,000 could be transferred to
112 unencumbered to which he responded that he did not know. Mrs. Tulley also asked Mr. Sengstock
113 if the revenue for Emergency Fund (\$200,000) and the unencumbered balance (\$50,000) was found
114 in good faith to which he answered that he was not involved in the process that the question should
115 be asked of Mr. Brunot and the mayor.
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117 Mayor Kuchta interjected, "Of course the revenue was found in good faith. Mrs. Spraggins'
118 amendment was a contrived ambush in the 11th hour to defy the administration. Mrs. Spraggins'
119 remarks have been much to do about nothing. But they insinuate that department heads are
120 incapable of staying within their budgets". Macedonia's carryover of \$650,000 is 5% of the
121 General Fund, at least the minimum under GAAP principles the mayor stated. Council is willing to
122 cripple the administration without taking stock in each department's budget. Every department
123 head has availed them self to every council member during the entire budgeting process the mayor
124 stated. No one however has taken the time to learn directly from each director how each manages
125 their respective departments. The mayor asked Councilor Molnar if he ever questioned any of the
126 departments head to which Mr. Molnar answered yes that he had spoken with Chief Golden. The
127 mayor asked Mr. Molnar if he knew first hand how much money the chief needed in his 2008 to
128 operate his department why he didn't questioned Mrs. Spraggins' amendment.
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130 Mr. Molnar answered that after reviewing it from his perspective, as an independent thinker he felt
131 Mrs. Spraggins' amendment was responsible, that her amendment offered flexibility. There needs
132 to be change in this community Mr. Molnar stated. The City can no longer operate from paycheck
133 to paycheck as it has been Mr. Molnar stated. And to ensure that City is successful is in the future
134 he said he is not afraid of disagreeing with the administration or anyone of his fellow council
135 members
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137 Mayor Kuchta told Mr. Molnar that his statements make it very clear that he is so unaware of what
138 has transpired in Macedonia over the last several years.
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140 Councilor Tulley asked Mr. Molnar if he understands the ramifications of his actions.
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142 Councilor Molnar responded that he is a free thinker and hopes to bring change to this Council.
143 Mr. Molnar asked Mrs. Tulley how often she has voted against the administration because he said
144 since he's been elected he has not seen it happen once.
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146 Councilor Tulley responded that her record is not on the table. Mr. Molnar's observation is
147 limited to the last four months not the last 13 years of her tenure she said. Are the council
148 members who voted for Mrs. Spraggins' amendment willing to put in writing that every cent
149 they've taken from the department heads will be reimbursed to which only Mrs. Spraggins
150 answered that she would at least be willing to listen to every request?
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Prior to the following motion Law Director Diemert explained that “yes” votes override the Mayor’s veto thus upholding the amendment adopted on March 27. “No” votes acknowledge the veto thereby removing the specific amendment to the General Fund as adopted by Council on March 27.

MOTIONS:~~~Mr. Engle moved, Mr. Molnar seconded, to approve the specific amendment to Ordinance No. 20-2008 as vetoed by the Mayor on March 31, 2008.

Roll call: Ayes: Engle, Molnar, Spraggins
 Nays: Barker, Martin, Tulley
 The motion failed for the lack of four (4) affirmative votes as
 required by Section 3.03(c) of the Charter

There being no further business before Council, the meeting was adjourned at 6:58pm