

City of Willoughby Hills

Regular Council Meeting

Minutes of November 14, 2013

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 David A. Reichelt

Pledge of Allegiance

Roll Call of Council

Members Present: Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Kevin D. Malecek, President David A. Reichelt, Councilman Raymond C. Somich, Councilman Christopher L. Biro

Absent: Vice President Nancy E. Fellows

Also Present: Mayor Robert M. Weger, 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 COUNCILMAN SOMICH, seconded by Councilman Biro to excuse Vice President Nancy E. Fellows from attending the Regular Council Meeting of November 14, 2013.

Roll Call: 6 AYES – unanimous **MOTION PASSES**

President Reichelt declared that Vice President Fellows has been excused from attending the Regular Council Meeting of November 14, 2013.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to appoint Councilman Kevin D. Malecek to serve as Vice President Pro-tem for the Regular Council Meeting of November 14, 2013.

Roll Call: Fiebig-yes, Germano-yes, Malecek-abstain, Reichelt-yes, Somich-yes, Biro-yes

MOTION PASSES: 5-AYES/1 Abstention

President Reichelt declared that Councilman Malecek will serve as Vice President Pro-tem for the Regular Council Meeting of November 14, 2013.

Disposition of the Journal Regular Council Meeting of October 10, 2013

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of October 10, 2013 as submitted.

Roll Call: 6-AYES – unanimous **MOTION PASSES**

President Reichelt declared that the Regular Council Meeting Minutes of October 10, 2013 have been approved as submitted.

CORRESPONDENCE

City Engineer's Report dated November 7, 2013 (Emailed: November 7, 2013)

Willoughby Hills Community Center Rentals for October 2013 (Emailed: November 7, 2013)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month Ended October, 2013 (Emailed: November 12, 2013)

FINANCIAL REPORTS FOR THE MONTH ENDING OCTOBER 2013 CONSISTING OF: GENERAL FUND

INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS (Emailed: November 8, 2013)

NOTIFICATIONS

Board of Building and Zoning Appeals Meeting of November 12, 2013 (Emailed: November 11, 2013)
Planning and Zoning Commission and Architectural Board of Review Meeting of November 7, 2013 (Emailed: November 7, 2013)
Recreation Commission Meeting of November 6, 2013 (Emailed: October 30, 2013)
Rules and Legislation Committee Meeting of November 11, 2013 (Emailed: November 8, 2013)
Willoughby Hills Winterfest Committee Meeting of November 18, 2013 (Emailed: November 12, 2013)

ON FILE

Willoughby Hills Senior Center Newsletter for November 2013, Issue Number 67

MAYOR'S REPORT – Robert M. Weger

Happy Thanksgiving to all of our residents – Reminder City Hall closed Thanksgiving Day and the day after Thanksgiving so employees can spend time with their families.

Acknowledgements

Congratulations to Larry O'Donnell on a fine Veteran's Day Program
Congratulations to Dave and Denise Reichelt on retirement
Congratulations to Finance Director and Staff for outstanding audit for 2011 and 2012; Finance Director should expound on the audit

Events

Winter Fest – Sunday, December 1st – features Toys for Tots Campaign to “Fill an Ambulance with Toys”
Breakfast with Santa – Saturday, December 7th

LAW DIRECTOR'S REPORT – Thomas G. Lobe

Urged passage of Ordinance No. 2013-47
Requested an Executive Session to be called pertaining to the Threat of Litigation, inviting the Mayor, Members of Council, Law Director, Economic Development Director and newly elected Councilman John Plecnik.
Law Director stated the he too would like to charm in on the audit; Lobe stated that he has made the statement that he was around during those years when the State could not audit the City's financial records and was receiving certified letters from the Auditor because they couldn't audit the City. Very refreshing for this Administration and this Council to be pulled from where we were to where we are now and continuity of the unqualified audit which is the highest ranking you can get. We should all celebrate.

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

Commented on the Audit Report for 2011 and 2012 – two year audit cycle
The Auditor has expressed an unqualified opinion on the City's Financial Statements; in addition and just as important, the Auditor reported that the audit found no compliance citations, no findings for recovery and no material weaknesses in the City's system internal control. This means that the City's Financial records as presented by the Administration to the City Council and to the public are fairly stated and reliable. Administration is giving good information in which both the public and Council to make decisions.
The Finance Director appreciated the good remarks; but when an audit report is issued, the Finance Director is a bit like a quarter back on a football team. He gets too much credit for winning and too much blame for losing. Tonight, the Willoughby Hills Finance Department is going to take its credit. This report is a tribute to the efforts of all the Departments of the City. Without the cooperation and dedication of the Police, Fire, Service, Recreation, Building and Administration Departments this result would not have been possible. We are not the ones who place the orders, we are not the ones who request the purchase orders, we make sure that things are done properly and we assist the departments in doing it. The information that we give you is only as good as the information that is given to finance. Everyone deserves credit; this was a massive effort by the entire Administrative Staff of the City.

The Finance Director also thanked the former Finance Director Joseph Mirtel for his beginning efforts to right the City's Financial Operations. Without the ground work laid by Mr. Mirtel, today's report would not have happened or it may have taken much longer to happen.

Even more importantly, the Finance Director gave credit to the Mayor for his support and to City Council for support that has been shown while we have been reinventing the way in which the City of Willoughby Hills does business. City Council has shown great patience, faith and commitment to the Staff as we changed our operations. To put things into perspective, when the Mayor took office in January 2008, the City's Financial Records were in a state of chaos. The Finance Director went back and determined that the last year that the State Auditors were able to give the City an unqualified opinions on the financial records was in 2004 and even so, in that year, the State Auditors cited three material non-compliance citations. The financial records at the time were in such chaotic state that they couldn't be audited for the years 2005, 2006, and 2007. During that period of time, the City received a total of eleven non-compliance citations with State and Local Laws or material weakness and internal controls. The auditors lived in City Hall, records were missing or were incomplete making it impossible to reconcile. It was impossible for sure to determine the financial condition of the City really was. The City's audit costs were through the roof. No one would consider lending the City money due to the unreliability of the City's records. In fact, there was a great deal of mistrust of information that was presented to the point that law enforcement became involved. All that changed beginning in 2008. Due to former Finance Director Joseph Mirtel's efforts, the City's records became auditable again. With the years 2008 and 2009 and 2010 the City received unqualified opinions from the State Auditor on the Financial Statement. During those two years, we received only one citation and that was for not properly encumbering each year. The Audit cost decreased because records were being properly maintained and were easily assessable to the auditors when the auditor asked for them. All these things lead to today's results. A clean auditor with no citations and greatly reduced audit costs. In fact to put things into perspective, the audits of 2011 and 2012 were complete in approximately 85% of the time and about 90% of the cost that was spent on the year 2009 alone. This audit took 800 audit hours for the two years, about 400 hours for each year. 2009 took almost 1100 audit hours. It is a real sign that things have changed. It's a new day in Willoughby Hills. We are getting information to you on a more timely basis and it is much more assessable. We prepared a Budget Document this year, we put it on line for all to see. The Mayor is committed to maintaining integrity in the operations of the City, for the first time ever.

If you go online you can find a procedure to report fraud. Finding this audit report will be assessable on line in two places, it is on the City's Website located in the Finance Department Section as well as this audit and past audits can be on the State Auditor's website.

This is a new day in Willoughby Hills. This is the kind of audit report that we should always achieve. Commented to fairness in financial reporting whether is on budget basis or a gap basis. We are facing challenging times going into the future. Hopefully the information that is being given to the Council will make it a little bit easier to understand what is going on.

Councilman Malecek commented that since Frank used the football analogy, he would like to say that Frank has been the "Tom Brady" of Finance Directors. Councilman Malecek further stated that he has been Chair of the Finance Committee for almost the last two years, and Council President before that, and can say, that if there is a Hall of Fame for Finance Directors, you and your staff belong there. You have done a lot, several of us up here have lived through those dark years of serious lack of leadership at the time and you have pulled us out of the mess, a time effort no doubt. We needed a good helmsman, a good quarterback as you said and you did it and you surpassed it. This is as much of a testament to your abilities and accomplishments as it is in anything else.

Law Director wanted everyone to understand that Frank is doing this part-time, we had full time Finance Directors and couldn't get anything and the Law Enforcement had to come in and Frank is doing it part-time.

Finance Director Brichacek stated again, that this wouldn't have been possible without the commitment of the Mayor. The Mayor has been there every step of the way for him and for the Finance Department. We work very hard and this would not be possible without the support of the Mayor. We have a good working relationship with the Council as well. None of this could be accomplished without the efforts of everybody.

President Reichelt thanked the Finance Director and requested that he extend Council's gratitude to the members of the Finance Department.

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

No formal report was given.

COMMITTEE REPORTS

President Reichelt asked if there were any Committee Chairs who would like to provide a report. Reports have been listed alphabetically by Committee.

RULES AND LEGISLATION – David A. Reichelt, Chair

Committee Members: Nancy E. Fellows, Kevin D. Malecek

COMMITTEE MEETING OF NOVEMBER 11, 2013

Members Present: President David A. Reichelt, Chair, Councilman Kevin D. Malecek

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Raymond C. Somich, Mayor Robert M. Weger, Law Director Thomas G. Lobe, Finance Director Frank Brichacek

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

Meeting convened at 6:35pm

Order of Business

Ordinances 2013-47 – An Ordinance authorizing the Mayor to renew the city's insurance policy. Gloria Majeski reported that the proposed renewal premium was the result of the annual review of our coverage requirements and a search of the marketplace for the best rates. The proposed premium is approximately 7% higher than last year, but was originally much higher before searching out alternatives. She also added that we might elect to raise the deductible to help reduce that expense further, and the Law Director indicated he would likely be involved in that decision. **It was the consensus of the Committee to waive the Three Reading Rule and recommend the Ordinance for adoption at Thursday's Council Meeting.**

Ordinances 2013-48 – An Ordinance declaring a 2003 Ford Crown Victoria, with an approximate value of \$1,200, as surplus to be disposed of by the administration. **It was the consensus of the Committee to waive the Three Reading Rule and recommend Adoption at Thursday's Council Meeting.**

Ordinances 2013-49 – An Ordinance to amend Ordinance 2013-13, adjusting the budget allocations to maintain positive account balances, as routinely done throughout the year. This adjustment was due to the addition of stormwater projects on Erich Drive and Route 91 that were funded by the Lake County Stormwater Management Agency. **It was the consensus of the Committee to waive the Three Reading Rule and recommend Adoption at Thursday's Council Meeting.**

Resolution 2013-23 – A Resolution honoring Larry O'Donnell, former councilman and Veterans Memorial Chairman, through the naming of the amphitheater at the Veterans Memorial Park as the Larry O'Donnell amphitheater at the Veterans Memorial Park. **It was the consensus of the Committee to waive the Three Reading Rule and recommend Adoption at Thursday's Council Meeting.**

Status of City Finances

Brichacek - 9 month budget reports - after 9 months, performance is going well - at or near estimates - encouraged this year much more estate tax this year with the law being rescinded. 250k over what we estimated. Income Tax Collections have been erratic, but still on estimate. New rates are higher than the old rates, but still in budget for the year. Other concerns are more minor - tight is the street programs - after 9 months. RITA Ohio has been a bit erratic in collections. Internet Cafes closed - all of the reasons they left.

Public Portion

Opened: 6:50pm

Frank Cihula asked if the placement of the plaques at the Veterans Memorial Park will be documented somewhere. They will be posted on the city's website.

Closed: 6:50pm

OTHER COUNCIL REPRESENTATIVE REPORTS

There were no other Council Representative Reports presented by the Members.

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 7:22pm

1. David Nichting

35771 Maplegrove Road

Re: Thanked Administration and Council for their efforts. Thanked President Reichelt and Denise Reichelt for their service to our community. We live in a great country and should be very appreciative of it.

Public Portion was closed at 7:25pm

UNFINISHED BUSINESS

There was no unfinished business to bring forth to the Members.

LEGISLATION

ORDINANCE NO. 2013-43 – SECOND READING

AN ORDINANCE ADOPTING PERMANENT APPROPRIATIONS NECESSARY TO MAINTAIN CITY SERVICES FOR THE FISCAL PERIOD BEGINNING JANUARY 1ST THROUGH DECEMBER 31ST OF 2014 AND DECLARING AN EMERGENCY.

President Reichelt stated that Ordinance No. 2013-43 will remain on Second Reading.

ORDINANCE NO. 2013-47

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT(S) FOR GENERAL LIABILITY INSURANCE COVERAGE FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2013-47.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-47 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2013-47.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-47 has been adopted.

ORDINANCE NO. 2013-48

AN ORDINANCE TO DECLARE CITY VEHICLE(S) AND/OR EQUIPMENT AS SURPLUS PROPERTY AND GRANTING AUTHORIZATION TO SELL SAID SURPLUS VEHICLE(S) AND EQUIPMENT ON THE OPEN MARKET, UPON SUCH TERMS AND AT SUCH PRICES AS ARE DEEMED MOST ADVANTAGEOUS TO THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2013-48.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-48 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to adopt Ordinance No. 2013-48.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-48 has been adopted.

ORDINANCE NO. 2013-49

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-13 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Somich to suspend the Three Reading Rule for Ordinance No. 2013-49.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-49 has been suspended.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Somich to adopt Ordinance No. 2013-49.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-49 has been adopted.

RESOLUTION NO. 2013-23

A RESOLUTION TO RECOGNIZE AND HONOR FORMER COUNCILMAN, VETERANS MEMORIAL CHAIRMAN, AND LONGTIME WILLOUGHBY HILLS RESIDENT LARRY O'DONNELL THROUGH THE NAMING OF THE LARRY O'DONNELL AMPHITHEATRE AT VETERANS MEMORIAL PARK AT THE WILLOUGHBY HILLS COMMUNITY CENTER COMPLEX.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Fiebig to suspend the Three Reading Rule for Resolution No. 2013-23.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Resolution No. 2013-23 has been suspended.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Somich to adopt Resolution No. 2013-23.

Councilman Malecek stated that this Mr. O'Donnell was formally presented with a plaque the at Veterans Memorial Ceremony held on Monday and wanted to let everyone know that this was something that all Council and Administration had decided to do; to recognize Mr. O'Donnell's longtime dedication to all the veterans and the veterans' ceremonies that we have held in the City, no one is more deserving of having this honor.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Resolution No. 2013-23 has been adopted.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to adjourn into an Executive Session, following "For the Good of the Order"; purpose being for the Threat of Litigation, inviting the Members, the Mayor, the Economic Development Director, the Law Director and newly elected public official John Plecnik.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt stated that Council will adjourn into an Executive Session following "For the Good of the Order", purpose being for the Threat of Litigation, inviting the Members, the Mayor, and the Law Director.

Councilman Malecek stated that we presented a plaque to Former Councilman, Veterans Memorial Chairman and longtime Willoughby Hills resident Larry O'Donnell during the Veterans Memorial Service held on November 11, 2013 to honor Councilman O'Donnell through the naming of the Larry O'Donnell Amphitheatre at the Veterans Memorial Park at the Willoughby Hills Community Center Complex.

Councilman Malecek further stated a plaque was presented to President Reichelt and his wife Denise Reichelt honoring the both Councilman Reichelt and his wife Denise for their achievements and contributions made to the City by the naming of the David and Denise Reichelt Veterans Memorial Pavilion.

Councilman Malecek stated that the plaque is dated November 14, 2013 and a motion stating that a Resolution would be prepared stating the same would be in order.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Somich to officially name the pavilion located at the Veterans Memorial Park, the "David and Denise Reichelt Veterans Memorial Pavilion" to be formally done by a Resolution and to be presented during the Regular Council Meeting held in December.

Roll Call: Fiebig-yes, Germano-yes, Malecek-yes, Reichelt-abstain, Somich-yes, Biro-yes

MOTION PASSES: 5-AYES w/1-Abstention

President Reichelt stated that the pavilion located at the Veterans Memorial Park, the "David and Denise Reichelt Veterans Memorial Pavilion".

FOR THE GOOD OF THE ORDER

Mayor Weger:

Presented the following Certificate of Achievement to David A. Reichelt:

"In honor of your outstanding contributions and achievements to the City of Willoughby Hills during our ten-year tenure as Councilman and Council President. We will forever be indebted to you for the work you accomplished with our Police Dispatch Center, citywide phone system, Veterans Memorial Park and Gazebo, citywide computer and IT Room development, Community Center sound system and internet capabilities, Cuyahoga county Airport Noise Abatement council representative and proponent against Airport Expansion, Art Gallery visionary, Corn Fest Co-Chairman, and Recreation volunteer. You have done so much to make the City of Willoughby Hills a better place for all of us and we recognize your unprecedented service. Your legacy will live on and you will always be remembered and appreciated."

Councilman Somich:

Marvelous Mansions of Lake County - Tuesday, November 19th from 7:00-8:00pm – For nearly 100 years, some of the wealthiest people in Northeast Ohio built and occupied huge homes in Lake County. Kathie Purnal of the Lake County Historical Society will present a multi-media program full of fascinating stories about the mansions and the people that occupied them. Call the Wickliffe Public Library at (440) 944-6010.

Thanksgiving Dinner to be held at the Willoughby "Y" Wednesday, November 27th from 11-2:00pm

Santa Stamp Stroll – Saturday, December 14th from 11-3:00pm at the Shops of Willoughby Hills – Local Business located on Bishop and Chardon Roads.

Councilman Malecek:

Kudos to Councilman Reichelt; a true friend to all of us. Came to the table here as a council person, as a resident and leaving as a citizen for it takes a lot to be a citizen of the City, you just can't live in the City. President Reichelt and his wife give so freely of their time. The residents of this City will be indebted to the Reichelts for a very long time to come.

President Reichelt:

Announced that unless a Special Meeting of Council is called due to an emergency purpose, the next Meeting of Council will be held December 12th due to Thanksgiving.

President Reichelt prepared the following statement:

"For nearly ten years, I have had the distinct honor and privilege to serve on this Council with a variety of gifted individuals, many of whom are seated at this dais tonight. My involvement with the City's various

commission, departments, and personnel has been interesting and rewarding and along the way we accomplished some great things.

Most of us sought our positions to replace some ineffective council members that embarrassed the City with chaotic meetings and unpopular agenda. Since the transformation of Council, which in my opinion began in 2002, this Council has conducted itself with professionalism and dignity, even during the eventual ouster of the last undesirable element in 2007. With the current administration, we have been particularly productive, fiscally responsible, and judicious in moving the City forward – something that requires ongoing teamwork and cooperation. As I depart in a few weeks, it is my sincere hope that the work we have started, to advance the City in a positive direction, continues into the future.

I think the citizens should know – I can't think of a single person working here, be it volunteer, elected official, or city employee, that doesn't strive to do the best for the citizens of this City – a testament to the quality of people employed here. It is my hope that those that succeed us are mindful of the responsibility entrusted them by the people of this City to keep it moving in a positive direction, and in that spirit of teamwork and cooperation.

Finally, I hope the City benefited from my involvement and wish to thank each and every one of you for a great ride – decade that will never be forgotten. As I retire and pursue other ventures, be assured that I will always appreciate the teamwork and professionalism I experienced as we did our best to represent the fine people of the City of WH. Most of all, I will cherish the friendships that have been formed along the way as I believe they will live on, well beyond our political lives. I wish all of you the very best and look forward to hearing of our accomplishments into the future".

President Reichelt called for Council to adjourn into Executive Session at 7:44pm. President Reichelt dismissed the Finance Director and the City Engineer.

With all Members present, along with the Mayor, and the Law Director, the Regular Council Meeting reconvened at 8:08pm.

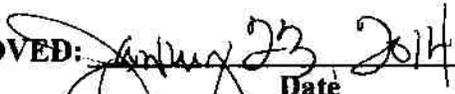
ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adjourn the Regular Council Meeting of November 14, 2013.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared the Regular Council Meeting of November 14, 2013 to be adjourned at 8:08pm

APPROVED:  _____
Date



Raymond C. Somich
President of Council

ATTEST: 

Victoria Ann Savage, CMC
Clerk of Council