



**WESTLAKE CITY COUNCIL MEETING
MARCH 20, 2014
PROCEEDINGS OF A REGULAR SESSION**

The regular session of Council was called to order at 8:01 p.m. by President of Council Pro Tem Michael F. O'Donnell.

Present: President of Council Pro Tem Michael F. O'Donnell; Councilmembers Lynda M. Appel, Nick C. Nunnari, Dennis J. Sullivan, Mark R. Getsay.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, that Council President Killeen be excused for cause.

Yeas: Appel, Nunnari, Sullivan, O'Donnell, Getsay.

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, that Councilmember Brady be excused for cause.

Yeas: Appel, Nunnari, Sullivan, O'Donnell, Getsay.

Nays: None; motion carried.

Also present: Mayor Dennis Clough, Assistant Law Director Robin Leasure, Service Director Paul Quinn, Director of Engineering Robert Kelly, Assistant Finance Director Bonnie Freeh, Acting Recreation Director Michael Rump, Planning Director James Bedell, Director of Purchasing Larry Surber, Director of Inspections Donald Grayem, Police Chief Kevin Bielozer, Acting Fire Chief Jim Hughes, Clerk of Council Denise L. Rosenbaum.

APPROVAL OF MINUTES:

Councilmember Nunnari moved, seconded by Councilmember Getsay, that the reading of the minutes of the regular session of March 6, 2014, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Mayor Clough dated March 11, 2014, requesting a Service, Streets and Road Drains committee meeting to discuss the 2014 Roadway and Infrastructure program.

At the recommendation of Engineering Director Kelly, Mayor Clough requested Council's authorization to go out to bid for the 2014 Roadway and Infrastructure program.

Councilmember Getsay moved, seconded by Councilmember Appel, to authorize the administration to go out to bid for the 2014 Roadway and Infrastructure program.

Yeas: All.

Nays: None; motion carried.

Communication from Mayor Clough dated March 12, 2014, requesting to approve and accept the permanent highway easements listed in the memo for the Bradley/Detroit Roads intersection. (Ordinance No. 2014-40)

Communication from Mayor Clough dated March 12, 2014, requesting to accept the proposal of Masonry Restoration Maintenance in the amount of \$42,054.00 as the lowest and most responsive proposal for the Westlake Community Services masonry rehabilitation. (Ordinance No. 2014-43)

Communication from Mayor Clough dated March 14, 2014, requesting approval of the two installation and maintenance water main easements from CP Land LLC, Coral Westhampton LLC, and Block K LLC for Crocker Park Phase III. (Ordinance No. 2014-42)

Communication from Mayor Clough dated March 14, 2014, requesting authorization to apply for and accept the 2014-2015 EMS Grant through the Ohio Department of Public Safety, Division of Emergency Medical Services for training and medical equipment. (Ordinance No. 2014-45)

Communication from Mayor Clough dated March 14, 2014, requesting authorization for the Engineering department to advertise and bid for the construction of a new salt storage facility.

Councilmember Nunnari moved, seconded by Councilmember Sullivan, to authorize the administration to advertise and bid for the construction of a new salt storage facility.

Yeas: Appel, Nunnari, Sullivan, O'Donnell, Getsay.

Nays: None; motion carried.

Communication from Mayor Clough dated March 14, 2014, requesting to approve the Release of Standard Easement for installation and maintenance of a water main easement from Crocker Park LLC for Market Square. (Ordinance No. 2014-44)

Communication from Mayor Clough dated March 18, 2014, requesting authorization to purchase the MARCS radio system and related equipment through the State of Ohio cooperative purchasing program from Motorola Solutions, Inc. in an amount not to exceed \$237,000.00 and B&C Communications in an amount not to exceed \$14,000.00. (Ordinance No. 2014-47)

Communication from Mayor Clough dated March 19, 2014, requesting a meeting of the Public Grounds, Buildings, Recreation committee to discuss the Building Envelope Study for the Recreation Center.

PETITIONS FROM THE PUBLIC:

None.

REPORT OF THE MAYOR:

Mayor Clough read his sixth report of the year.

REPORTS OF ADMINISTRATIVE OFFICIALS:

None.

**REPORTS OF STANDING COMMITTEES – AD HOC INFORMATION
TECHNOLOGY COMMITTEE:**

Council President Pro Tem O'Donnell reported on the March 11, 2014, Ad Hoc Information Technology committee meeting.

Councilmember Nunnari moved, seconded by Councilmember Sullivan, that the report of the March 11, 2014, Ad Hoc Information Technology committee meeting be received and filed.

Yeas: All.

Nays: None; motion carried.

COMMITTEE OF THE WHOLE:

President of Council Pro Tem O'Donnell reported on the Committee of the Whole meeting held this date at 7:30 p.m. Present were Councilmembers Appel, Nunnari, Sullivan, O'Donnell, Getsay. Also present were Mayor Clough; Directors Leasure (Assistant), Quinn, Kelly, Freeh (Assistant), Rump (Acting), DeMinico (Assistant), Bedell, Surber, Grayem, Bielozer, Hughes. Agenda items were discussed as well as selected correspondence and proposed legislation to be added to the agenda. The following meetings were either scheduled or re-announced: Service, Streets, Road Drains committee, April 1 at 7 p.m. and Public Grounds, Buildings, Recreation committee, April 28.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, to adjourn at 7:59 p.m.

Yeas: All.

Nays: None; motion carried.

Meeting immediately adjourned at 7:59 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS:

None.

LEGISLATION:

ORDINANCE NO. 2014-15: AN ORDINANCE AMENDING SECTION 2 OF
(SECOND READING) ORDINANCE NO. 2012-167 AS TO THE COMPENSATION
OF THE MAYOR FOR THE CITY OF WESTLAKE, AND
DECLARING AN EMERGENCY. (First reading 2/6/14.)

ORDINANCE NO. 2014-33: AN ORDINANCE ESTABLISHING THE VACATION
(SECOND READING) LEAVE ACCUMULATION OF LARRY SURBER. (First

reading 3/6/14.)

ORDINANCE NO. 2014-35: AN ORDINANCE SUPPLEMENTING SUBSECTION (b) OF SECTION 167.26 AS TO THE HIRING OF RETIRED GOVERNMENT EMPLOYEES. (First reading and referred to Planning/Zoning/Legislative committee 3/6/14.)
(SECOND READING)

ORDINANCE NO. 2014-38: AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2010-139 AS TO THE EMPLOYMENT OF ADDITIONAL LEGAL COUNSEL, AND DECLARING AN EMERGENCY.

Councilmember Getsay moved, seconded by Councilmember Sullivan, that the rule requiring the ordinance to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Sullivan, that Ordinance No. 2014-38 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Sullivan, O'Donnell, Getsay, Appel, Nunnari.

Nays: None; Ordinance No. 2014-38 adopted.

ORDINANCE NO. 2014-39: AN ORDINANCE AUTHORIZING THE COMPENSATION FOR THE APPOINTED ACTING DIRECTOR OF RECREATION, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2014-40: AN ORDINANCE ACCEPTING VARIOUS PERMANENT HIGHWAY EASEMENTS, AND DECLARING AN EMERGENCY.

Councilmember Sullivan moved, seconded by Councilmember Getsay, that the rule requiring the ordinance to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Appel, that Ordinance No. 2014-40 be adopted with the condition that the second sign referenced in the easement for Westlake Square should be reviewed by planning commission pursuant to and in accordance with Westlake Codified Ordinance §1223.

ROLL CALL ON ADOPTION:

Yeas: O'Donnell, Getsay, Appel, Nunnari, Sullivan.

Nays: None; Ordinance No. 2014-40 adopted.

ORDINANCE NO. 2014-41: AN ORDINANCE ACCEPTING THE COMMUNITY

RECYCLING AWARENESS GRANT FOR THE CITY OF WESTLAKE.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, that the rule requiring the ordinance to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Getsay, that Ordinance No. 2014-41 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Getsay, Appel, Nunnari, Sullivan, O'Donnell.

Nays: None; Ordinance No. 2014-41 adopted.

Council President Pro Tem O'Donnell turned the chair over to Councilmember Sullivan for the next item.

ORDINANCE NO. 2014-42: AN ORDINANCE ACCEPTING VARIOUS EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF A WATER MAIN FOR CROCKER PARK PHASE III IN THE CITY OF WESTLAKE.

Councilmember Nunnari moved, seconded by Councilmember Appel, that the rule requiring the ordinance to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: Getsay, Appel, Nunnari, Sullivan.

Abstentions: O'Donnell.

Nays: None; motion failed.*

Councilmember Nunnari moved, seconded by Councilmember Appel, that Ordinance No. 2014-42 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Getsay, Appel, Nunnari, Sullivan.

Abstentions: O'Donnell.

Nays: None; Ordinance No. 2014-42 adopted.*

*Clerk's note: Since the motion to suspend needs a super majority per Charter (5 out of 7 votes) to carry, and Council President Pro Tem O'Donnell abstained, the motion to suspend did not carry; the motion to adopt was therefore null and void; and the ordinance remains on first reading.

Council President Pro Tem O'Donnell resumed the chair at this time.

ORDINANCE NO. 2014-43: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MASONRY RESTORATION

MAINTENANCE, INC. FOR THE WESTLAKE CENTER
FOR COMMUNITY SERVICES MASONRY
REHABILITATION PROJECT, AND DECLARING AN
EMERGENCY.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, that the rule requiring the ordinance to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-43 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Appel, Nunnari, Sullivan, O'Donnell, Getsay.

Nays: None; Ordinance No. 2014-43 adopted.

ORDINANCE NO. 2014-44: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A WATER MAIN EASEMENT RELEASE FOR THE CITY OF CLEVELAND.

Councilmember Getsay moved, seconded by Councilmember Sullivan, that the rule requiring the ordinance to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember Nunnari moved, seconded by Councilmember Sullivan, that Ordinance No. 2014-44 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Appel, Nunnari, Sullivan, O'Donnell, Getsay.

Nays: None; Ordinance No. 2014-44 adopted.

RESOLUTION NO. 2014-45: A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPTING THE 2014/2015 EMS GRANT THROUGH THE OHIO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MEDICAL SERVICES FOR TRAINING AND MEDICAL EQUIPMENT.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, that the rule requiring the resolution to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Appel, that Resolution No. 2014-45 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Nunnari, Sullivan, O'Donnell, Getsay, Appel.

Nays: None; Resolution No. 2014-45 adopted.

RESOLUTION NO. 2014-46: A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE GRANT AWARDED BY OHIO LOCAL GOVERNMENT INNOVATION FUND FOR PHASE II OF THE WESTSHORE REGIONAL FIRE DISTRICT STUDY IN THE SUM OF \$100,000.00, AND DECLARING AN EMERGENCY.

Councilmember Nunnari moved, seconded by Councilmember Appel, that the rule requiring the resolution to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember Nunnari moved, seconded by Councilmember Appel, that Resolution No. 2014-46 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Sullivan, O'Donnell, Getsay, Appel, Nunnari.

Nays: None; Resolution No. 2014-46 adopted.

ORDINANCE NO. 2014-47: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE THE MULTI AGENCY RADIO COMMUNICATIONS SYSTEM (MARCS) AND RELATED EQUIPMENT FOR THE POLICE DEPARTMENT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

Councilmember Nunnari moved, seconded by Councilmember Appel, that the rule requiring the ordinance to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-47 be adopted.

ROLL CALL ON ADOPTION:

Yeas: O'Donnell, Getsay, Appel, Nunnari, Sullivan.

Nays: None; Ordinance No. 2014-47 adopted.

Councilmember Sullivan moved, seconded by Councilmember Appel, that Ordinance No. 2014-48 be added to the agenda.

VOICE VOTE ON ADDING TO AGENDA:

Yeas: All.

Nays: None; Ordinance No. 2014-48 added to agenda.

ORDINANCE NO. 2014-48: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH QUALITY AND PRODUCTIVITY IMPROVEMENT CENTER, LLC FOR LEAN DEMONSTRATION PROJECT SERVICES.

Councilmember Sullivan moved, seconded by Councilmember Appel, that the rule requiring the ordinance to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Appel, that Ordinance No. 2014-48 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Getsay, Appel, Nunnari, Sullivan, O'Donnell.

Nays: None; Ordinance No. 2014-48 adopted.

MISCELLANEOUS:

None.

ADJOURNMENT:

President of Council Pro Tem O'Donnell declared the meeting adjourned at 8:30 p.m.

Denise L. Rosenbaum
Clerk of Council

Michael F. O'Donnell
President of Council Pro Tem