



**WESTLAKE CITY COUNCIL MEETING  
JULY 3, 2014  
PROCEEDINGS OF A REGULAR SESSION**

The regular session of Council was called to order at 8:06 p.m. by President of Council Michael F. Killeen.

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

Also present: Mayor Dennis Clough, Law Director John Wheeler, Service Director Paul Quinn, Director of Engineering Robert Kelly, Finance Director Prashant Shah, Recreation Director Bob DeMinico, Planning Director James Bedell, Director of Purchasing Larry Surber, Director of Inspections Donald Grayem, Director of Community Services Lydia Gadd, Police Chief Kevin Bielozer, Acting Fire Chief Jim Hughes, Clerk of Council Denise L. Rosenbaum.

**APPROVAL OF MINUTES:**

Councilmember O'Donnell moved, seconded by Councilmember Appel, that the reading of the minutes of the regular session of June 19, 2014, be waived and that they be approved as received.

**VOICE VOTE:**

Yeas: All.

Nays: None; motion carried.

**SELECTED CORRESPONDENCE:**

Notice from Ohio Division of Liquor Control received June 24, 2014, for stock D1, D2, D3, D3A and D6 permits for Dave & Jerrys Bar & Grill Inc., dba Dave & Jerrys Bar & Grill, 27026 Center Ridge Road, Westlake, Ohio.

Councilmember Brady moved, seconded by Councilmember Sullivan, not to object to stock D1, D2, D3, D3A and D6 permits for Dave & Jerrys Bar & Grill Inc., dba Dave & Jerrys Bar & Grill, 27026 Center Ridge Road, Westlake, Ohio.

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

Nays: None; motion carried.

Communication from Economic Development Manager Michelle Boczek dated June 30, 2014, regarding the Job Creation Grant Annual Report for Grant year 2013.

Councilmember Nunnari moved, seconded by Councilmember Sullivan, to approve the payment of the grants as proposed in the report (Aspire Brands, Henkel Adhesives and Hyland Software).

Yeas: Appel, Nunnari, Sullivan, O'Donnell, Brady, Killeen.

Abstentions: Getsay.

Nays: None; motion carried.

Communication from Mayor Clough dated July 1, 2014, requesting authorization to purchase five new model year Dodge Chargers with selected options through the State of Ohio cooperative purchasing program from Greve Chrysler Dodge, Inc. in an amount not to exceed \$175,000.00. (Ordinance No. 2014-108)

Communication from Mayor Clough dated July 1, 2014, requesting authorization to purchase one new year GMC Sierra 1500 truck with selected options through the State of Ohio cooperative purchasing program from Bob Ross Buick GMC in an amount not to exceed \$27,500.00. (Ordinance No. 2014-107)

Communication from Mayor Clough dated July 1, 2014, requesting authorization to proceed with the cemetery chapel replacement project.

Councilmember O'Donnell moved, seconded by Councilmember Brady, to authorize the administration to proceed with the cemetery chapel replacement project.

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

Nays: None; motion carried.

**PETITIONS FROM THE PUBLIC:**

None.

**REPORT OF THE MAYOR:**

Mayor Clough read his thirteenth report of the year.

**REPORTS OF ADMINISTRATIVE OFFICIALS:**

None.

**REPORTS OF STANDING COMMITTEES – FINANCE COMMITTEE:**

Council President Killeen reported on the June 25, 2014, Finance committee meeting.

Councilmember Brady moved, seconded by Councilmember Getsay, that the report of the June 25, 2014, Finance committee meeting be received and filed.

Yeas: All.

Nays: None; motion carried.

**JOINT COMMITTEE OF THE WHOLE & PLANNING COMMISSION:**

Council President Killeen reported on the July 1, 2014, joint Committee of the Whole and Planning Commission meeting.

Councilmember Appel moved, seconded by Councilmember Getsay, that the report of the July 1, 2014, joint Committee of the Whole and Planning Commission meeting be received and filed.

Yeas: All.

Nays: None; motion carried.

**COMMITTEE OF THE WHOLE:**

President of Council Killeen reported on the Committee of the Whole meeting held this date at 7:33 p.m. Present were Councilmembers Killeen, Appel, Nunnari, Sullivan, O'Donnell, Brady, Getsay. Also present were Mayor Clough; Directors Wheeler, Quinn, Kelly, Shah, DeMinico, Bedell, Boczek (Economic Development Manager), Surber, Grayem, Gadd, Bielozer, Hughes and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence and proposed legislation to be added to the agenda. No meetings were scheduled.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, to adjourn to executive session to discuss pending litigation at 7:56 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Also present were Mayor Clough, Law Director Wheeler and Engineering Director Kelly.

Councilmember O'Donnell moved, seconded by Councilmember Brady, to adjourn executive session at 8:02 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Meeting adjourned at 8:03 p.m.

**REPORTS OF OTHER BOARDS AND COMMISSIONS:**

None.

**LEGISLATION:**

ORDINANCE NO. 2010-70: AN ORDINANCE ESTABLISHING AND DESCRIBING  
(THIRD READING) THE BOUNDARIES OF COMMUNITY REINVESTMENT  
AREA IN THE CITY OF WESTLAKE PURSUANT TO THE  
PROGRAM ENACTED BY AND THROUGH ORDINANCE  
NO. 1996-90, AND DECLARING AN EMERGENCY. (First  
reading 5/6/10 and referred to Finance committee, second  
reading 5/20/10.)

Councilmember Getsay moved, seconded by Councilmember Sullivan, that Ordinance No. 2010-70 be adopted.

ROLL CALL ON ADOPTION:

Yeas: None.

Nays: Brady, Getsay, Killeen, Appel, Nunnari, Sullivan, O'Donnell; Ordinance No. 2010-70 defeated.

ORDINANCE NO. 2013-1: AN ORDINANCE AMENDING SUBSECTION (d) OF SECTION 167.03 OF CHAPTER 167 OF THE CODIFIED ORDINANCES IN THE CITY OF WESTLAKE AS TO APPLICATION OF RULES FOR PART-TIME EMPLOYEES. (First reading and referred to Finance committee 1/3/13, second reading 1/17/13.)  
(THIRD READING)

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2013-1 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Getsay, Killeen, Appel, Nunnari, O'Donnell, Brady.

Nays: Sullivan; Ordinance No. 2013-1 adopted.

ORDINANCE NO. 2014-33: AN ORDINANCE ESTABLISHING THE VACATION LEAVE ACCUMULATION OF LARRY SURBER. (First reading 3/6/14, second reading 3/20/14, referred to finance committee 4/17/14.)  
(THIRD READING)

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-33 be removed from the agenda.

ROLL CALL ON REMOVAL FROM AGENDA:

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

Nays: None; Ordinance No. 2014-33 removed from agenda.

ORDINANCE NO. 2014-99: AN ORDINANCE ESTABLISHING THE VACATION LEAVE ACCUMULATION OF LYDIA GADD. (First reading and referred to finance committee 6/5/14, second reading 6/19/14.)  
(THIRD READING)

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-99 be removed from the agenda.

ROLL CALL ON REMOVAL FROM AGENDA:

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

Nays: None; Ordinance No. 2014-99 removed from agenda.

RESOLUTION NO. 2014-103: A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET INFORMATION FOR THE CITY OF WESTLAKE, OHIO FOR THE FISCAL YEAR OF 2015. (First reading and referred to finance committee 6/19/14.)  
(SECOND READING)

Councilmember Getsay 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 Brady moved, seconded by Councilmember Nunnari, that Resolution No. 2014-103 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Resolution No. 2014-103 adopted.

ORDINANCE NO. 2014-107: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW MODEL YEAR GMC 1500 TRUCK AND RELATED EQUIPMENT FOR THE POLICE DEPARTMENT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell 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 O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-107 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-107 adopted.

ORDINANCE NO. 2014-108: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE FIVE (5) NEW MODEL YEAR DODGE CHARGERS AND RELATED EQUIPMENT FOR THE POLICE DEPARTMENT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell 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 O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-108 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-108 adopted.

ORDINANCE NO. 2014-109: AN ORDINANCE ENACTING NEW SECTION 505.22 OF THE GENERAL OFFENSES CODE AS TO DEER

FEEDING.

Council President Killeen referred Ordinance No. 2014-109 to the safety committee.

ORDINANCE NO. 2014-110: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED URBAN COUNTY COOPERATION AGREEMENT.

Councilmember Getsay 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 Appel moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-110 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-110 adopted.

ORDINANCE NO. 2014-111: AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WESTLAKE A PROPOSED AMENDMENT TO ARTICLE VII, SECTION 3 OF THE CITY CHARTER TO AMEND THE PETITION FILING DEADLINE OF DECLARATION OF CANDIDACY TO COMPLY WITH THE STATE OF OHIO LEGISLATION CHANGES, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2014-112: AN ORDINANCE AMENDING AND SUPPLEMENTING SUBSECTION 333.03(b) OF THE TRAFFIC CODE AS TO THE SPEED LIMIT ON A PORTION OF CROCKER ROAD.

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2014-113 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Ordinance No. 2014-113 added to agenda.

ORDINANCE NO. 2014-113: AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF LAW TO SETTLE LITIGATION IN REGARD TO CASE NO. 2013-ADV-189709, AND DECLARING AN EMERGENCY.

Councilmember Brady 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 Brady moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-113 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2014-113 adopted.

**MISCELLANEOUS:**

Mayor Clough inquired as to Council's availability to schedule the city retreat during the fourth week of September.

**ADJOURNMENT:**

President of Council Killeen declared the meeting adjourned at 8:30 p.m.

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Denise L. Rosenbaum  
Clerk of Council

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Michael F. Killeen  
President of Council