



**WESTLAKE CITY COUNCIL MEETING
OCTOBER 2, 2014
PROCEEDINGS OF A REGULAR SESSION**

The regular session of Council was called to order at 8:02 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, Deputy Service Director Chris Stuhm, Director of Engineering Robert Kelly, Finance Director Prashant Shah, Recreation Director Bob DeMinico, 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 Nunnari, that the reading of the minutes of the regular session of September 18, 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 September 29, 2014, requesting authorization to sell the listed items through the GovDeals auction site for the reserve amount listed or higher.

Councilmember O'Donnell moved, seconded by Councilmember Appel, to authorize the administration to sell the listed items plus two additional items (tow-behind leaf machines) through the GovDeals auction site for the reserve amount listed or higher.

Yeas: All.

Nays: None; motion carried.

Communication from Mayor Clough dated September 30, 2014, requesting to amend Ordinance No. 2014-93 as additional funds are needed to complete work on the 2014 concrete pavement rehab with asphalt overlay project. (Ordinance No. 2014-139)

Communication from Mayor Clough dated September 30, 2014, requesting a meeting of the Safety/Utilities committee to discuss the potential of becoming a Northeast Ohio Public Energy Council (NOPEC) community in order to enter into a contract for natural gas and electric aggregation. Council President Killeen referred this item to the Safety/Utilities committee.

PETITIONS FROM THE PUBLIC:

Brian Thompson, 2156 Walter Road, suggested that the city conduct a survey of residents on the reduction of the deer population in Westlake, much like was done regarding the city trash collection. He submitted a sample survey that could be posted on the city's website or be picked up at city hall for residents to give their input on this issue.

Council President Killeen responded that Council needs to determine the scope of the issue because of the damage to landscaping and the safety hazard that deer-related accidents create. While he values the input of residents, more time is needed to decide how to address this issue on an area basis.

Ron Mills, 30023 Persimmon Drive, distributed an article on various ways of dealing with deer from the National Parks Conservancy. While he appreciates the deer, he realizes that there is a population problem. He supported culling and opposed the proposed ordinance (Ordinance No. 2014-109) as it would pit neighbor against neighbor.

Mayor Clough, who is a member of a committee of the Cuyahoga County Mayors and Managers Association dealing with this issue, gave an update and stated that they are working on sending a letter to the governor seeking assistance to deal with the deer population. He stated that Brecksville and Solon are currently handling the situation by doing culling in different ways. He will continue to update Council as to various approaches by surrounding cities.

Councilmember Brady commented on how the city of Solon addresses this issue – they have a deer feeding ordinance but it is only effective during the culling process. He is not in favor of the proposed ordinance to ban feeding of deer in Westlake. Rather he encouraged further working with the committee for culling options.

Councilmember Nunnari expressed the need to do something, and passing the ordinance would be a starting point while working with surrounding communities and the State.

REPORT OF THE MAYOR:

Mayor Clough read his seventeenth report of the year.

REPORTS OF ADMINISTRATIVE OFFICIALS:

Law Director John Wheeler reported on the status of a tax abatement clawback case stating that the city was successful and will begin collection efforts to recover the taxes abated.

REPORTS OF STANDING COMMITTEES – SAFETY/UTILITIES COMMITTEE:

Councilmember O'Donnell reported on the September 22, 2014, Safety/Utilities committee meeting.

Councilmember O'Donnell moved, seconded by Councilmember Appel, that the report of the September 22, 2014, Safety/Utilities committee meeting be received and filed.

Yeas: All.

Nays: None; motion carried.

Councilmember Sullivan stated that he has since changed his position on Ordinance No. 2014-109 and that he is no longer in favor of it due to the practicality and enforcement thereof. He is in favor of a more comprehensive approach that the Mayor is discussing with the Mayors and Managers Association.

COMMITTEE OF THE WHOLE:

President of Council Killeen reported on the Committee of the Whole meeting held this date at 7:32 p.m. Present were Councilmembers Killeen, Appel, Nunnari, Sullivan, O'Donnell, Brady, Getsay. Also present were Mayor Clough; Directors Wheeler, Stuhm (Deputy), Kelly, Shah, DeMinico, Surber, Grayem, Gadd, Bielozer, Hughes and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence and scheduling the public hearing for Ordinance No. 2013-197 on October 16. The following meetings were re-announced: Planning/Zoning/Legislative committee, October 7 at 6:30 p.m.; Service, Streets, Sidewalks, Road Drains committee, October 7 at 7 p.m.; Ad Hoc Information Technology committee, October 8 at 7 p.m.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, to adjourn at 7:54 p.m.

Yeas: All.

Nays: None; motion carried.

Meeting immediately adjourned at 7:54 p.m.

Council President Killeen set a public hearing on Ordinance No. 2013-197 for October 16, 2014, at which time the corresponding Livingston Villas Development Plan will also be considered.

Council President Killeen commented to the Mayor regarding RTA police cars having cameras since the issue of having exterior cameras on Westlake police cars to read license plates has come up in the past. He suggested the Mayor might want to inquire of the RTA board as to why they are doing this.

REPORTS OF OTHER BOARDS AND COMMISSIONS:

None.

LEGISLATION:

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

FEEDING. (First reading and referred to safety committee 7/3/14, second reading 7/17/14.)

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2014-109 be adopted.

Councilmember Getsay commented that a more comprehensive solution to the deer issue is needed, one that does not pit neighbor against neighbor, and he is not in favor of this ordinance.

ROLL CALL ON ADOPTION:

Yeas: Nunnari, O'Donnell, Appel.

Nays: Sullivan, Brady, Getsay, Killeen; Ordinance No. 2014-109 defeated.

ORDINANCE NO. 2014-126: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) 2014 PIERCE VELOCITY CF 100 AERIAL APPARATUS DEMO UNIT WITH SELECTED OPTIONS FOR THE FIRE DEPARTMENT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY. (First reading and referred to safety committee 9/4/14, second reading 9/18/14.)

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2014-126 be removed from the agenda.

ROLL CALL ON REMOVING FROM AGENDA:

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

Nays: None; Ordinance No. 2014-126 removed from agenda.

ORDINANCE NO. 2014-137: AN ORDINANCE ACCEPTING THE STATE OF OHIO EMERGENCY MANAGEMENT AGENCY HAZARD MITIGATION GRANT. (First reading 9/18/14.)

ORDINANCE NO. 2014-138: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.

Councilmember Getsay moved, seconded by Councilmember Brady, 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: O'Donnell, Brady, Getsay, Killeen, Appel, Nunnari, Sullivan.

Nays: None; motion carried.

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2014-138 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-138 adopted.

ORDINANCE NO. 2014-139: AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO. 2014-75 AS TO A CONTRACT WITH SPECIALIZED CONSTRUCTION, AND DECLARING AN EMERGENCY.

Councilmember Getsay 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 Getsay moved, seconded by Councilmember Brady, that Ordinance No. 2014- be amended in the third Whereas clause by changing “two” to “one” change order and striking “and Westlake Community Services Department” and changing the amount in Section 3 to \$3,177,529.55.

ROLL CALL ON AMENDMENT:

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

Nays: None; Ordinance No. 2014-139 amended.

Councilmember Getsay moved, seconded by Councilmember O’Donnell, that Ordinance No. 2014-139 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-139 amended, adopted.

ORDINANCE NO. 2014-140: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE CITY HALL EMPLOYEES’ ASSOCIATION, 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 Getsay moved, seconded by Councilmember Appel, that Ordinance No. 2014-140 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-140 adopted.

MISCELLANEOUS:

None.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 8:48 p.m.

Denise L. Rosenbaum
Clerk of Council

Michael F. Killeen
President of Council