



**WESTLAKE CITY COUNCIL MEETING
NOVEMBER 6, 2014
PROCEEDINGS OF A REGULAR SESSION**

The regular session of Council was called to order at 8:00 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 Brady, that the reading of the minutes of the regular session of October 16, 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 October 21, 2014, for new C1, C2, permits for Ganesha Food Inc., dba Convenient Food Mart, 29233 Center Ridge Road, Westlake, Ohio.

Councilmember Brady moved, seconded by Councilmember Sullivan, not to object to new C1, C2, permits for Ganesha Food Inc., dba Convenient Food Mart, 29233 Center Ridge Road, Westlake, Ohio.

Yeas: All.

Nays: None; motion carried.

Text amendment request received from Kennedy Craft Beer LLC on November 3, 2014, revised on November 5, 2014, to amend §1218.03(h)(3) to include a tasting room for retail sales of

microbrewed beer for on premises and take-home consumption. Council President Killeen referred this request to the Planning/Zoning/Legislative committee.

Communication from Mayor Clough dated October 27, 2014, requesting authorization to purchase office supplies through the State of Ohio cooperative purchasing program from Staples in an amount not to exceed \$30,000.00 for the 2014 calendar year. (Ordinance No. 2014-153)

Communication from Mayor Clough dated October 27, 2014, requesting authorization to purchase the Watch Guard In-Car camera system and related equipment through the General Services Administration purchasing program through CompuTech for a project total not to exceed \$55,000.00. (Ordinance No. 2014-149)

Communication from Mayor Clough dated October 27, 2014, requesting authorization to purchase fire apparatus and fire service related loose equipment from Finley Fire Equipment Co. in an amount not to exceed \$30,000.00 for the 2014 calendar year. (Ordinance No. 2014-151)

Communication from Mayor Clough dated October 27, 2014, requesting authorization to purchase the annual maintenance for the computer aided design (CAD) system from SunDance Systems in an amount not to exceed \$11,500.00. (Ordinance No. 2014-150)

Communication from Mayor Clough dated October 29, 2014, requesting authorization to purchase software through the State of Ohio cooperative purchasing program from SHI International Corp. in an amount not to exceed \$40,000.00 for the 2014 calendar year. (Ordinance No. 2014-152)

Communication from Director of Inspections Donald Grayem dated November 3, 2014, stating that George Schindler from Hospitality Restaurants is requesting a revision of the existing conditional use permit for Crocker Road Hospitality LLC dba Rosewood Grill at Reserve Office Park, 2035 Crocker Road. Council President Killeen referred this request to the Planning/Zoning/Legislative committee.

Communication from Mayor Clough dated November 3, 2014, requesting authorization to purchase one 2015 Chevrolet Tahoe 4WD and related safety equipment through the State of Ohio cooperative purchasing program from Byers Chevrolet and related safety equipment through Statewide Emergency Products in an amount not to exceed \$43,500.00. (Ordinance No. 2014-156)

Communication from Mayor Clough dated November 3, 2014, requesting authorization to sell the surplus and seized items listed through the GovDeals on-line auction site for the reserve amount listed or higher.

Councilmember Brady moved, seconded by Councilmember Sullivan, to authorize the administration to sell the surplus and seized items listed through the GovDeals on-line auction site for the reserve amount listed or higher.

Yeas: All.

Nays: None; motion carried.

Communication from Director of Inspections Donald Grayem dated November 6, 2014, stating that Colleen Murnane, from Frantz Ward LLP, counsel for Kennedy Craft Beer LLC, is

requesting a conditional use permit to allow for mobile food vending outside a microbrewery located on the microbrewery's property, 29305 Clemens Road, for public consumption in the microbrewery. Council President Killeen referred this request to the Planning/Zoning/Legislative committee.

PETITIONS FROM THE PUBLIC:

Ken Krauss, 3045 Oakwood, requested that Council reconsider the deer feeding ordinance that had been defeated.

Discussion ensued with Mayor Clough giving an update on the status of the letter being prepared to send to the State for assistance in the matter of deer population management. Information has been gathered from the cities of Solon and Brecksville on their methods of culling. Various councilmembers and Law Director Wheeler commented on the topic and options being considered.

REPORT OF THE MAYOR:

Mayor Clough read his nineteenth report of the year.

REPORTS OF ADMINISTRATIVE OFFICIALS:

None.

REPORTS OF STANDING COMMITTEES – COMMITTEE OF THE WHOLE:

President of Council Killeen reported on the Committee of the Whole meeting held this date at 7:31 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, Surber, Grayem, Gadd, Biezozer, Hughes and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence, two planning commission items (Livingston Villas development plan and Texas de Brazil) and the upcoming city retreat. The following meetings were scheduled: Planning/Zoning/Legislative committee, November 11 at 7 p.m.; Finance committee, December 13 at 8:30 a.m. (all-day budget hearings); Committee of the Whole, January 27, 2015, at 7 p.m. (tentative).

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, to adjourn at 7:45 p.m.

Yeas: All.

Nays: None; motion carried.

Meeting immediately adjourned at 7:45 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS – PLANNING COMMISSION ITEMS:

Councilmember Getsay moved, seconded by Councilmember Brady, to refer the **Livingston Villas development plan** back to the planning commission.

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

Nays: None; motion carried.

At the October 16, 2014, Council meeting, the approval of the Texas de Brazil Storefront did not include an additional condition listed separately in the report of the October 6, 2014, planning commission relative to the materials board.

Councilmember Getsay moved, seconded by Councilmember Brady, to approve the **Texas de Brazil Storefront** with the additional condition that the materials board be submitted and administratively approved by planning staff as listed in the report of the October 6, 2014, planning commission.

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

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2014-148: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.

Councilmember Getsay moved, seconded by Councilmember O'Donnell, 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. 2014-148 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-148 adopted.

ORDINANCE NO. 2014-149: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE THE WATCH GUARD IN-CAR CAMERA SYSTEM AND RELATED EQUIPMENT, AND DECLARING AN EMERGENCY.

Councilmember Brady 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. 2014-149 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-149 adopted.

ORDINANCE NO. 2014-150: AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY SUNDANCE SYSTEMS FOR CAD SYSTEM MAINTENANCE, 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 Nunnari moved, seconded by Councilmember Sullivan, that Ordinance No. 2014-150 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-150 adopted.

ORDINANCE NO. 2014-151: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE FIRE APPARATUS PARTS AND SERVICE EQUIPMENT FROM FINLEY FIRE EQUIPMENT, 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 Sullivan, that Ordinance No. 2014-151 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-151 adopted.

ORDINANCE NO. 2014-152: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE SOFTWARE FROM SHI INTERNATIONAL CORPORATION THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM FOR CALENDAR YEAR 2014, 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 Nunnari moved, seconded by Councilmember Sullivan, that Ordinance No. 2014-152 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-152 adopted.

ORDINANCE NO. 2014-153: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE OFFICE SUPPLIES FROM STAPLES FOR CALENDAR YEAR 2014, AND DECLARING AN EMERGENCY.

Councilmember Nunnari moved, seconded by Councilmember O'Donnell, 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. 2014-153 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-153 adopted.

ORDINANCE NO. 2014-154: AN ORDINANCE APPROVING AND ACCEPTING A CONSOLIDATION AND DEDICATION PLAT FROM SOVRAN ACQUISITION LIMITED PARTNERSHIP FOR PROPERTY LOCATED AT 24940 DETROIT ROAD IN THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Appel 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: All.

Nays: None; motion carried.

Councilmember Appel moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-154 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-154 adopted.

RESOLUTION NO. 2014-155: A RESOLUTION REQUESTING THE FISCAL OFFICER OF CUYAHOGA COUNTY TO ADVANCE FUNDS TO THE CITY OF WESTLAKE, OHIO, AND DECLARING AN EMERGENCY.

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 Sullivan moved, seconded by Councilmember Nunnari, that Resolution No. 2014-155 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Resolution No. 2014-155 adopted.

ORDINANCE NO. 2014-156: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW CHEVROLET TAHOE 4WD 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 O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-156 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-156 adopted.

MISCELLANEOUS:

None.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 8:29 p.m.

Denise L. Rosenbaum
Clerk of Council

Michael F. Killeen
President of Council