



**WESTLAKE CITY COUNCIL MEETING
PROCEEDINGS OF A REGULAR SESSION
JANUARY 6, 2015**

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, 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 December 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 December 19, 2014, requesting authorization to seek financial assistance from the State of Ohio for a Clean Ohio Conservation Fund grant for the rehabilitation of existing detention basins (Costello and Woodpath basins) and that proper legislation be prepared. (Resolution No. 2015-10)

Notice from Ohio Division of Liquor Control received December 22, 2014, for new D2, D3 and D3A permits for GTO Ventures LLC, 24940 Sperry Drive, Westlake, Ohio.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, not to object to new D2, D3 and D3A permits for GTO Ventures LLC, 24940 Sperry Drive, Westlake, Ohio.

Yeas: All.

Nays: None; motion carried.

Notice from Ohio Division of Liquor Control received January 2, 2015, for transfer of D5I, D6 permits from Primo Foods Ltd & Patio, 25048 Sperry Drive, Westlake, Ohio to D3 Investment Group LLC & Patio, 25048 Sperry Drive, Westlake, Ohio.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, not to object to transfer of D5I, D6 permits from Primo Foods Ltd & Patio, 25048 Sperry Drive, Westlake, Ohio to D3 Investment Group LLC & Patio, 25048 Sperry Drive, Westlake, Ohio.

Yeas: All.

Nays: None; motion carried.

Communication from Mayor Clough dated January 2, 2015, requesting authorization to participate with the Ohio Department of Administration (ODAS), Ohio Department of Transportation (ODOT), General Services Administrative (GSA), U.S. Communities, National Joint Powers Alliance (NJPA), National Institute of Government Purchasers (NIGP), and any other governmental coop programs. (Ordinance No. 2015-6)

Communication from Mayor Clough dated January 2, 2015, requesting authorization to sell the listed surplus and seized items through the GovDeals on-line auction site for the reserve amount listed or higher.

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

Yeas: All.

Nays: None; motion carried.

Communication from Mayor Clough dated January 5, 2015, requesting confirmation of the reappointment of Dan Meehan to the planning commission with a new term expiring on December 31, 2018.

Councilmember Getsay moved, seconded by Councilmember Brady, to confirm the reappointment of Dan Meehan to the planning commission with a new term expiring on December 31, 2018.

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

Nays: None; motion carried.

Communication from Mayor Clough dated January 5, 2015, requesting confirmation of the reappointment of Matthew Jones to the Board of Zoning Appeals with a new term expiring on December 31, 2018.

Councilmember O'Donnell moved, seconded by Councilmember Sullivan, to confirm the reappointment of Matthew Jones to the Board of Zoning Appeals with a new term expiring on December 31, 2018.

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

Nays: None; motion carried.

Communication from Mayor Clough dated January 5, 2015, requesting confirmation of the reappointment of Craig Catanzarite to the Board of Building Appeals with a new term expiring on December 31, 2018.

Councilmember Appel moved, seconded by Councilmember Nunnari, to confirm the reappointment of Craig Catanzarite to the Board of Building Appeals with a new term expiring on December 31, 2018.

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

Nays: None; motion carried.

PETITIONS FROM THE PUBLIC:

None.

REPORT OF THE MAYOR:

Mayor Clough read his first report of the year.

REPORTS OF ADMINISTRATIVE OFFICIALS:

None.

REPORTS OF STANDING COMMITTEES – PLANNING/ZONING/LEGISLATIVE COMMITTEE:

Councilmember Sullivan reported on the December 22, 2014, Planning/Zoning/Legislative committee meeting.

Councilmember Sullivan moved, seconded by Councilmember Brady, that the report of the December 22, 2014, Planning/Zoning/Legislative committee 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, Surber, Grayem, Gadd, Bielozzer, Hughes and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence, proposed legislation to be added to the agenda and the Cleveland water agreement. The following meetings were either scheduled or re-announced: Finance committee, January 20 at 7 p.m.; Committee of the Whole, January 27 at 7 p.m.

Council President Killeen re-announced that a public hearing on Ordinance No. 2014-168 is scheduled for January 15, 2015; set a public hearing on Ordinance No. 2014-162 for February 5, 2015; and announced that the Council committee assignments for 2015 will remain the same as in the latter half of 2014 except that Councilmember Lynda Appel will become the Recreation Commission representative.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, to adjourn at 7:48 p.m.

Yeas: All.

Nays: None; motion carried.

Meeting immediately adjourned at 7:48 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS – PLANNING COMMISSION:

Council President Killeen advised that the January 5, 2015, planning commission meeting had been cancelled.

LEGISLATION:

ORDINANCE NO. 2014-173: AN ORDINANCE APPROVING THE
(THIRD READING) PRELIMINARY PLAN OF THE MALLARD COVE
SUBDIVISION EXTENSION IN THE CITY OF
WESTLAKE. (First reading 12/4/14, second reading
12/18/14.)

Councilmember Getsay moved, seconded by Councilmember Brady, that Ordinance No. 2014-173 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-173 adopted.

ORDINANCE NO. 2015-1: AN ORDINANCE AMENDING CHAPTER 169 OF THE
ADMINISTRATIVE CODE AS TO PERSONNEL IN THE
COMMUNITY SERVICES DEPARTMENT, 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 Getsay moved, seconded by Councilmember Brady, that Ordinance No. 2015-1 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-1 adopted.

ORDINANCE NO. 2015-2: AN ORDINANCE AUTHORIZING THE DIRECTOR OF
FINANCE TO PAY TO THE CITY OF CLEVELAND,
DIVISION OF WATER, THE CITY OF WESTLAKE'S
ANNUAL CHARGE FOR FIRE HYDRANT USAGE, 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 Sullivan moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-2 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-2 adopted.

ORDINANCE NO. 2015-3: AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A HEALTH EDUCATION AND BODY CONDITIONING COMPANY.

Council President Killeen referred Ordinance No. 2015-3 to the planning commission.

ORDINANCE NO. 2015-4: AN ORDINANCE ACCEPTING PERMANENT TRAFFIC CONTROLLER, LOOP DETECTOR AND UTILITY EASEMENT FROM VINTAGE GLEN CONDOMINIUM OWNERS' ASSOCIATION, INC.

Councilmember Brady 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 Brady moved, seconded by Councilmember Getsay, that Ordinance No. 2015-4 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-4 adopted.

ORDINANCE NO. 2015-5: AN ORDINANCE ACCEPTING PERMANENT TRAFFIC CONTROLLER, LOOP DETECTOR AND UTILITY EASEMENT FROM THE WYNDGATE CLUB CONDOMINIUMS UNIT OWNERS' ASSOCIATION, INC.

Councilmember Brady 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 Brady moved, seconded by Councilmember Getsay, that Ordinance No. 2015-5 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-5 adopted.

ORDINANCE NO. 2015-6: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PURCHASING TO CONTINUE TO PARTICIPATE IN THE OHIO DEPARTMENT OF ADMINISTRATION (ODAS), OHIO DEPARTMENT OF TRANSPORTATION (ODOT), GENERAL SERVICES ADMINISTRATION (GSA), U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE, NATIONAL JOINT POWERS ALLIANCE (NJPA), NATIONAL INSTITUTE OF GOVERNMENT PURCHASERS (NIGP), AND ANY OTHER GOVERNMENTAL COOPERATIVE PROGRAMS, 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. 2015-6 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-6 adopted.

ORDINANCE NO. 2015-7: AN ORDINANCE FIXING THE COMPENSATION OF SALARIED AND HOURLY RATE EMPLOYEES IN THE SEVERAL DEPARTMENTS OF THE CITY OF WESTLAKE, AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

Council President Killeen referred Ordinance No. 2015-7 to the finance committee.

ORDINANCE NO. 2015-8: AN ORDINANCE ESTABLISHING THE COMPENSATION FOR THE MAYOR AND DIRECTOR OF LAW FOR THE CITY OF WESTLAKE.

Council President Killeen referred Ordinance No. 2015-8 to the finance committee.

ORDINANCE NO. 2015-9: AN ORDINANCE FIXING THE COMPENSATION OF SALARIED AND HOURLY RATE EMPLOYEES IN THE SEVERAL DEPARTMENTS OF THE CITY OF WESTLAKE, AND REPEALING ALL OTHER

ORDINANCES IN CONFLICT HEREWITH.

Council President Killeen referred Ordinance No. 2015-9 to the finance committee.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Resolution No. 2015-10 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Resolution No. 2015-10 added to agenda.

RESOLUTION NO. 2015-10: A RESOLUTION AUTHORIZING THE MAYOR TO SEEK FINANCIAL ASSISTANCE FROM THE STATE OF OHIO FOR A CLEAN OHIO CONSERVATION FUND GRANT FOR THE REHABILITATION OF EXISTING DETENTION BASINS, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell 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 O'Donnell moved, seconded by Councilmember Nunnari, that Resolution No. 2015-10 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Resolution No. 2015-10 adopted.

MISCELLANEOUS:

None.

ADJOURNMENT:

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

Denise L. Rosenbaum
Clerk of Council

Michael F. Killeen
President of Council