



**WESTLAKE CITY COUNCIL MEETING
PROCEEDINGS OF A REGULAR SESSION
MAY 7, 2015**

The regular session of Council was called to order at 8:01 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 Nunnari, that the reading of the minutes of the regular session of April 16, 2015, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Rezoning application from Luke McConville, agent for Crocker Professionals, LLC, received April 24, 2015, requesting to change the zoning of permanent parcel number 217-26-002 from office building and single family residential to entirely office building for the proposed construction of a medical arts office building. Council President Killeen referred this request to the Planning, Zoning, Legislative committee.

Text amendment request from David Holtz received May 4, 2015, to add commercial indoor shooting range to the schedule of permitted uses §1218.03. Council President Killeen referred this request to the Planning, Zoning, Legislative committee.

Communication from Mayor Clough dated May 4, 2015, requesting authorization to accept the bid of Specialized Construction in the amount of \$1,430,014.00 as the lowest and most

responsive bid for the 2015 asphalt pavement rehabilitation with asphalt overlay project.
(Ordinance No. 2015-66)

Communication from Mayor Clough dated May 4, 2015, requesting authorization to accept the proposal of Lifespan Design Studio in the amount of \$53,835.00 as the most responsive proposal for the Westlake Center for Community Services space programming and feasibility study.
(Ordinance No. 2015-67)

Communication from Mayor Clough dated May 4, 2015, requesting authorization to accept the bid of Specialized Construction in the amount of \$1,246,434.00 as the lowest and most responsive bid for the 2015 concrete pavement rehabilitation with asphalt overlay project.
(Ordinance No. 2015-65)

Communication from Mayor Clough dated May 4, 2015, requesting authorization to sell the listed items through the GovDeals auction site for the reserve amount listed or higher.

Councilmember Nunnari moved, seconded by Councilmember Sullivan, to authorize the administration to sell the listed items through the GovDeals auction site for the reserve amount listed or higher.

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

Nays: None; motion carried.

Communication from Mayor Clough dated April 29, 2015, requesting authorization to accept the bid of Specialized Construction in the amount of \$224,845.00 as the lowest and most responsive bid for the 2015 pavement crack and joint sealing hot applied project. (Ordinance No. 2015-62)

Communication from Mayor Clough dated April 29, 2015, requesting authorization to accept the bid of A&J Contractors, Inc. in the amount \$267,580.00 as the lowest and most responsive bid for the 2015 catch basin rehabilitation project. (Ordinance No. 2015-63)

Communication from Mayor Clough dated May 4, 2015, requesting authorization to accept the bid of DiGioia Suburban Excavating in the amount of \$1,943,147.00 as the lowest and most responsive bid for the 2015 waterline replacement and roadway rehabilitation – Hedgewood and Smith avenues – project. (Ordinance No. 2015-69)

Communication from Mayor Clough dated May 4, 2015, requesting authorization for the second application option of the 2014 bid for the pavement markings of certain streets and highways project with Dura Mark, Inc. in an amount not to exceed \$218,500.00. (Ordinance No. 2015-68)

Notice from Ohio Division of Liquor Control received May 5, 2015, to transfer D1, D2, D3, D3A, D6 permits from Westlake Bistro Group Inc. & Patio & Volleyball Court, 23800 Detroit Road, Westlake, Ohio, to Felix & Oscars LLC & Patio & Volleyball Court, 23800 Detroit Road, Westlake, Ohio.

Councilmember Brady moved, seconded by Councilmember Appel, not to object to transfer D1, D2, D3, D3A, D6 permits from Westlake Bistro Group Inc. & Patio & Volleyball Court, 23800 Detroit Road, Westlake, Ohio, to Felix & Oscars LLC & Patio & Volleyball Court, 23800 Detroit Road, Westlake, Ohio.

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

Nays: None; motion carried.

Communication from Mayor Clough dated May 6, 2015, requesting authorization to solicit proposals for professional engineering services for the Clague Park Master Plan Refinement Study and Aquatic Center Design contract.

Councilmember O'Donnell moved, seconded by Councilmember Appel, to authorize the administration to solicit proposals for professional engineering services for the Clague Park Master Plan Refinement Study and Aquatic Center Design contract.

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 ninth report of the year.

Council President Killeen announced that Council will recess this year during the month of August.

REPORTS OF STANDING COMMITTEES – SAFETY/UTILITIES COMMITTEE:

Councilmember O'Donnell reported on the April 21, 2015, Safety/Utilities committee meeting.

Councilmember O'Donnell moved, seconded by Councilmember Appel, that the report of the April 21, 2015, Safety/Utilities committee meeting be received and filed.

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

Nays: None; motion carried.

PLANNING/ZONING/LEGISLATIVE COMMITTEE:

Councilmember Sullivan reported on the April 28, 2015, Planning/Zoning/Legislative committee meeting.

Councilmember Sullivan moved, seconded by Councilmember Getsay, that the report of the April 28, 2015, Planning/Zoning/Legislative committee meeting be received and filed.

Yeas: Brady, Getsay, Killeen, Appel, Nunnari, Sullivan.

Abstentions: O'Donnell.

Nays: None; motion carried.

PUBLIC GROUNDS, BUILDINGS AND RECREATION COMMITTEE:

Councilmember Brady reported on the April 28, 2015, Public Grounds, Buildings and Recreation committee meeting.

Councilmember Brady moved, seconded by Councilmember Appel, that the report of the April 28, 2015, Public Grounds, Buildings and Recreation committee meeting be received and filed.

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

Nays: None; motion carried.

FINANCE COMMITTEE:

Council President Killeen reported on the April 28, 2015, Finance committee meeting.

Councilmember Getsay moved, seconded by Councilmember Sullivan, that the report of the April 28, 2015, Finance committee meeting be received and filed.

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

Nays: None; motion carried.

COMMITTEE OF THE WHOLE:

President of Council Killeen reported on the Committee of the Whole meeting held this date at 7:31 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, Bielozer, Hughes and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence and the Hilliard flower box planting. No meetings were scheduled.

Councilmember O'Donnell 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.

LEGISLATION:

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. (First reading 7/3/14, second reading and referred to planning/zoning/legislative committee 7/17/14.)

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2014-111 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Nays: None; Ordinance No. 2014-111 amended by substitution.

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2014-111 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-111 amended, adopted.

ORDINANCE NO. 2014-112: AN ORDINANCE AMENDING AND SUPPLEMENTING
(THIRD READING) SUBSECTION 333.03(b) OF THE TRAFFIC CODE AS TO
THE SPEED LIMIT ON A PORTION OF CROCKER ROAD.
(First reading 7/3/14, second reading 7/17/14, removed from
agenda and referred to safety committee 9/4/14.)

Mayor Clough and Councilmember Nunnari commented in favor of this ordinance.
Councilmembers Brady, Getsay and Sullivan commented in opposition of it, citing safety and consistency concerns. The speed limit on this portion of Crocker Road may be revisited in the future.

Councilmember Getsay moved, seconded by Councilmember O'Donnell, that Ordinance No. 2014-112 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Nunnari.

Nays: Appel, Sullivan, O'Donnell, Brady, Getsay, Killeen; Ordinance No. 2014-112 defeated.

ORDINANCE NO. 2015-35: AN ORDINANCE SUPPLEMENTING CHAPTER 521
(THIRD READING) "HEALTH, SAFETY AND SANITATION" OF THE
CODIFIED ORDINANCES, AND DECLARING AN
EMERGENCY. (First reading and referred to Safety
committee 3/5/15, second reading 3/19/15.)

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2015-35 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Nunnari.

Nays: Sullivan, O'Donnell, Brady, Getsay, Killeen, Appel; Ordinance No. 2015-35 defeated.

ORDINANCE NO. 2015-56: AN ORDINANCE AUTHORIZING THE MAYOR TO
(SECOND READING) ENTER INTO THE MARKET SQUARE OPERATION AND
MAINTENANCE AGREEMENT WITH CROCKER PARK
MANAGEMENT, LLC, AND DECLARING AN
EMERGENCY. (First reading and referred to Public Grounds,
Buildings, Recreation committee 4/16/15.)

ORDINANCE NO. 2015-58: AN ORDINANCE TO REVISE THE CODIFIED
ORDINANCES BY ADOPTING CURRENT
REPLACEMENT PAGES.

Councilmember Sullivan 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 Brady, that Ordinance No. 2015-58 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-58 adopted.

ORDINANCE NO. 2015-59: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATION AGREEMENT WITH THE COUNTY OF CUYAHOGA, OHIO AS TO THE RESURFACING OF BRADLEY ROAD, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell 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 O'Donnell moved, seconded by Councilmember Getsay, that Ordinance No. 2015-59 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-59 adopted.

ORDINANCE NO. 2015-60: AN ORDINANCE SUPPLEMENTING SUBSECTION (a) OF SECTION 313.11 ENTITLED "RIGHT TURNS ON RED PROHIBITED," 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 Appel moved, seconded by Councilmember Sullivan, that Ordinance No. 2015-60 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-60 adopted.

ORDINANCE NO. 2015-61: 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 Appel moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-61 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-61 adopted.

ORDINANCE NO. 2015-62: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SPECIALIZED CONSTRUCTION FOR THE 2015 CRACK & JOINT SEALING PROJECT FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell 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 O'Donnell moved, seconded by Councilmember Sullivan, that Ordinance No. 2015-62 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-62 adopted.

ORDINANCE NO. 2015-63: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH A&J CEMENT CONTRACTORS, INC. FOR THE 2015 CATCH BASIN REHABILITATION PROJECT FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell 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. 2015-63 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-63 adopted.

ORDINANCE NO. 2015-64: AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE ZONE MAP OF THE CITY OF WESTLAKE, WHICH ZONE MAP IS PART OF THE ZONING CODE OF THE CITY OF WESTLAKE, BY CHANGING THE ZONING OF CERTAIN LAND LOCATED NEAR CROCKER ROAD, BEING PERMANENT PARCEL NO. 211-29-006 FROM R-1F-80 DISTRICT TO AUTOMOBILE PARKING DISTRICT.

Council President Killeen referred Ordinance No. 2015-64 to the planning commission.

ORDINANCE NO. 2015-65: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SPECIALIZED CONSTRUCTION FOR THE 2015 CONCRETE PAVEMENT REHABILITATION WITH ASPHALT OVERLAY FOR THE CITY OF WESTLAKE, 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 Appel moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-65 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-65 adopted.

ORDINANCE NO. 2015-66: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SPECIALIZED CONSTRUCTION FOR THE 2015 ASPHALT PAVEMENT REHABILITATION WITH ASPHALT OVERLAY FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2015-67: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH LIFESPAN DESIGN STUDIO FOR PROFESSIONAL ARCHITECTURAL SERVICES, 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 Sullivan moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-67 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-67 adopted.

ORDINANCE NO. 2015-68: AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO. 2014-105 AS TO THE PAVEMENT MARKINGS WITHIN THE CITY OF WESTLAKE, 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 Nunnari, that Ordinance No. 2015-68 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-68 adopted.

ORDINANCE NO. 2015-69: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH DIGIOIA SUBURBAN EXCAVATING FOR THE 2015 WATERLINE REPLACEMENT AND ROADWAY REHABILITATION FOR HEDGEWOOD AVENUE AND SMITH AVENUE, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell 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. 2015-69 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Brady, Getsay, Killeen, Appel, Nunnari, Sullivan, O'Donnell.
Nays: None; Ordinance No. 2015-69 adopted.

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