



**WESTLAKE CITY COUNCIL MEETING  
PROCEEDINGS OF A REGULAR SESSION  
NOVEMBER 5, 2015**

The regular session of Council was called to order at 8:04 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.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, that Mayor Clough be excused for cause.

Yeas: All.

Nays: None; motion carried.

Also present: 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 Sullivan, that the reading of the minutes of the regular session of October 15, 2015, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

**SELECTED CORRESPONDENCE:**

Communication from Mayor Clough dated November 2, 2015, requesting authorization to purchase supplies and maintenance services from Emerson Network Power for the city's Liebert Uninterrupted Power Supplies (UPS) in an amount not to exceed \$35,000.00 for the 2015 calendar year. (Ordinance No. 2015-139)

Communication from Mayor Clough dated November 2, 2015, requesting authorization to purchase printed materials through Alphagraphics in an amount not to exceed \$30,000.00 for the 2015 calendar year. (Ordinance No. 2015-134)

Communication from Mayor Clough dated November 2, 2015, requesting authorization to purchase one 1998 GMC T6500 cargo van and to trade in a 2000 Freightliner FL50 squad through Farber Specialty Vehicles and to purchase related equipment in an amount not to exceed \$48,000.00. (Ordinance No. 2015-137)

Communication from Mayor Clough dated November 2, 2015, requesting authorization to purchase ammunition and gun supplies through Kiesler Police Supply, Inc. in an amount not to exceed \$30,000.00 for the 2015 calendar year. (Ordinance No. 2015-136)

Communication from Mayor Clough dated November 2, 2015, requesting authorization to purchase one utility body and selected options for 2016 Ford F450 chassis from Fallsway Equipment Company, Inc. in an amount not to exceed \$26,000.00. (Ordinance No. 2015-138)

Communication from Mayor Clough dated November 2, 2015, requesting authorization to purchase office supplies and related items through Kiks Office Partners in an amount not to exceed \$30,000.00 for the 2015 calendar year. (Ordinance No. 2015-135)

Communication from Mayor Clough dated November 2, 2015, requesting authorization to enter into a consulting agreement with Hartman and Associates for the city-wide phone system replacement in an amount not to exceed \$35,000.00. (Ordinance No. 2015-140)

Communication from Mayor Clough dated November 2, 2015, requesting authorization to purchase four new model year Dodge Chargers with selected options through the State of Ohio cooperative purchasing program from Greve Chrysler Dodge Jeep in an amount not to exceed \$98,500.00. (Ordinance No. 2015-141)

Communication from Mayor Clough dated November 3, 2015, requesting authorization to purchase fencing through Columbia Fence in an amount not to exceed \$28,000.00 for the 2015 calendar year. (Ordinance No. 2015-145)

Communication from Mayor Clough dated November 3, 2015, requesting authorization to purchase police vehicle equipment and accessories through the State of Ohio cooperative purchasing program from Statewide Emergency Products in an amount not to exceed \$55,000.00 for the 2015 calendar year. (Ordinance No. 2015-142)

**PETITIONS FROM THE PUBLIC:**

None.

**REPORT OF THE MAYOR:**

Acting Mayor Prashant Shah read the mayor's nineteenth report of the year.

**REPORTS OF STANDING COMMITTEES – SAFETY/UTILITIES COMMITTEE:**

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

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

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

Nays: None; motion carried.

**PLANNING/ZONING/LEGISLATIVE COMMITTEE:**

Councilmember Sullivan reported on the October 29, 2015, Planning/Zoning/Legislative committee meeting.

Councilmember Sullivan moved, seconded by Councilmember Brady, that the report of the October 29, 2015, Planning/Zoning/Legislative committee meeting be received and filed.

Yeas: All.

Nays: None; motion carried.

**SANITATION COMMITTEE:**

Councilmember Nunnari will report on the October 29, 2015, Sanitation committee meeting at the next Council meeting on November 19, 2015.

**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 Directors Wheeler, Quinn, Kelly, Shah, DeMinico, Bedell, Surber, Grayem, Gadd, Bielozer, Hughes and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence, appointing a member of Council to the Board of Review for an appeal of an assessment for city income tax, acknowledging the encouragement from Westside Christian Academy, and re-introducing an ordinance regarding feeding of deer. Also discussed was the procedure to obtain formal approval of expenditures anticipated to exceed \$25,000 with various vendors. In the future, it was requested that the administration simply provide notification and supporting documentation to Council to be read under selected correspondence at a Council meeting. An ordinance is no longer requested. The Clerk was instructed to provide a memo to the administration as to this procedure going forward. It was determined that action would be taken on such ordinances since they were already on the agenda. The following meeting was scheduled: Finance committee, December 5 at 8:30 a.m. for budget hearings.

Councilmember Appel moved, seconded by Councilmember O'Donnell, to adjourn at 7:58 p.m.

Yeas: All.

Nays: None; motion carried.

Meeting immediately adjourned at 7:58 p.m.

Councilmember Brady moved, seconded by Councilmember O'Donnell, to appoint Councilmember Getsay, with Council President Killeen as an alternate if there is a conflict, to be on the Board of Review to hear an appeal of an assessment for city income tax.

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

Nays: None; motion carried.

**LEGISLATION:**

ORDINANCE NO. 2015-121: AN ORDINANCE ALLOWING THE CITY AND PRIVATE CITIZENS TO MANAGE THE WHITE-TAILED DEER POPULATION WITHIN THE CITY OF WESTLAKE AND AMENDING SECTION 505.11 ENTITLED "HUNTING PROHIBITED," AND DECLARING AN EMERGENCY. (First reading 9/17/15.)

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 O'Donnell, that Ordinance No. 2015-121 be amended by substitution of an amended ordinance and with the following additional amendments: Remove "and private citizens" from the title. In the third Whereas clause, replace "...and the residents of the City with as many safe, effective, flexible and feasible tools as possible..." with "...with a deer management program..." In subsection 505.11(c), remove "...or any hunting equipment..." from the second sentence. From the third sentence, remove "...on property owned or managed by the City or, with the consent of the co-owners or co-managers, on property co-owned or co-managed by the City..." and insert "...on city-owned land and..." And in subsection 505.11(c)(2), replace "...law enforcement personnel selected..." with "...safety forces approved..."

**ROLL CALL ON AMENDMENTS:**

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

Nays: None; Ordinance No. 2015-121 amended.

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2015-121 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2015-121 amended, adopted.

ORDINANCE NO. 2015-130: AN ORDINANCE REPEALING SECTION 757.03 AND AMENDING SECTIONS 757.02 AND 757.04 OF CHAPTER 757 "HOTEL REGULATIONS" OF THE BUSINESS REGULATION CODE, AND DECLARING AN EMERGENCY.

The Law department will provide further details as to the definition of permanent residency for this ordinance.

ORDINANCE NO. 2015-131: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.

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 Sullivan moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-131 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2015-131 adopted.

**ORDINANCE NO. 2015-132: AN ORDINANCE AMENDING SUBSECTION (a) AND FOOTNOTE (c) OF SECTION 1218.03 "SCHEDULE OF PERMITTED BUILDINGS AND USES" AS TO OFFICES IN INDUSTRIAL DISTRICTS OF THE ZONING CODE.**

Council President Killeen referred Ordinance No. 2015-132 to the planning commission.

**ORDINANCE NO. 2015-133: AN ORDINANCE AUTHORIZING A 2015 PERSONAL SERVICES AGREEMENT WITH JACOB BARB FOR FITNESS CLASSES AT THE WESTLAKE RECREATION CENTER.**

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 Sullivan moved, seconded by Councilmember Appel, that Ordinance No. 2015-133 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2015-133 adopted.

**ORDINANCE NO. 2015-134: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE PRINTED MATERIALS FROM ALPHAGRAPHICS FOR THE 2015 CALENDAR YEAR, 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 O'Donnell, that Ordinance No. 2015-134 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-134 adopted.

ORDINANCE NO. 2015-135: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE OFFICE SUPPLIES AND RELATED ITEMS FROM KIKS OFFICE PARTNERS FOR CALENDAR YEAR 2015, 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. 2015-135 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-135 adopted.

ORDINANCE NO. 2015-136: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE AMMUNITION AND GUN SUPPLIES FOR THE WESTLAKE POLICE DEPARTMENT FOR CALENDAR YEAR 2015 THROUGH OHIO STATE TERM SCHEDULE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

Councilmember Sullivan 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. 2015-136 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-136 adopted.

ORDINANCE NO. 2015-137: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) 1998 GMC T6500 CARGO VAN FROM FARBER SPECIALTY VEHICLES AND RELATED EQUIPMENT FROM VARIOUS VENDORS FOR A

MOBILE COMMAND VEHICLE FOR THE POLICE  
DEPARTMENT, 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 Brady, that Ordinance No. 2015-137 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-137 adopted.

ORDINANCE NO. 2015-138: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE A TRUCK UTILITY BODY WITH SELECTED OPTIONS FOR THE DEPARTMENT OF PUBLIC SERVICE, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell 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 Sullivan moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-138 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-138 adopted.

ORDINANCE NO. 2015-139: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE UNINTERRUPTED POWER SUPPLIES MAINTENANCE SERVICES AND SUPPLIES FROM EMERSON POWER FOR THE 2015 CALENDAR YEAR, 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 Appel, that Ordinance No. 2015-139 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2015-139 adopted.

**ORDINANCE NO. 2015-140: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONSULTING AGREEMENT WITH HARTMAN AND ASSOCIATES FOR THE CITY-WIDE PHONE SYSTEM REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.**

Councilmember Nunnari 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 Nunnari, that Ordinance No. 2015-140 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2015-140 adopted.

**ORDINANCE NO. 2015-141: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE FOUR (4) NEW MODEL YEAR DODGE CHARGERS AND WITH SELECTED OPTIONS FOR THE POLICE DEPARTMENT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, 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 Appel moved, seconded by Councilmember Sullivan, that Ordinance No. 2015-141 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2015-141 adopted.

**ORDINANCE NO. 2015-142: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE POLICE VEHICLE EQUIPMENT AND ACCESSORIES 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 Nunnari moved, seconded by Councilmember Sullivan, that Ordinance No. 2015-142 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-142 adopted.

ORDINANCE NO. 2015-143: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN EXTENSION AGREEMENT WITH CIUNI & PANICHI, INC. AND THE AUDITOR OF STATE AS TO AUDITING SERVICES FOR THE CITY OF WESTLAKE FOR THE PERIOD JANUARY 1, 2015, THROUGH DECEMBER 31, 2018, 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. 2015-143 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-143 adopted.

ORDINANCE NO. 2015-144: 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 ON THE SOUTH SIDE OF CENTER RIDGE ROAD NEAR DOVER CENTER ROAD, FROM OFFICE BUILDING DISTRICT TO GENERAL BUSINESS DISTRICT.

Council President Killeen referred Ordinance No. 2015-144 to the planning commission.

ORDINANCE NO. 2015-145: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE FENCING FOR THE POLICE DEPARTMENT, 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 Appel, that Ordinance No. 2015-145 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2015-145 adopted.

**ADJOURNMENT:**

President of Council Killeen declared the meeting adjourned at 8:40 p.m.

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Denise L. Rosenbaum  
Clerk of Council

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Michael F. Killeen  
President of Council