



**WESTLAKE CITY COUNCIL MEETING
PROCEEDINGS OF A REGULAR SESSION
MARCH 3, 2016**

The regular session of Council was called to order at 8:10 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.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Councilmembers Brady and Getsay be excused for cause.

Yeas: All.

Nays: None; motion carried.

Also present: Mayor Dennis Clough, Assistant Law Director Robin Leasure, Service Director Paul Quinn, Director of Engineering Robert Kelly, Finance Director Prashant Shah, Planning Director James Bedell, Director of Purchasing Larry Surber, Director of Inspections Donald Grayem, 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 February 18, 2016, be waived and that they be approved as received.

VOICE VOTE:

Yeas: Killeen, Nunnari, Sullivan, O'Donnell.

Abstentions: Appel.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Purchasing Director Larry Surber dated February 22, 2016, listing the 2016 encumbrances with B&C Communications to date.

Communication from Purchasing Director Larry Surber dated February 22, 2016, listing expenditures with Sungard.

Communication from Purchasing Director Larry Surber dated February 22, 2016, listing the 2016 expenditures with KIKS Office Partners.

Communication from Mayor Clough dated February 29, 2016, requesting authorization to accept the bid of Aero-Mark, Inc. in the amount of \$88,909.00 as the lowest and most responsive bid for the 2016 pavement crack and joint sealing hot applied project. (Ordinance No. 2016-24)

Communication from Mayor Clough dated February 29, 2016, requesting authorization to accept the bid of Chagrin Valley Paving in the amount of \$953,740.00 as the lowest and most responsive bid for the 2016 concrete pavement rehab with asphalt overlay and catch basin rehab project. (Ordinance No. 2016-25)

Communication from Mayor Clough dated February 29, 2016, requesting authorization to accept the bid of Westview Concrete as the lowest and most responsive bidder for the concrete and related materials bid. (Ordinance No. 2016-26)

Communication from Mayor Clough dated February 29, 2016, requesting authorization to accept the bids of Kokosing Materials, Inc. and Unique Paving Materials as the lowest and most responsive bidders for the asphalt concrete and bituminous cold mix bid. (Ordinance No. 2016-27)

Communication from Mayor Clough dated February 29, 2016, requesting authorization to accept the bids of Lafarge North America, The Arms Trucking Co. and Kurtz Brothers, Inc. as the lowest and most responsive bidders for the stone, sand, dirt and gravel bid. (Ordinance No. 2016-28)

Communication from Mayor Clough dated February 29, 2016, requesting authorization to accept the bid of Specialized Construction in the amount of \$1,666,631.35 as the lowest and most responsive bid for the 2016 asphalt pavement rehab with asphalt overlay Schwartz and Walter Roads. (Ordinance No. 2016-29)

Communication from Mayor Clough dated February 29, 2016, requesting authorization to accept the bid of Mr. Excavator in the amount of \$3,325,584.09 as the lowest and most responsive bid for the Canterbury and Detroit Roads intersection improvements. (Ordinance No. 2016-30)

Communication from Mayor Clough dated February 29, 2016, requesting authorization to purchase one 2017 Lifeline Medic Squad with selected options through the State of Ohio cooperative purchasing program from Pfund Superior Sales Co. Inc. in an amount not to exceed \$265,000.00. (Ordinance No. 2016-31)

Communication from Mayor Clough dated February 29, 2016, requesting authorization to enter into a contract with Design-Build Services, Inc. for the 2016 roof rehabilitation project at various city buildings for a total of \$1,160,000.00. (Ordinance No. 2016-35)

Communication from Mayor Clough dated February 29, 2016, requesting authorization to enter into a contract with Brilliant Electric Signs for the I-90 Westlake signs for a total cost of \$36,492.00. (Ordinance No. 2016-34)

PETITIONS FROM THE PUBLIC:

None.

REPORT OF THE MAYOR:

Mayor Clough read his fifth report of the year.

REPORTS OF ADMINISTRATIVE OFFICIALS:

Assistant Law Director Leasure read a statement from Law Director John Wheeler, who was not able to attend this evening, regarding the Cleveland water case stating that the court ruled that the water service agreement between Westlake and the city of Cleveland expired in March 2015 and that the city of Cleveland cannot seek to recoup alleged stranded costs from Westlake's residents. Mr. Wheeler thanked the outside counsel, Attorneys Dennis O'Toole and Matthew Dooley, for their excellent legal representation in this case.

REPORTS OF STANDING COMMITTEES – COMMITTEE OF THE WHOLE:

President of Council Killeen reported on the Committee of the Whole meeting held this date at 7:34 p.m. Present were Councilmembers Killeen, Appel, Nunnari (arrived at 7:43 p.m.), Sullivan, O'Donnell. Also present were Mayor Clough; Directors Leasure (Assistant), Quinn, Kelly, Shah, Bedell, Surber, Grayem, Bielozer, Hughes and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence, the Welcome Center in Crocker Park, the upcoming State of the City address, and the reconsideration of Ordinance No. 2015-157. A possible Public Grounds, Buildings, Recreation committee meeting was considered pending consultation with Chairman Brady.

Councilmember O'Donnell moved, seconded by Councilmember Appel, to adjourn at 8:07 p.m.

Yeas: All.

Nays: None; motion carried.

Meeting immediately adjourned at 8:07 p.m.

LEGISLATION:

ORDINANCE NO. 2016-22: AN ORDINANCE PROVIDING FOR THE FUNDING AND DEFEASANCE OF THE CITY'S OUTSTANDING STREET IMPROVEMENT BONDS, SERIES 2005, DATED SEPTEMBER 22, 2005, AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT WITH RESPECT TO THAT DEFEASANCE, TOGETHER WITH RELATED MATTERS, AND DECLARING AN EMERGENCY. (First reading 2/18/16)
(SECOND READING)

Councilmember Appel 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. 2016-22 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-22 adopted.

ORDINANCE NO. 2016-23: AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2015-17 AS TO A PROFESSIONAL SERVICES CONTRACT WITH ENVIRONMENTAL DESIGN GROUP FOR PROFESSIONAL ENGINEERING DESIGN SERVICES, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2016-24: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH AERO-MARK, INC. FOR THE 2016 PAVEMENT CRACK & JOINT SEALING PROJECT FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Appel 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. 2016-24 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-24 adopted.

ORDINANCE NO. 2016-25: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CHAGRIN VALLEY PAVING FOR THE 2016 CONCRETE PAVEMENT WITH ASPHALT OVERLAY AND CATCH BASIN REHABILITATION PROJECT FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Appel 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. 2016-25 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-25 adopted.

ORDINANCE NO. 2016-26: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH WESTVIEW CONCRETE CORPORATION FOR THE PURCHASE OF CONCRETE AND RELATED MATERIALS FOR THE SERVICE DEPARTMENT IN THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Sullivan 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. 2016-26 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-26 adopted.

ORDINANCE NO. 2016-27: AN ORDINANCE ACCEPTING VARIOUS BIDS AND AUTHORIZING THE MAYOR TO ENTER INTO VARIOUS CONTRACTS FOR THE PURCHASE OF ASPHALT CONCRETE AND BITUMINOUS COLD MIX, 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 Sullivan moved, seconded by Councilmember Nunnari, that Ordinance No. 2016-27 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-27 adopted.

ORDINANCE NO. 2016-28: AN ORDINANCE ACCEPTING VARIOUS BIDS AND AUTHORIZING THE MAYOR TO ENTER INTO VARIOUS CONTRACTS FOR THE PURCHASE OF STONE, SAND,

DIRT AND GRAVEL FOR VARIOUS PROJECTS IN THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Sullivan 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 Appel, that Ordinance No. 2016-28 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-28 adopted.

ORDINANCE NO. 2016-29: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SPECIALIZED CONSTRUCTION FOR THE 2016 ASPHALT PAVEMENT REHABILITATION WITH ASPHALT OVERLAY FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Appel 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 O'Donnell, that Ordinance No. 2016-29 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-29 adopted.

ORDINANCE NO. 2016-30: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MR. EXCAVATOR FOR THE CANTERBURY AND DETROIT ROADS INTERSECTION IMPROVEMENT PROJECT FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Appel 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 O'Donnell, that Ordinance No. 2016-30 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-30 adopted.

ORDINANCE NO. 2016-31: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) 2017 FREIGHTLINER M2 LIFE LINE MEDIC SQUAD FOR THE FIRE DEPARTMENT THROUGH THE OHIO STATE TERM SCHEDULE 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 O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2016-31 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-31 adopted.

ORDINANCE NO. 2016-32: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 1814, AFL-CIO, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2016-33: AN ORDINANCE AUTHORIZING THE RELEASE OF THE LIEN OF SPECIAL ASSESSMENTS RELATING TO CERTAIN TOLEDO-LUCAS COUNTY PORT AUTHORITY, SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2003 (CROCKER PARK PUBLIC IMPROVEMENT PROJECT), DATED AS OF DECEMBER 1, 2003, UPON THE HAPPENING OF CERTAIN EVENTS, TOGETHER WITH RELATED MATTERS, 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 O'Donnell, that Ordinance No. 2016-33 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-33 adopted.

ORDINANCE NO. 2016-34: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BRILLIANT ELECTRIC SIGN CO., LTD. FOR DIMENSIONAL LETTER SIGNS ON THE OVERPASS AT CROCKER ROAD AND I-90, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2016-35: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH DESIGN-BUILD SOLUTIONS, INC. FOR THE 2016 ROOF REHABILITATION PROJECT THROUGH THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE, AND DECLARING AN EMERGENCY.

Councilmember Appel 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. 2016-35 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-35 adopted.

MISCELLANEOUS:

Council President Killeen turned the Chair over to Councilmember O'Donnell for the following:

Council President Killeen moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-157, defeated on February 18, 2016, be reconsidered.

ROLL CALL ON RECONSIDERATION:

Yeas: O'Donnell, Killeen, Appel, Nunnari.

Nays: Sullivan; Ordinance No. 2015-157 reconsidered.

Council President Killeen stated his reasons for reconsideration of this ordinance and the need for qualified personnel in these particular positions that have safety implications. He stated that double-dipping in general is not a good policy, but in certain situations, it would make sense, especially if it is not at high-level positions. He also feels that the current restrictions in no way hinder the Mayor's ability to hire people.

ORDINANCE NO. 2015-157: AN ORDINANCE WAIVING THE COMPENSATION REDUCTION PROVISION OF SECTION 167.26(B) AS TO PERSONNEL IN THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

Councilmember Appel moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-157 be adopted. Discussion ensued as follows:

Councilmember Sullivan did not wish to reiterate his stand on the issue but pointed out that this ordinance covers not only two part-time fire inspectors, which positions have been unsuccessfully filled up to this point, but one part-time fire marshall as well, which hasn't been considered at all.

Councilmember O'Donnell stated the issue has been under consideration for two years and that this code section has indirectly deterred some qualified candidates for these positions. He is in favor of the ordinance and supports it because of the need due to the growth in the city.

Mayor Clough appreciated Council's reconsideration of this ordinance because of the benefit to the citizens in being able to hire qualified personnel.

Councilmember Nunnari was in favor of the ordinance and concurred with Councilmember O'Donnell's comments.

ROLL CALL ON ADOPTION:

Yeas: O'Donnell, Killeen, Appel, Nunnari.

Nays: Sullivan; Ordinance No. 2015-157 adopted.

Council President Killeen resumed the Chair.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 8:50 p.m.

Denise L. Rosenbaum
Clerk of Council

Michael F. Killeen
President of Council