

**PROCEEDINGS OF A REGULAR SESSION
OF WESTLAKE CITY COUNCIL
JUNE 1, 2006**

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 Nan A. Baker, Kenneth R. Brady, James P. Connole, Edward G. Hack, Michael F. O'Donnell, Dennis J. Sullivan.

Also present: Mayor Dennis Clough, Law Director John Wheeler, Service Director Donald Glauner, Director of Engineering Robert Kelly, Finance Director Anne Fritz, Recreation Director Michael Rump, Assistant Planning Director William Krause, Director of Purchasing Mary Calabrese, Director of Inspections Robert Patton, Police Chief Richard Walling, Assistant Fire Chief Ronald Janicek, Clerk of Council Susan J. Prehoda.

APPROVAL OF MINUTES:

Councilmember Hack moved, seconded by Councilmember Brady, that the reading of the Minutes of the Regular Session of May 18, 2006, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Mayor Clough dated May 26, 2006, requesting that the bid for the 2006 Concrete Rehabilitation with Asphalt Overlay Project be awarded to Smith Paving in the amount of \$1,956,879.00 as the lowest and most responsive bid.

Communication from Mayor Clough dated May 26, 2006, requesting that the bid of Pavement Technology, Inc., in the amount of \$136,626.00 for the 2006 Crack and Joint Sealing Hot Applied and Asphalt Rejuvenating Agent/Penetrating Sealer Project be accepted as the lowest and most responsive bid.

Communication from Mayor Clough dated May 31, 2006, requesting that the bid from Burton Scot in the amount of \$796,698.50 be accepted as the lowest and most responsive bid for the 2006 Asphalt Maintenance Walter Road Project.

Request from Ohio Division of Liquor Control received May 30, 2006, for transfer of a D5A, D6 permit from Amerinns Corp., DBA Residence Inn, 30100 Clemens Road and Pool Area, Westlake, Ohio 44145 to Amitel, LLC, DBA Residence Inn, 30100 Clemens Road & Pool Area, Westlake, Ohio 44145.

Councilmember Hack moved, seconded by Councilmember Brady, not to object to the request for transfer of a D5A, D6 permit from Amerinns Corp., DBA Residence Inn, 30100 Clemens Road and Pool Area, Westlake, Ohio 44145 to Amitel, LLC, DBA Residence Inn, 30100 Clemens Road & Pool Area, Westlake, Ohio 44145.

Yeas: All.

Nays: None; motion carried.

PETITIONS FROM THE PUBLIC:

Ms. Mary Levtzow, 2454 Dover Center Road, asked what AED stood for in Ordinance No. 2006-70. She further asked for clarification of, and commented on, Ordinance Nos. 2006-74, 65, 66, 69, 72 and 73 as well as an update from the Law Director regarding litigation. She then commented on a proclamation that would be given to the Community Services Department at the June 15, 2006, Council meeting.

Ms. Cecelia Baker, 2076 Arthur Avenue, asked if any dead trees had been replaced on Crocker Road. She further requested that another public portion be added to the agenda. She then commented on seasonal employees.

Mr. Joe Kilbane, 1848 Holden's Arbor Run, asked about the status of the results of last year's risk assessment as to the recommendation of hiring additional firemen.

REPORT OF THE MAYOR:

Mayor Clough read his eleventh report of the year.

REPORTS OF ADMINISTRATIVE OFFICIALS:

Police Chief Walling reported on the Parkside Intermediate School DARE graduation that he and the Mayor attended on May 31, 2006. He then announced there would be a four hour Terrorist Attack Hazardous Material Release Functional exercise at the Crown Filtration Plant, Wednesday, June 14th at approximately 8:00 a.m. He further stated that there is a new emergency web site for the Cuyahoga Emergency Communications Systems (www.cecomstraffic.cuyahogacounty.us) that lists all traffic accidents and related incidents.

REPORTS OF STANDING COMMITTEES – AD HOC INFORMATION TECHNOLOGY COMMITTEE:

Councilmember O'Donnell reported on the May 22, 2006, Ad Hoc Information Technology Committee.

Councilmember O'Donnell moved, seconded by Councilmember Sullivan, that the report of the May 22, 2006, Ad Hoc Information Technology Committee be received and filed.

Yeas: All.

Nays: None; motion carried.

PUBLIC GROUNDS & BUILDINGS COMMITTEE:

Councilmember Baker reported on the May 30, 2006, Public Grounds & Buildings Committee meeting.

Councilmember Baker moved, seconded by Councilmember Brady, that the report of the May 30, 2006, Public Grounds & Buildings Committee meeting be received and filed.

Yeas: All.

Nays: None, motion carried.

PLANNING/ZONING/LEGISLATIVE COMMITTEE:

Councilmember Hack reported on the May 30, 2006, Planning/Zoning/Legislative Committee meeting.

Councilmember Hack moved, seconded by Councilmember Connole, that the report of the May 30, 2006, 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 7:35 p.m. Present were Councilmembers Killeen, Baker, Brady, Connole, Hack, O'Donnell, Sullivan. Also present were Mayor Clough; Directors Wheeler, Glauner, Kelly, Fritz, Rump, Krause (Assistant), Calabrese, Patton, Walling, Janicek (Assistant). Agenda items were discussed. Selected correspondence and proposed legislation to be added to the agenda were each briefly discussed. A Safety Committee meeting was scheduled for June 8, 2006, at 7:00 p.m. as well as an Ad Hoc Information Technology Committee meeting at 7:30 p.m. that same date. A Finance Committee meeting was also scheduled for June 28, 2006, at 7:00 p.m.

Councilmember Hack moved, seconded by Councilmember Sullivan, to adjourn to executive session to discuss pending litigation, and issues pertaining to those matters listed in Ohio Revised Code, Section 121.22 (G)(1), at 7:53 p.m.

ROLL CALL:

Yeas: Killeen, Baker, Brady, Connole, Hack, O'Donnell, Sullivan.

Nays: None; motion carried.

Also present were Mayor Clough and Law Director Wheeler.

Councilmember Hack moved, seconded by Councilmember Sullivan, to adjourn executive session at 8:04 p.m.

ROLL CALL:

Yeas: Killeen, Baker, Brady, Connole, Hack, O'Donnell, Sullivan.

Nays: None; motion carried.

Meeting adjourned at 8:05 p.m.

LEGISLATION:

ORDINANCE NO. 2006-62: AN ORDINANCE AUTHORIZING THE MAYOR
(SECOND READING) TO PURCHASE TWO (2) SWITCHES AND RELATED ITEMS
THROUGH THE OHIO'S COOPERATIVE PURCHASE ACT.

ORDINANCE NO. 2006-63: AN ORDINANCE ADOPTING THE SOLID WASTE
(SECOND READING) MANAGEMENT PLAN FOR THE CUYAHOGA COUNTY
SOLID WASTE MANAGEMENT DISTRICT.

ORDINANCE NO. 2006-65: AN ORDINANCE PROVIDING FOR THE SUBMISSION TO
(SECOND READING) THE ELECTORS OF THE CITY OF A PROPOSED
AMENDMENT TO ARTICLE VI, SECTION 4 OF THE CITY
CHARTER TO RENEW AN EXISTING TAX LEVY FOR THE
PURPOSE OF PROVIDING FUNDS TO PAY FOR THE
SALARIES AND OTHER EXPENSES OF THE POLICE AND
FIRE DEPARTMENTS, FOR A PERIOD OF FIVE YEARS,
AND DECLARING AN EMERGENCY.

The Chair referred Ordinance No. 2006-65 to the Finance Committee.

ORDINANCE NO. 2006-66: AN ORDINANCE AMENDING SUBSECTIONS (b) AND (c) OF
SECTION 313.11 ENTITLED "RIGHT TURNS ON RED
PROHIBITED," AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2006-67: AN ORDINANCE SUPPLEMENTING SECTION 1 OF
ORDINANCE 2005-166 AS TO THE COMPENSATION OF
SALARIED AND HOURLY RATE EMPLOYEES IN THE
RECREATION DEPARTMENT OF THE CITY OF
WESTLAKE, AND REPEALING ALL OTHER ORDINANCES
IN CONFLICT HEREWITH, AND DECLARING AN
EMERGENCY.

Councilmember Hack moved, seconded by Councilmember Connole, 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 moved Hack, seconded by Councilmember Brady, that Ordinance No. 2006-67 be adopted.

ROLL CALL ON ADOPTION:

Yeas: O'Donnell, Brady, Baker, Killeen, Hack, Connole, Sullivan.

Nays: None; Ordinance No. 2006-67 adopted.

ORDINANCE NO. 2006-68: AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE 2004-51 AS TO THE COMPENSATION OF SALARIED AND HOURLY RATE EMPLOYEES AND DECLARING AN EMERGENCY.

Councilmember Hack moved, seconded by Councilmember Connole, 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: Brady, Baker, Hack, Connole, Sullivan, O'Donnell.

Abstentions: Killeen.

Nays: None; motion carried.

Councilmember Hack moved, seconded by Councilmember Brady, that Ordinance No. 2006-68 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Brady, Baker, Hack, Connole, Sullivan, O'Donnell.

Abstentions: Killeen.

Nays: None; Ordinance No. 2006-68 adopted.

ORDINANCE NO. 2006-69: AN ORDINANCE SUPPLEMENTING SECTION 167.06 OF CHAPTER 167 OF THE CODIFIED ORDINANCES IN THE CITY OF WESTLAKE AS TO HOLIDAYS FOR CERTAIN EMPLOYEES, AND DECLARING AN EMERGENCY.

Councilmember Brady moved, seconded by Councilmember Hack, 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 Connole moved, seconded by Councilmember O'Donnell, that Ordinance No. 2006-69 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Baker, Killeen, Hack, Connole, Sullivan, O'Donnell, Brady.

Nays: None; Ordinance No. 2006-69 adopted.

ORDINANCE NO. 2006-70: AN ORDINANCE ACCEPTING THE WESTSHORE AED COMMITTEE AWARD TO THE CITY OF WESTLAKE.

Councilmember Hack 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 O'Donnell moved, seconded by Councilmember Baker, that Ordinance No. 2006-70 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Killeen, Hack, Connole, Sullivan, O'Donnell, Brady, Baker.

Nays: None; Ordinance No. 2006-70 adopted.

ORDINANCE NO. 2006-71: AN ORDINANCE SUPPLEMENTING SECTION 152.04 OF THE ADMINISTRATIVE CODE AS TO THE EMPLOYEES IN THE RECREATION DEPARTMENT, AND DECLARING AN EMERGENCY.

Councilmember Brady moved, seconded by Councilmember Baker, 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 Baker, that Ordinance No. 2006-71 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Hack, Connole, Sullivan, O'Donnell, Brady, Baker, Killeen.

Nays: None; Ordinance No. 2006-71 adopted.

ORDINANCE NO. 2006-72: AN ORDINANCE AMENDING SECTIONS 193.22 AND 193.54 OF THE CODIFIED ORDINANCES OF THE CITY IN ORDER TO RENEW THE EXISTING THREE-EIGHTHS PERCENT ($\frac{3}{8}\%$) INCOME TAX FOR THE PURPOSE OF PROVIDING FUNDS TO PAY COSTS OF CONSTRUCTING, IMPROVING AND REPAIRING STREETS, ROADS AND HIGHWAYS, STORM SEWERS, STORM WATER RETENTION BASINS AND OTHER DRAINAGE FACILITIES AND WATER LINES AND PRINCIPAL OF AND INTEREST ON BONDS AND NOTES ISSUED FOR ANY OF THOSE PURPOSES, FOR 15 YEARS, BEGINNING JANUARY 1, 2008, AND DECLARING AN EMERGENCY.

The Chair referred Ordinance No. 2006-72 to the Finance Committee.

RESOLUTION NO. 2006-73: A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE AMENDING SECTIONS 193.22 AND 193.54 OF THE CODIFIED ORDINANCES OF THE CITY IN ORDER TO RENEW THE EXISTING THREE-EIGHTHS PERCENT ($\frac{3}{8}\%$) INCOME TAX FOR THE PURPOSE OF PROVIDING FUNDS TO PAY COSTS OF CONSTRUCTING, IMPROVING AND REPAIRING STREETS, ROADS AND HIGHWAYS, STORM SEWERS, STORM WATER RETENTION BASINS AND OTHER DRAINAGE FACILITIES AND WATER LINES AND PRINCIPAL OF AND INTEREST ON BONDS AND NOTES ISSUED FOR ANY OF THOSE PURPOSES, FOR 15 YEARS, BEGINNING JANUARY 1, 2008, AND DECLARING AN EMERGENCY.

The Chair referred Resolution No. 2006-73 to the Finance Committee.

ORDINANCE NO. 2006-74: AN ORDINANCE AMENDING SECTION 141.04 "SEASONAL & PART-TIME EMPLOYEES" OF CHAPTER 141 "ADMINISTRATIVE DEPARTMENT" AS TO PART-TIME EMPLOYEES, AND DECLARING AN EMERGENCY.

Councilmember Hack moved, seconded by Councilmember Connole, 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 Connole moved, seconded by Councilmember O'Donnell, that Ordinance No. 2006-74 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Connole, Sullivan, O'Donnell, Brady, Baker, Killeen, Hack.

Nays: None; Ordinance No. 2006-74 adopted.

Councilmember Brady moved, seconded by Councilmember Baker, that Ordinance Nos. 2006-75, 76, 77 and 78 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

Yeas: Sullivan, O'Donnell, Brady, Baker, Killeen, Hack, Connole.

Nays: None; Ordinance Nos. 2006-75, 76, 77 and 78 added to agenda.

ORDINANCE NO. 2006-75: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SMITH PAVING FOR THE 2006 CONCRETE REHABILITATION PROGRAM WITH ASPHALT OVERLAY FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Brady moved, seconded by Councilmember Baker, 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 Hack moved, seconded by Councilmember Sullivan, that Ordinance No. 2006-75 be adopted.

ROLL CALL ON ADOPTION:

Yeas: O'Donnell, Brady, Baker, Killeen, Hack, Connole, Sullivan.

Nays: None; Ordinance No. 2006-75 adopted.

ORDINANCE NO. 2006-76: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH PAVEMENT TECHNOLOGY, INC. FOR THE 2006 CRACK & JOINT SEALING HOT APPLIED AND ASPHALT REJUVENATING AGENT/PENETRATING SEALER FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Hack 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 Connole moved, seconded by Councilmember Sullivan, that Ordinance No. 2006-76 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Brady, Baker, Killeen, Hack, Connole, Sullivan, O'Donnell.

Nays: None; Ordinance No. 2006-76 adopted.

ORDINANCE NO. 2006-77: AN ORDINANCE CONSIDERING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A CHILD DAY CARE CENTER.

The Chair referred Ordinance No. 2006-77 to the planning commission.

ORDINANCE NO. 2006-78: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BURTON SCOT FOR THE 2006 ASPHALT MAINTENANCE RESURFACING/ REHABILITATION PROGRAM FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Brady moved, seconded by Councilmember Baker, 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 Hack moved, seconded by Councilmember Sullivan, that Ordinance No. 2006-78 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Baker, Killeen, Hack, Connole, Sullivan, O'Donnell, Brady.

Nays: None; Ordinance No. 2006-78 adopted.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 9:11 p.m.

Susan J. Prehoda, CMC
Clerk of Council

Michael F. Killeen,
President of Council