



**WESTLAKE CITY COUNCIL MEETING
FEBRUARY 6, 2014
PROCEEDINGS OF A REGULAR SESSION**

The regular session of Council was called to order at 8:02 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, Deputy Service Director Chris Stuhm, Director of Engineering Robert Kelly, Finance Director Prashant Shah, Recreation Director Michael Rump, Assistant Recreation Director Bob DeMinico, Planning Director James Bedell, Economic Development Manager Michelle Boczek, Director of Purchasing Larry Surber, Director of Inspections Donald Grayem, Police Chief Kevin Bielozer, Acting Fire Chief Jim Hughes, Clerk of Council Denise L. Rosenbaum.

APPROVAL OF MINUTES:

Councilmember Brady moved, seconded by Councilmember Sullivan, that the reading of the minutes of the regular session of January 16, 2014, be waived and that they be approved as received.

VOICE VOTE:

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

Abstentions: Killeen.

Nays: None; motion carried.

The special session of January 30, 2014, was cancelled.

SELECTED CORRESPONDENCE:

Communication from Mayor Clough dated February 3, 2014, requesting approval of the appointment of Kyle Harriger to the Recreation Commission with a term expiring on December 31, 2017.

Councilmember Appel moved, seconded by Councilmember Brady, to approve the appointment of Kyle Harriger to the Recreation Commission with a term expiring on December 31, 2017.

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

Nays: None; motion carried.

Communication from Mayor Clough dated February 3, 2014, requesting approval of the appointment of Kate Bilski to the Recreation Commission with a term expiring on December 31, 2017.

Councilmember O'Donnell moved, seconded by Councilmember Brady, to approve the appointment of Kate Bilski to the Recreation Commission with a term expiring on December 31, 2017.

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

Nays: None; motion carried.

Communication from Mayor Clough dated February 3, 2014, requesting authorization to enter into an agreement with Bialosky & Partners Architects for Market Square at Crocker Park – Professional Services in an amount not to exceed \$26,000.00. (Ordinance No. 2014-12)

Communication from Mayor Clough dated February 3, 2014, requesting authorization to amend Ordinance No. 2012-82 to increase the dollar amount from \$95,000.00 to \$115,000.00 for additional consulting services for Crocker Park Phase III. (Ordinance No. 2014-14)

Communication from Mayor Clough dated February 3, 2014, requesting authorization to purchase three new current model year Ford F250 4x4 pick-up trucks with selected options through the State of Ohio Cooperative Purchasing Program from Lebanon Ford in an amount not to exceed \$88,100.00. (Ordinance No. 2014-10)

Communication from Mayor Clough dated February 3, 2014, requesting authorization to purchase one new current model year GMC 1500 4x4 pick-up truck with selected options through the State of Ohio Cooperative Purchasing Program from Bob Ross Buick in an amount not to exceed \$22,800.00. (Ordinance No. 2014-8)

Communication from Mayor Clough dated February 3, 2014, requesting authorization to purchase one new current model year Ford F250 4x4 pick-up truck with selected options through the State of Ohio Cooperative Purchasing Program from Germain Ford in an amount not to exceed \$25,075.00. (Ordinance No. 2014-9)

Communication from Mayor Clough dated February 5, 2014, requesting to accept the bid of SiteTech, Inc. in the amount of \$3,289,024.83 as the lowest and most responsive bid for the Detroit and Bradley Roads intersection improvements. (Ordinance No. 2014-18)

Rezoning application received February 6, 2014, from Crocker Road LLC; Coriell Realty, Inc.; Lois Eakin Trustee, requesting to rezone permanent parcel numbers 217-28-004 and 217-28-006 from R-1F-80 to Office Building to construct a MetroHealth office building. Council President Killeen referred this request to the Planning/Zoning/Legislative committee.

PETITIONS FROM THE PUBLIC:

Michele Schneider, 1753 Halls Carriage Path, commented on the clearing of sidewalks after a snowfall, especially near schools, and the enforcement of the snow removal ordinance.

REPORT OF THE MAYOR:

Mayor Clough read his third report of the year.

REPORTS OF ADMINISTRATIVE OFFICIALS:

None.

REPORTS OF STANDING COMMITTEES – COMMITTEE OF THE WHOLE:

President of Council Killeen reported on the January 29, 2014, Committee of the Whole meeting.

Councilmember Brady moved, seconded by Councilmember Getsay, that the report of the January 29, 2014, Committee of the Whole meeting be received and filed.

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

Abstentions: O'Donnell.

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, Stuhm (Deputy), Kelly, Shah, Rump, DeMinico (Assistant), Bedell, Boczek (Economic Development Manager), Surber, Grayem, Bielozzer, Hughes. Agenda items were discussed as well as selected correspondence, the planning commission report, proposed legislation to be added to the agenda, the water issue status and the city's salt supply. The following meeting was scheduled: Ad Hoc Information Technology, March 4 at 7 p.m.

Councilmember O'Donnell moved, seconded by Councilmember Sullivan, to adjourn at 7:57 p.m.

Yeas: All.

Nays: None; motion carried.

Meeting immediately adjourned at 7:57 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS – PLANNING COMMISSION:

Councilmember Getsay reported on the February 3, 2014, planning commission meeting advising that the commission took the following actions: **Kings Tree Apartments Revisions to Development Plan (approved 6/2012), 25776, 25796 & 25808 Center Ridge, 213-23-023, 024 & 029, tabled 10/7/13, 11/11/13, 12/2/13 removed from agenda – on 1/6/14 item was tabled to 3/3/14;** tabled the **Kimble Company determination of similar use for a proposed recycling facility as a main use in an Exclusive Industrial District, PP# 212-01-008**, until the March 3, 2014, meeting; tabled the **Crocker Park G Block Final Development Plans (GNE, GNW, GSE, GSW mixed-use buildings), within Crocker Park, WARD 5, tabled 12/2/13, 1/6/14** until the March 3, 2014, meeting (**note: a 2/11/14 work session meeting is scheduled to discuss this item*); **Chase Bank ATM Development Plan, 29656 Detroit Rd., PP#211-21-028**: The planning commission made the following findings of fact: 1. No modifications are required. 2. The new

one-way traffic pattern removes a potential traffic conflict at the existing drive up tellers. 3. Additional measures should be taken to reduce the potential for new traffic conflicts at the proposed ATM. Based on the findings of fact and comments received, Mrs. Smith moved and Mr. Lamb second to recommend approval of the Chase Bank ATM with the following conditions: 1. The approval is subject to approval of the final plans by the Building and Engineering Departments in compliance with the code and the ordinances of the City of Westlake; and, in the development process, should there be any changes necessitated by engineering requirements that visually alter the appearance of the development approved by the Planning Commission, the plan shall be re-submitted to the Planning Commission. 2. An additional "Do Not Enter" sign shall be located to the west of the proposed one. 3. Pavement markings shall be added to indicate the one-way driveway. **Church on the Rise Lot Split, 3550 Crocker Rd. PP#216-10-023:** The planning commission made the following findings of fact: 1. Church on the Rise is currently situated on an 18.80 acre parcel of single family zoned land. 2. There is no required minimum lot size for a church in a single family zoned district. 3. Section 1211.29 permits, with approval of a conditional use permit (CUP), nursing homes fronting on Crocker Road between Center Ridge and Schwartz Road on a lot with a minimum of 6 acres and 200' of frontage. 4. The proposed lot will have 7.66 acres and over 400' of frontage on Crocker Road. 5. A CUP request for a proposed one story, 100 bed, 70,000 sq. ft. nursing home was submitted to Council on 11/21/13. It is currently in the form of Ord. 2013-197 which was on first reading and referred to the Planning Commission on 12/19/13 and is tentatively scheduled for the 3/3/14 PC meeting. 6. As per Section 1211.09, the minimum side-yard setback for the existing church from the newly created lot line is 15'. The church is shown at 40' from the lot line. 7. There is no minimum side-yard setback required for the church parking except as per Section 1211.04(a)(8) which requires parking areas to be a minimum of fifty feet from any single-family or two-family dwelling. This requirement continues to be met. 8. Section 1211.11 requires a minimum of one driveway and three access lanes for parking lots of 300 to 999 parking spaces. Church on the Rise will still have an access drive with three access lanes on their church parcel (Parcel #2) after the split. 9. An easement will be required for the church to continue to use the northerly row of 19 parking spaces that will remain on Parcel #2. The un-executed draft easement agreement was submitted via e-mail for city review 1/29/14. Exhibit D of the easement shows that the lot split will split off 58 of the existing church parking spaces onto Parcel #1. 10. The applicant submitted a seating plan 12/13/13, prepared by architect Steve Schill indicating that the largest area of assembly in the church seats a maximum of 716. Based on Section 1221.05(b)(2), the church, with 15 employees, requires 246 parking spaces $[(716/3) + (15/2) = 238.6 + 7.5 = 246]$. 11. The law department has ruled that the use of the youth center as a school is considered an accessory use to the church and does not require the provision of any additional parking spaces. 12. The latest approved development plans for the church show 358 parking spaces, the applicant has confirmed 352 paved parking spaces. Even with the loss of 58 parking spaces that leaves at least 292 parking spaces on Parcel #2, 46 more parking spaces than required by code. 13. Schedule 1211.09 requires a minimum of 50% open space in single family zoning. The applicant submitted, on 1/16/14, a green space/pervious surface/open space calculation prepared by J.A.R. engineering indicating that Parcel #2 will be 55% open space after the split. Based on the findings of fact and comments received, Mrs. Smith moved and Mr. Lamb second to approve the Church on the Rise Lot Split with the following conditions: 1. condition that the current storm and gas easements be shown on the plat and the sanitary sewer easement be vacated or relocated as requested by the engineering department. 2. condition that the drive easement be recorded with the lot split. **Ordinance 2013-193 rezoning PP#211-15-016 on Clemens Road from Exclusive Industrial to Hotel Motel, (ref. by council 12/19/13):** The planning commission made the following findings of fact: 1. the property is not currently being

used for any purpose, including an industrial purpose. 2. that this parcel is attractive for the hotel use due to that there are corporate generators and other retail outlets that would attract individuals to use the hotel. 3. that the parcel has other hotels and motels around it, and would feed off the use of those hotels and motels. 4. that the use is consistent with the use of properties in the surrounding area. 5. that this is a premium brand of hotel and it has a type of clientele that would currently want to use this type of hotel and may not use hotels that are existing in the area. 6. the Guide Plan does indicate the use of this land as special commercial and changing the use is in line with the Guide Plan. 7. the applicant has demonstrated a community need for the proposed amendment to the zone map and the uses and development it will allow. 8. (A)The proposed map amendment is consistent with the Guide Plan's future land use map, goals, policies and objectives etc. 9. (B) The site's physical, geological, hydrological and other environmental features are compatible with the proposed map amendment; 10. (C) Potential uses in the proposed zoning district are compatible with surrounding uses in terms of land suitability, density of use, environmental impacts, traffic impacts, aesthetics, infrastructure capacity, orderly development, and maintenance of property values and enjoyment. 11. (D) The proposed map amendment establishes a desirable zoning trend policy for similar property. 12. (E) The map amendment does not create an isolated and unplanned spot zone. 13. (F) The range of permitted uses in the requested zoning district is more appropriate than the range of permitted uses in the existing zoning classification. 14. (G) Circumstances have changed substantially since the establishment of the current zoning map to warrant the proposed amendment. 15. (I) The subject property has been vacant for a long period of time in relation to the pace of development of nearby properties. 16. (J) The applicant has demonstrated a community need for the proposed amendment to the zone map and the uses and development it will allow. 17. (K) The proposed amendment will not adversely impact the public health, safety, or welfare of the citizens of the city. **Motion:** Mrs. Smith moved and Mr. Lamb second to recommend approval of Ordinance 2013-193 based on the criteria set forth on page 4 (A-G & I-K) of the planning staff report, the findings of fact, the following comments as stated by Mr. Wheeler and Mr. Bedell and that the planning commission incorporate what they suggest as findings of fact: 1. (A)The proposed map amendment is consistent with the Guide Plan's future land use map, goals, policies and objectives etc. 2. (B) The site's physical, geological, hydrological and other environmental features are compatible with the proposed map amendment; 3. (C) Potential uses in the proposed zoning district are compatible with surrounding uses in terms of land suitability, density of use, environmental impacts, traffic impacts, aesthetics, infrastructure capacity, orderly development, and maintenance of property values and enjoyment. 4. (D)The proposed map amendment establishes a desirable zoning trend policy for similar property. 5. (E) The map amendment does not create an isolated and unplanned spot zone.6. (F) The range of permitted uses in the requested zoning district is more appropriate than the range of permitted uses in the existing zoning classification. 7. (G) Circumstances have changed substantially since the establishment of the current zoning map to warrant the proposed amendment. 8. (I) The subject property has been vacant for a long period of time in relation to the pace of development of nearby properties. 9. (J) The applicant has demonstrated a community need for the proposed amendment to the zone map and the uses and development it will allow. 10. (K) The proposed amendment will not adversely impact the public health, safety, or welfare of the citizens of the city. 11. The property is not currently being used for any purpose, including an industrial purpose. 12. That this parcel is attractive for the hotel use due to companies, corporate generators and other retail outlets that would attract individuals to use the hotel. 13. That the parcel has other hotels and motels around it, and would feed off the use of those hotels and motels and that the use is consistent with the use of properties in the surrounding area. 14. The hotel suggested is a premium brand of hotel and is the type of hotel corporate clientele currently desire. 15. Establishes a desirable zoning

trend for the area and is not a significant reduction in the amount of city zoned industrial property. **Ordinance 2013-194** Conditional Use Permit for a crossfit gym, 30311 Clemens Rd., PP# 211-20-004: The planning commission made the following findings of fact: 1. The standards in Section 1220.06 and 1227.03 of the zoning code have been met. 2. In order to approve this item, 8 parking spaces will need to be landbanked and a modification is required to reduce the total number of required parking spaces. The Planning Commission verified that most activity associated with this use is in early morning and evening hours when other industrial tenants are not using the parking lot. 3. The maximum number of attendees in classes was verified as 10, with time in between classes, ensuring that parking is available for other tenants. **Motion:** based on the findings of fact and comments received, Mrs. Smith moved and Mr. Lamb second to recommend approval of Ordinance 2013-194 with the following conditions: 1. Eight parking spaces are landbanked and two additional parking spaces shall be striped as indicated on page 2 of this report. 2. A modification to reduce the total number of parking spaces required by 5 spaces is required. 3. The hours of operation are limited to Monday through Friday from 5:30 a.m. to 8:00 a.m. and 5:30 p.m. to 9:30 p.m. and on Saturday and Sunday from 9:00 a.m. to 1:00 p.m. Requested a 90-day extension of time (expiring on 5-18-14) for **Ordinance 2013-197** Conditional Use Permit for a nursing home, 3550 Crocker Rd., PP#216-10-023. Meeting adjourned at 8:53 p.m. The next regular meeting is scheduled for Monday, March 3, 2014, in the Westlake City Hall Council Chambers and a work session meeting scheduled for February 11, 2014, in the Westlake City Hall Council Chambers.

Councilmember Getsay moved, seconded by Councilmember Sullivan, to approve the **Chase Bank ATM** Development Plan with the conditions listed in the report of the February 3, 2014, planning commission.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember O'Donnell, to grant a 90-day extension of time (expiring on 5-18-14) for **Ordinance 2013-197**.

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

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2011-111: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$55,000,000 CITY OF WESTLAKE, OHIO, SPECIAL OBLIGATION/NON-TAX REVENUE BONDS, SERIES 2014 (AMERICAN GREETINGS/CROCKER PARK PUBLIC IMPROVEMENT PROJECT) FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS, CONSISTING OF OFF-STREET PARKING FACILITIES, STREETS, SIDEWALKS, BIKEWAYS, SEWERS, WATERLINES, AND TRAFFIC SIGNALIZATION, AND ACQUIRING RELATED INTERESTS IN REAL PROPERTY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AUTHORIZING THE EXECUTION OF A TRUST INDENTURE, AUTHORIZING THE ACCEPTANCE OF

INTERESTS IN REAL PROPERTY INCLUDING THE EXECUTION OF CERTAIN GROUND LEASES AND EASEMENTS; AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT MANAGEMENT AND MAINTENANCE AGREEMENT; AND AUTHORIZING VARIOUS RELATED DOCUMENTS AND INSTRUMENTS, INCLUDING A DISBURSING AND PAYMENT AGREEMENT, A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT, A TAX LIEN AGREEMENT WITH CUYAHOGA COUNTY AND RELATED DOCUMENTS; AND DECLARING AN EMERGENCY. (First reading 7/21/11, second reading 9/1/11.)

Councilmember Getsay moved, seconded by Councilmember Brady, that Ordinance No. 2011-111 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Abstentions: O'Donnell.

Nays: None; Ordinance No. 2011-111 amended by substitution.

Councilmember Getsay moved, seconded by Councilmember Brady, that Ordinance No. 2011-111 be further amended by striking out under Section 1. Definitions, Subordinate Bonds, the phrase, "after the use of such Financing Payments to pay Bond Service Charges on the Senior Bonds and" and under Section 8. Security for the Bonds, paragraph one, the phrase, "after payment of any Senior Bonds" from the second sentence beginning, "The Bond Service Charges on the Series 2014 Bonds that are Subordinate Bonds..."

ROLL CALL ON AMENDMENT:

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

Abstentions: O'Donnell.

Nays: None; Ordinance No. 2011-111 further amended.

Councilmember Brady moved, seconded by Councilmember Getsay, that Ordinance No. 2011-111 be adopted.

ROLL CALL ON ADOPTION:

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

Abstentions: O'Donnell.

Nays: None; Ordinance No. 2011-111 amended, adopted.

ORDINANCE NO. 2011-112: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$43,000,000 OF NOTES IN ONE OR MORE SERIES IN ANTICIPATION OF THE ISSUANCE OF BONDS OF THE CITY OF WESTLAKE, OHIO, FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS, CONSISTING OF OFF-STREET PARKING FACILITIES, STREETS, SIDEWALKS, BIKEWAYS, SEWERS, WATERLINES, TRAFFIC
(THIRD READING)

SIGNALIZATION AND ACQUIRING RELATED INTERESTS IN REAL PROPERTY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, PAYING CAPITALIZED INTEREST ON THE NOTES TO BE ISSUED FOR SUCH IMPROVEMENT, AUTHORIZING THE ACCEPTANCE OF INTERESTS IN REAL PROPERTY, AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT RELATING TO THE REPAYMENT OF THE NOTES, AUTHORIZING THE EXECUTION OF CONTRACTS FOR THE DEVELOPMENT OF THE PROJECT AND AUTHORIZING CERTAIN ADDITIONAL AGREEMENTS FOR THE MAINTENANCE AND OPERATION OF THE PROJECT, AND AUTHORIZING VARIOUS RELATED DOCUMENTS AND INSTRUMENTS, INCLUDING A NOTE PURCHASE AGREEMENT, CONTINUING DISCLOSURE CERTIFICATE AND RELATED OFFERING DOCUMENTS, AND DECLARING AN EMERGENCY. (First reading 7/21/11, second reading, amended 9/1/11.)

Councilmember Getsay moved, seconded by Councilmember Brady, that Ordinance No. 2011-112 be adopted.

ROLL CALL ON ADOPTION:

Yeas: None.

Abstentions: O'Donnell.

Nays: Getsay, Killeen, Appel, Nunnari, Sullivan, Brady; Ordinance No. 2011-112 defeated.

RESOLUTION NO. 2011-120: A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE 629 ROADWORK DEVELOPMENT GRANT THROUGH THE OHIO DEVELOPMENT SERVICES AGENCY FOR PUBLIC INFRASTRUCTURE, AND DECLARING AN EMERGENCY. (First reading 9/1/11, second reading 9/15/11.)

Councilmember Getsay moved, seconded by Councilmember Brady, that Resolution No. 2011-120 be amended by substitution of an amended resolution.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Abstentions: O'Donnell.

Nays: None; Resolution No. 2011-120 amended by substitution.

Councilmember Brady moved, seconded by Councilmember Getsay, that Resolution No. 2011-120 be adopted.

ROLL CALL ON ADOPTION:

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

Abstentions: O'Donnell.

Nays: None; Resolution No. 2011-120 amended, adopted.

ORDINANCE NO. 2011-123: AN ORDINANCE APPROVING A REFUNDABLE TAX CREDIT AGREEMENT BETWEEN THE CITY OF WESTLAKE AND AMERICAN GREETINGS CORPORATION; PROVIDING RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTION 718.151; ADOPTING CERTAIN NONDISCRIMINATORY HIRING POLICIES FOR TAX EXEMPTION RECIPIENTS; AND DECLARING AN EMERGENCY. (First reading 9/1/11, second reading 9/15/11.)

Councilmember Getsay moved, seconded by Councilmember Brady, that Ordinance No. 2011-123 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Abstentions: O'Donnell.

Nays: None; Ordinance No. 2011-123 amended by substitution.

Councilmember Getsay moved, seconded by Councilmember Brady, that Ordinance No. 2011-123 be adopted.

ROLL CALL ON ADOPTION:

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

Abstentions: O'Donnell.

Nays: None; Ordinance No. 2011-123 amended, adopted.

ORDINANCE NO. 2012-101: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FIRST AMENDED AND RESTATED CITY DEVELOPMENT AGREEMENT AS TO THE AMERICAN GREETINGS PROJECT, AND DECLARING AN EMERGENCY. (First reading 9/6/12, second reading 9/20/12.)

Councilmember Getsay moved, seconded by Councilmember Sullivan, that Ordinance No. 2012-101 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Abstentions: O'Donnell.

Nays: None; Ordinance No. 2012-101 amended by substitution.

Councilmember Getsay moved, seconded by Councilmember Nunnari, that Ordinance No. 2012-101 be adopted.

ROLL CALL ON ADOPTION:

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

Abstentions: O'Donnell.

Nays: None; Ordinance No. 2012-101 amended, adopted.

ORDINANCE NO. 2013-175: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MARKET SQUARE DEVELOPMENT AGREEMENT AMONG THE CITY OF WESTLAKE,

CROCKER PARK, LLC AND CROCKER PARK PHASE III, LLC AND PROVIDING RELATED AUTHORIZATIONS; AND DECLARING AN EMERGENCY. (First reading 11/7/13, second reading 11/21/13.)

Councilmember Getsay moved, seconded by Councilmember Sullivan, that Ordinance No. 2013-175 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Abstentions: O'Donnell.

Nays: None; Ordinance No. 2013-175 amended by substitution.

Councilmember Brady moved, seconded by Councilmember Getsay, that Ordinance No. 2013-175 be adopted.

ROLL CALL ON ADOPTION:

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

Abstentions: O'Donnell.

Nays: None; Ordinance No. 2013-175 amended, adopted.

ORDINANCE NO. 2013-193: 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 CLEMENS ROAD, BEING PERMANENT PARCEL NO. 211-15-016, FROM EXCLUSIVE INDUSTRIAL DISTRICT TO HOTEL/MOTEL DISTRICT. (First reading and referred to planning commission 12/19/13, planning commission recommended approval with conditions 2/3/14.)

Council President Killeen set a public hearing on Ordinance No. 2013-193 for February 20, 2014.

ORDINANCE NO. 2013-194: AN ORDINANCE CONSIDERING A CONDITIONAL USE PERMIT FOR A CROSSFIT GYM. (First reading and referred to planning commission 12/19/13, planning commission recommended approval with conditions 2/3/14.)

Councilmember Sullivan moved, seconded by Councilmember O'Donnell, that Ordinance No. 2013-194 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Nays: None; Ordinance No. 2013-194 amended by substitution.

Council President Killeen set a public hearing on Ordinance No. 2013-194 for February 20, 2014.

ORDINANCE NO. 2014-6: AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY WALTER | HAVERFIELD LLP.

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 Getsay, that Ordinance No. 2014-6 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-6 adopted.

ORDINANCE NO. 2014-7: AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY MARY E. SCHULER, CUYAHOGA COUNTY COMMON PLEAS COURT REPORTER.

Councilmember Getsay 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 Brady, that Ordinance No. 2014-7 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-7 adopted.

ORDINANCE NO. 2014-8: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) CURRENT YEAR GMC 1500 TRUCK AND RELATED EQUIPMENT FOR THE BUILDING 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 O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-8 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-8 adopted.

ORDINANCE NO. 2014-9: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) CURRENT YEAR FORD F250 TRUCK AND RELATED EQUIPMENT FOR THE FIRE DEPARTMENT THROUGH THE STATE OF OHIO COOPERATIVE 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 Sullivan moved, seconded by Councilmember Getsay, that Ordinance No. 2014-9 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-9 adopted.

ORDINANCE NO. 2014-10: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE THREE (3) CURRENT YEAR FORD F250 TRUCKS AND RELATED EQUIPMENT FOR THE DEPARTMENT OF PUBLIC SERVICE THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

Councilmember Brady 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. 2014-10 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-10 adopted.

ORDINANCE NO. 2014-11: AN ORDINANCE FIXING THE COMPENSATION OF MEMBERS OF THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (OPBA) IN THE POLICE DEPARTMENT OF THE CITY OF WESTLAKE, 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 O'Donnell moved, seconded by Councilmember Brady, that Ordinance No. 2014-11 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-11 adopted.

ORDINANCE NO. 2014-12: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PERSONAL SERVICES CONTRACT WITH BIALOSKY + PARTNERS AS TO ARCHITECTURAL AND ENGINEERING SERVICES FOR THE WESTLAKE CIVIC SPACE, AND DECLARING AN EMERGENCY.

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

Abstentions: O'Donnell.

Nays: None; motion carried.

Councilmember Brady moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-12 be adopted.

ROLL CALL ON ADOPTION:

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

Abstentions: O'Donnell.

Nays: None; Ordinance No. 2014-12 adopted.

ORDINANCE NO. 2014-13: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH HERMAN GIBANS FODOR, INC. FOR ARCHITECTURAL SERVICES FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

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 Sullivan, that Ordinance No. 2014-13 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-13 adopted.

ORDINANCE NO. 2014-14: AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2012-82 AS TO AN ENGINEERING SERVICES CONTRACT WITH CONSTRUCTABILITY, INC., AND DECLARING AN EMERGENCY.

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

Abstentions: O'Donnell.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Brady, that Ordinance No. 2014-14 be adopted.

ROLL CALL ON ADOPTION:

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

Abstentions: O'Donnell.

Nays: None; Ordinance No. 2014-14 adopted.

ORDINANCE NO. 2014-15: AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2012-167 AS TO THE COMPENSATION OF THE MAYOR FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Ordinance Nos. 2014-16, 17 and 18 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Ordinance Nos. 2014-16, 17 and 18 added to agenda.

ORDINANCE NO. 2014-16: 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 Brady moved, seconded by Councilmember O'Donnell, that Ordinance No. 2014-16 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-16 adopted.

ORDINANCE NO. 2014-17: AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES.

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 Sullivan moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-17 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-17 adopted.

ORDINANCE NO. 2014-18: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SITETECH, INC. FOR THE DETROIT AND BRADLEY ROAD INTERSECTION IMPROVEMENTS, AND DECLARING AN EMERGENCY.

Councilmember Brady 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 Brady moved, seconded by Councilmember Getsay, that Ordinance No. 2014-18 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-18 adopted.

MISCELLANEOUS: None.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 8:57 p.m.

Denise L. Rosenbaum
Clerk of Council

Michael F. Killeen
President of Council