



**WESTLAKE CITY COUNCIL MEETING  
FEBRUARY 20, 2014  
PROCEEDINGS OF PUBLIC HEARINGS  
AND A REGULAR SESSION**

Public hearing was called to order by President of Council Michael F. Killeen at 8:10 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the West Life on February 12, 2014, and February 19, 2014, regarding the following legislation:

**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.**

Planning Director Jim Bedell explained this amendment to the zoning code.

Attorney Tony Coyne, 55 Public Square, Cleveland, representing Twin Tier Hospitality, owners of the Holiday Inn of Westlake, requested that Council table the ordinance for further study as to its necessity. He stated that what needs to be considered is the viability, sustainability and success of hotel opportunities in the city of Westlake.

Mr. Ohm Patel, 600 Enterprise Drive, Lewis Center, Ohio, Managing Director of Alliance Hospitality Inc., presented justification for the particular type of development at this location. Mr. Jeff Deitrich, of Mannik & Smith Group, presented related supporting drawings.

There being no further comments from the audience, Council President Killeen declared the public hearing on Ordinance No. 2013-193 closed.

Public hearing was called to order by President of Council Michael F. Killeen at 8:34 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the West Life on February 12, 2014, and February 19, 2014, regarding the following legislation:

**ORDINANCE NO. 2013-194: AN ORDINANCE CONSIDERING A CONDITIONAL USE PERMIT FOR A CROSSFIT GYM.**

Planning Director Jim Bedell explained this amendment to the zoning code.

There being no comments from the audience, Council President Killeen declared the public hearing on Ordinance No. 2013-194 closed.

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The regular session of Council was called to order at 8:37 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 Michael Rump, Planning Director James Bedell, Director of Purchasing Larry Surber, Director of Inspections Donald Grayem, Police Chief Kevin Bielozer, Clerk of Council Denise L. Rosenbaum.

**APPROVAL OF MINUTES:**

Councilmember O'Donnell moved, seconded by Councilmember Brady, that the reading of the minutes of the regular session of February 6, 2014, be waived and that they be approved as received.

**ROLL CALL:**

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

Nays: None; motion carried.

**SELECTED CORRESPONDENCE:**

Notice from Ohio Division of Liquor Control received February 18, 2014, for stock C1, C2 and D6 permits for 7 Eleven Inc., dba 7 Eleven 36725, 30812 Detroit Road, Westlake, Ohio.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, not to object to stock C1, C2 and D6 permits for 7 Eleven Inc., dba 7 Eleven 36725, 30812 Detroit Road, Westlake, Ohio.

Yeas: All.

Nays: None; motion carried.

Notice from Ohio Division of Liquor Control received February 18, 2014, for stock C1 and C2 permits for 7 Eleven Inc., dba 7 Eleven 36739, 25466 Detroit Road, Westlake, Ohio.

Councilmember Brady moved, seconded by Councilmember Sullivan, not to object to stock C1 and C2 permits for 7 Eleven Inc., dba 7 Eleven 36739, 25466 Detroit Road, Westlake, Ohio.

Yeas: All.

Nays: None; motion carried.

Notice from Ohio Division of Liquor Control received February 18, 2014, for stock C1, C2 and D6 permits for 7 Eleven Inc., dba 7 Eleven 36745, 29775 Clemens Road, Westlake, Ohio.

Councilmember Brady moved, seconded by Councilmember Sullivan, not to object to stock C1, C2 and D6 permits for 7 Eleven Inc., dba 7 Eleven 36745, 29775 Clemens Road, Westlake, Ohio.

Yeas: All.

Nays: None; motion carried.

Text amendment request from David Holtz, received February 18, 2014, requesting to amend §1218.03 to add commercial indoor firing ranges as a conditional use within exclusive industrial district. Council President Killeen referred this request to the Planning/Zoning/Legislative committee.

Communication from Mayor Clough dated February 18, 2014, requesting authorization to purchase 23 mobile data terminals through the State of Ohio cooperative purchasing program from VisualPro 360 and the related equipment in an amount not to exceed \$82,400.00. (Ordinance No. 2014-21)

Communication from Mayor Clough dated February 18, 2014, requesting authorization to accept the right-of-way dedication plat from R.E. Warner & Associates, Inc. for Koyo Drive. (Ordinance No. 2014-24)

Communication from Mayor Clough dated February 18, 2014, requesting authorization to accept the right-of-way dedication plat from R.E. Warner & Associates, Inc. for Hospice Way. (Ordinance No. 2014-25)

**PETITIONS FROM THE PUBLIC:**

John Solecki, 1840 Westhill Boulevard, inquired as to the status of installing a turf field at Westlake High School and if the city is considering contributing to this endeavor. He was informed that the matter is in the Recreation Commission, and a proposed lease/usage agreement is being prepared that is still to be received and considered.

**REPORT OF THE MAYOR:**

Mayor Clough read his fourth report of the year.

**REPORTS OF ADMINISTRATIVE OFFICIALS:**

None.

**REPORTS OF STANDING COMMITTEES – COMMITTEE OF THE WHOLE:**

President of Council Killeen reported on the Committee of the Whole meeting held this date at 7:33 p.m. Present were Councilmembers Killeen, Appel, Nunnari, Sullivan, O'Donnell, Brady, Getsay. Also present were Mayor Clough; Directors Wheeler, Quinn, Kelly, Shah, Rump, DeMinico (Assistant), Bedell, Boczek (Economic Development Manager), Surber, Grayem, Bielozer. Agenda items were discussed as well as selected correspondence and proposed legislation to be added to the agenda. The following meetings were scheduled/rescheduled:

Planning/Zoning/Legislative committee, February 25 at 7 p.m.; Ad Hoc Information Technology committee, rescheduled to March 11 at 7 p.m.

Councilmember Sullivan moved, seconded by Councilmember Getsay, to adjourn to executive session to discuss personnel concerning the appointment of recreation director by the administration at 7:49 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Also present were Mayor Clough and Law Director Wheeler.

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

ROLL CALL:

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

Nays: None; motion carried.

Meeting adjourned at 8:07 p.m.

**COMMUNITY IMPROVEMENT CORPORATION (CIC):**

Council President Killeen reported on the CIC meeting held earlier this evening at 6:45 p.m.

**REPORTS OF OTHER BOARDS AND COMMISSIONS:**

None.

**LEGISLATION:**

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, second reading 2/6/14.)

Councilmember Brady moved, seconded by Councilmember Getsay, that Ordinance No. 2013-193 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: O'Donnell, Killeen; Ordinance No. 2013-193 adopted.

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, second reading, amended 2/6/14.)

Councilmember Brady moved, seconded by Councilmember Getsay, that Ordinance No. 2013-194 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: Killeen; Ordinance No. 2013-194 adopted.

ORDINANCE NO. 2013-195: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE MOBILE DATA TERMINALS AND RELATED EQUIPMENT FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY. (First reading 12/19/13, second reading 1/2/14.)  
(THIRD READING)

Councilmember Brady moved, seconded by Councilmember O'Donnell, that Ordinance No. 2013-195 be adopted.

ROLL CALL ON ADOPTION:

Yeas: None.

Nays: Sullivan, O'Donnell, Brady, Getsay, Killeen, Appel, Nunnari; Ordinance No. 2013-195 defeated.

ORDINANCE NO. 2014-19: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.

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. 2014-19 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-19 adopted.

ORDINANCE NO. 2014-20: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE WESTLAKE SWIM CLUB TO UTILIZE SPACE WITHIN THE WESTLAKE RECREATION CENTER.

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 Sullivan moved, seconded by Councilmember Appel, that Ordinance No. 2014-20 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-20 adopted.

ORDINANCE NO. 2014-21: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE TWENTY-THREE (23) MOBILE DATA TERMINALS AND RELATED EQUIPMENT 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 O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2014-21 be amended by changing the quantity from 23 to 27, adding the fire department and changing the total amount not to exceed from \$82,400 to \$93,000.

ROLL CALL ON AMENDMENT:

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

Nays: None; Ordinance No. 2014-21 amended.

Councilmember O'Donnell moved, seconded by Councilmember Brady, that Ordinance No. 2014-21 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-21 amended, adopted.

ORDINANCE NO. 2014-22: AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY THE CITY OF ROCKY RIVER FOR THE CITY OF WESTLAKE'S TRI-CITY PARK CONTRIBUTION FOR 2014, 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 Sullivan moved, seconded by Councilmember Getsay, that Ordinance No. 2014-22 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-22 adopted.

RESOLUTION NO. 2014-23: A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO ONE OR MORE AGREEMENTS WITH CUYAHOGA COUNTY TO RECEIVE FUNDS FROM THE FY2010 STATE HOMELAND SECURITY GRANT PROGRAM FOR THE PURCHASE OF MARCS RADIOS AND RELATED EQUIPMENT, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell moved, seconded by Councilmember Sullivan, that the rule requiring the resolution 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 Resolution No. 2014-23 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Resolution No. 2014-23 adopted.

ORDINANCE NO. 2014-24: AN ORDINANCE ACCEPTING RIGHT OF WAY DEDICATION PLAT FROM R.E. WARNER & ASSOCIATES, INC. FOR KOYO DRIVE.

ORDINANCE NO. 2014-25: AN ORDINANCE ACCEPTING RIGHT OF WAY DEDICATION PLAT FROM R.E. WARNER & ASSOCIATES, INC. FOR HOSPICE WAY.

Councilmember Brady moved, seconded by Councilmember Sullivan, that Ordinance No. 2014-26 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Ordinance No. 2014-26 added to agenda.

ORDINANCE NO. 2014-26: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CLEVELAND RESTORATION SOCIETY AND THE CITY OF WESTLAKE TO PARTICIPATE IN THE HERITAGE HOME PROGRAM.

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 O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2014-26 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2014-26 adopted.

**MISCELLANEOUS:**

None.

**ADJOURNMENT:**

President of Council Killeen declared the meeting adjourned at 9:04 p.m.

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Denise L. Rosenbaum  
Clerk of Council

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Michael F. Killeen  
President of Council