



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

The regular session of Council was called to order at 8:08 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, Mark R. Getsay.

Councilmember O'Donnell moved, seconded by Councilmember Sullivan, that Councilmember Brady be excused for cause.

Yeas: All.

Nays: None; motion carried.

Also present: Mayor Dennis Clough, Law Director John Wheeler, Service Director Paul Quinn, 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, Acting 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 February 20, 2014, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Mayor Clough dated February 18, 2014, requesting authorization to accept the bids of Allied Corp/The Shelly Company, Kokosing Materials, Inc. and JASA Asphalt Materials/Russell Standard Corp. as the lowest and most responsive bidders for asphalt concrete and bituminous cold mix. (Ordinance No. 2014-28)

Communication from Mayor Clough dated February 18, 2014, requesting authorization to accept the bids of The Arms Trucking Co., Erie Materials Inc., Kurtz Brothers, Inc., and LaFarge North America Inc. as the lowest and most responsive bidders for stone, sand, dirt and gravel. (Ordinance No. 2014-29)

Communication from Mayor Clough dated February 18, 2014, requesting authorization to accept the bid of Medina Supply as the lowest and most responsive bidder for concrete and related materials. (Ordinance No. 2014-27)

Communication from Mayor Clough dated February 21, 2014, requesting authorization to purchase one new model year Harley Davidson motorcycle with selected options from Lake Erie Harley Davidson in an amount not to exceed \$19,300.00. (Ordinance No. 2014-32)

Communication from Mayor Clough dated March 3, 2014, requesting authorization to sell the listed items through the GovDeals auction site for the reserve amount listed or higher.

Councilmember O'Donnell moved, seconded by Councilmember Getsay, to authorize the administration to sell the listed items through the GovDeals auction site for the reserve amount listed or higher.

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

Nays: None; motion carried.

PETITIONS FROM THE PUBLIC:

None.

REPORT OF THE MAYOR:

Mayor Clough read his fifth report of the year. He also presented a proclamation to Westlake City Schools Superintendent Dr. Dan Keenan for being selected as Ohio's Superintendent of the Year by the Buckeye Association of School Administrators. The councilmembers each in turn commended Dr. Keenan for his outstanding work and achievement.

REPORTS OF ADMINISTRATIVE OFFICIALS:

None.

REPORTS OF STANDING COMMITTEES – PLANNING/ZONING/LEGISLATIVE COMMITTEE:

Councilmember Sullivan reported on the February 25, 2014, Planning/Zoning/Legislative committee meeting.

Councilmember Sullivan moved, seconded by Councilmember Getsay, that legislation be drafted relative to the requested text amendment of §1218.03 to add commercial indoor firing ranges as a conditional use within exclusive industrial district.

ROLL CALL:

Yeas: All.

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Getsay, that the report of the February 25, 2014, 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 7:33 p.m. Present were Councilmembers Killeen, Appel, Nunnari, Sullivan, O'Donnell, Getsay. Also present were Mayor Clough; Directors Wheeler, Quinn, Shah, Rump, DeMinico (Assistant), Bedell, Krause (Assistant), Surber, Grayem, Bielozer, Hughes. Agenda items were discussed as well as selected correspondence, the planning commission report and the appointing of Councilmember O'Donnell as Council President Pro Tem for the March 20, 2014, Council meeting. The following meetings were scheduled/re-announced: Ad Hoc Information Technology committee, March 11 at 7 p.m. and Public Grounds, Buildings, Recreation committee, April 28.

Councilmember O'Donnell moved, seconded by Councilmember Getsay, to adjourn to executive session to discuss pending litigation at 7:50 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Also present were Mayor Clough, Law Director Wheeler and Finance Director Shah.

Councilmember Getsay moved, seconded by Councilmember Sullivan, to adjourn executive session at 8:05 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Meeting adjourned at 8:05 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS – PLANNING COMMISSION:

Councilmember Getsay reported on the March 3, 2014, planning commission meeting advising that the commission took the following actions: tabled the **Kings Tree Apartments Revisions to Development Plan (approved 6/2012), 25776, 25796 & 25808 Center Ridge, 213-23-023, 024 & 029**, to the April 7, 2014 meeting; 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**, to the April 7, 2014 meeting; **Crocker Park G Block** Final Development Plans (GNE, GNW, GSE, GSW mixed-use buildings), within Crocker Park: The planning commission made the following findings of fact: 1. Dumpster screening was not addressed in this plan. Even if it is to be later addressed by others in concert with the first floor commercial development, this should be addressed in the motion to clarify screening requirements. 2. The Planning Commission will need to approve the material sample board. **Motion:** Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Crocker Park G Block Final Development Plans with the following conditions: 1. The proposed units meet the minimum standards for square footage and storage per the letter dated January 30, 2014. 2. Dumpster screening will match adjacent ground floor walls, in the same manner as has been done on other existing Crocker Park buildings. 3. The sample board materials as presented this evening is approved. 4. Third party inspection or onsite inspection from the manufacturer and certification during the installation process of the EFIS is required. **Ordinance 2013-169 code amendment 1203.18 & 1211.03 accessory uses in single family:** requested an extension of time until July 7, 2014, and tabled it

to the April 7, 2014 meeting; **Westlake High School Development Plan for softball field lighting, 27830 Hilliard Blvd., PP#212 24 006 & 212 25 001:** The planning commission made the following findings of fact: 1. Height variances are required in accordance with section 1211.23 of the zoning code. 2. The lights are no taller than other existing fixtures at this location. 3. The fixtures are shielded and a lighting photometrics plan indicates no light trespass onto adjacent properties. 4. All setbacks are met. **Motion:** based on the findings of fact and comments received, Mr. Fatzinger moved and Mr. Lamb second to recommend approval the Westlake High School Development Plan 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. Approval is contingent upon the height variances granted by the Board of Zoning appeals. **Crocker Park KNE Development Plan, 1900 Crocker Road, PP# 211-25-004:** The planning commission made the following findings of fact: 1. This building is in an area that transitions between the more urban Crocker Park and less urban Promenade. 2. The development plan meets all zoning requirements and design guidelines except for the location of the entrance that faces Crocker Road that requires approval of the Planning Commission and City Council. 3. The orientation of the building is necessary due to its interior layout and unique site within Crocker Park. **Motion:** based on the findings of fact and comments received, Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Crocker Park KNE Development Plan 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. The entrance facing Crocker Road is approved for this tenant only. **Bonefish Grill Storefront & Sign Plan, 1900 Crocker Road, PP# 211-25-004:** The planning commission made the following findings of fact: 1. Because Bonefish Grill is the only tenant in the stand alone KNE building which is being built at this time for this tenant in effect the storefront will be recommended for approval along with the KNE development plan. 2. Staff concurs with the sign calculations submitted for all four elevations of the Bonefish Grill storefront except that since the west elevation of the KNE building is considered a type #2 frontage the area of this frontage is not counted toward sign area calculations. In addition there is a typo in the number of primary sign types indicated on west frontage (should be 1 not 0). 3. Section 1.1 of the sign criteria, amended 5/20/13, states: "For the purpose of calculating sign areas, 'tenant frontage' shall consist of the sides of the individual tenant space along a street or key pedestrian alley and does not include alleys used for service purposes only." 4. This reduces the amount of tenant frontage to 224'5" and the calculate-able amount of primary signage to 336.63 sq. ft. This does not affect the total allowable amount of primary sign area (225 sq. ft.) and secondary sign area (100 sq. ft.) permitted on the building under Section 11.1 of the criteria because the cap of 225 sq. ft. of permitted primary signage is reached even based on just three sides of the building counting toward sign area. 5. The proposed sign package consists of 1 primary wall sign of letters, 2 primary wall signs of letter and logos, 1 primary canopy sign of letters and 3 primary canopy signs of logos, 1 secondary logo sculpture, and 8 secondary window graphics. 6. The 267.89 sq. ft. of total signage requested falls within the 325 sq. ft. of sign area permitted. 7. The 247.80 sq. ft. of primary signage requires a modification from the criteria to allow an extra 22.80 sq. ft. of primary sign area. 8. The 20.09 sq. ft. of secondary signage falls within the 100 sq. ft. of secondary signage permitted. 9. The 4 secondary window graphics on the handicap door require a 6.19% (1.23 sq. ft.) modification to allow 21.19% of the glass area on that door to be covered

with window graphics (total of 4.21 sq. ft.). 10. Planning Commission and Council approval is required to allow the retail entrance and signage to face Crocker Road as per Ordinance #2000-68 which was passed to establish the Crocker Park mixed-use PUD and as per note 2 of Section 1.3 of the Crocker Park Mixed-Use Area Sign Criteria and Master Sign Plan which is derived from that ordinance. 11. The Fidelity building is the closest other building in proximity to the Bonefish Grill tenant space/building. 12. The Fidelity building was approved as an office building before this land was rezoned to PUD. 13. The Fidelity building has signage on all four sides of it and entrances which face Detroit Rd. and west. 14. The Fidelity building is 1 of 4 small single tenant buildings which front Detroit Rd., the two closest to Crocker Road provide financial services, the two directly in front of Promenade are restaurants. 15. The only other one-story retail building fronting on Crocker Road within the latest approved Crocker Park Preliminary Development Plan is the existing Cheesecake Factory building, it does not have an entrance or signage facing Crocker Road. 16. There are 4 mixed-use Crocker Road buildings which have or will have retail tenants facing Crocker Road. **Motion:** based on the findings of fact and comments received, Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Bonefish Grill Storefront with the following conditions: 1. That the entrance facing Crocker Road is approved for this tenant only; 2. Condition that any outdoor weather protection screening on the patio comply with the ordinances related to outdoor seasonal dining in the City of Westlake. **Motion:** based on the findings of fact and comments received, Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Bonefish Grill Sign Plan with the following condition and modifications: 1. The signage facing Crocker Road is approved for this tenant only; 2. A modification to allow an extra 22.80 sq. ft. of primary sign area; 3. A modification to allow the four secondary window graphics on the handicap door to exceed the maximum 15% permitted by 6.19% (1.23 sq. ft.) to allow 21.19% of the glass area on that door to be covered with window graphics (total of 4.21 sq. ft.). **Ordinance 2013-197 Conditional Use Permit for a Nursing Home, Crocker Rd. (north of 3550), PP#216-10-023:** The planning commission made the following findings of fact: 1. Except for one proposed side yard setback modification the standards of Section 1211.29, 1220.06 and 1227.03 of the zoning code have been met. 2. Section 1211.29 (e) and (j) and 1220.05 allow Planning Commission to grant modifications to the required setback. 3. The requested side yard setback modification is on the side of the development away from any single family residential uses towards the existing abutting church building. 4. If the proposed building was another church it could be located closer to the side lot line. **Motion:** based on the findings of fact and comments received, Mr. Fatzinger moved and Mr. Lamb second to recommend approval of Ordinance 2013-197 with the following conditions: 1. The use will not include out-patient care without approval of a text amendment to the zoning code allowing it. 2. That any side setback modifications only apply to the south side of the lot. 3. The CUP is limited to a building no larger than 72,000 sq. ft. 4. That in order for this CUP Ordinance to go into effect a development plan must be approved and construction of the facility must begin within one year. Tabled the **Livingston Villas Development Plan (nursing home), Crocker Rd. (north of 3550), PP#216-10-023**, to the April 7, 2014 meeting. **1290 LTD, minor revision to Development Plan (roof & windows), 1290 Bassett Rd., PP#211-22-044:** The planning commission made the following findings of fact: 1. The new window arrangement improves the dated look of the south façade. 2. A separate sign application is required for the oversized identification sign. 3. Design review guidelines in section 1237.04 (3)D2 govern the appearance of the following exterior improvements: a. Painting the building in neutral colors does not require Planning Commission approval. b. A modification is required for the standing seam metal roof in grey. **Motion:** based on the findings of fact and comments received, Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the 1290 LTD minor revision to Development Plan for the replacement windows

with: 1. A modification from section 1237.04 (3)D2 to allow the use of grey standing seam metal roofing on this building. 2. Condition that the sign plan is not part of this approval. **Requested an extension of time (until October 6, 2014) for Ord. 2012-122 Conditional Use Permit for a Wireless Telecommunications Facility @ 28579 Center Ridge Road** until 10-6-14 and tabled it to the 10-6-14 meeting. Meeting adjourned at 10:02 p.m. The next regular meeting is scheduled for Monday, April 7, 2014, in the Westlake City Hall Council Chambers.

Councilmember Getsay moved, seconded by Councilmember Sullivan, to approve the **Crocker Park G Block** Final Development Plans with the conditions listed in the report of the March 3, 2014, planning commission.

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

Abstentions: O'Donnell.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Sullivan, to grant an extension of time until July 7, 2014, for **Ordinance 2013-169**.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Sullivan, to approve the **Westlake High School Development Plan for softball field lighting** with the conditions listed in the report of the March 3, 2014, planning commission.

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

Abstentions: Appel.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Nunnari, to approve the **Crocker Park KNE Development Plan** with the conditions listed in the report of the March 3, 2014, planning commission and changing the word "tenant" to "building" in condition #2.

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

Abstentions: O'Donnell.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Nunnari, to approve the **Bonefish Grill Storefront** with the conditions listed in the report of the March 3, 2014, planning commission, changing the word "tenant" to "building" in condition #1 and adding a third condition from the sign plan: "3. The signage facing Crocker Road is approved for this tenant only."

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

Abstentions: O'Donnell.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Sullivan, to approve the **1290 LTD, minor revision to Development Plan (roof & windows)** with the modification and condition listed in the report of the March 3, 2014, planning commission.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember O'Donnell, to grant an extension of time until October 6, 2014, for **Ordinance 2012-122**.

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

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2010-53: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MAS FINANCIAL ADVISOR SERVICES FOR PROFESSIONAL ENGINEERING SERVICES, AND DECLARING AN EMERGENCY. (First reading 4/1/10, second reading 4/15/10.)

Councilmember O'Donnell moved, seconded by Councilmember Getsay, that Ordinance No. 2010-53 be adopted.

ROLL CALL ON ADOPTION:

Yeas: None.

Nays: Sullivan, O'Donnell, Getsay, Killeen, Appel, Nunnari; Ordinance No. 2010-53 defeated.

ORDINANCE NO. 2011-108: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE A VIGILANT VIDEO LPR SYSTEM AS A SOLE SOURCE PURCHASE, AND DECLARING AN EMERGENCY. (First reading 7/7/11.)

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 Sullivan, that Ordinance No. 2011-108 be adopted.

ROLL CALL ON ADOPTION:

Yeas: None.

Nays: O'Donnell, Getsay, Killeen, Appel, Nunnari, Sullivan; Ordinance No. 2011-108 defeated.

ORDINANCE NO. 2013-197: AN ORDINANCE CONSIDERING A CONDITIONAL USE PERMIT FOR A NURSING HOME. (First reading and referred to planning commission 12/19/13, planning commission recommended approval with conditions 3/3/14.)

Councilmember O'Donnell moved, seconded by Councilmember Sullivan, that Ordinance No. 2013-197 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Nays: None; Ordinance No. 2013-197 amended by substitution.

Council President Killeen stated that, per the applicant's request, the public hearing on and third reading of Ordinance No. 2013-197 will be postponed to a future date within 90 days from today.

ORDINANCE NO. 2014-24: AN ORDINANCE ACCEPTING A RIGHT OF WAY DEDICATION PLAT ~~FOR RECORDING PURPOSES FROM R.E. WARNER & ASSOCIATES, INC.~~ FOR KOYO DRIVE. (First reading 2/20/14.)
(SECOND READING)

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 Getsay, that Ordinance No. 2014-24 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Nays: None; Ordinance No. 2014-24 amended by substitution.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-24 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-24 amended, adopted.

ORDINANCE NO. 2014-25: AN ORDINANCE ACCEPTING A RIGHT OF WAY DEDICATION PLAT ~~FOR RECORDING PURPOSES FROM R.E. WARNER & ASSOCIATES, INC.~~ FOR HOSPICE WAY. (First reading 2/20/14.)
(SECOND READING)

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 O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2014-25 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Nays: None; Ordinance No. 2014-25 amended by substitution.

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2014-25 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-25 amended, adopted.

ORDINANCE NO. 2014-27: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MEDINA SUPPLY FOR THE PURCHASE OF CONCRETE AND RELATED MATERIALS FOR THE SERVICE DEPARTMENT IN THE CITY OF WESTLAKE, 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 Sullivan moved, seconded by Councilmember Getsay, that Ordinance No. 2014-27 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-27 adopted.

ORDINANCE NO. 2014-28: 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 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 Getsay moved, seconded by Councilmember Appel, that Ordinance No. 2014-28 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-28 adopted.

ORDINANCE NO. 2014-29: 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 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 Getsay moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-29 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-29 adopted.

ORDINANCE NO. 2014-30: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH TAC COMPUTER, INC. FOR COMPUTER MAINTENANCE SERVICE, 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. 2014-30 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-30 adopted.

ORDINANCE NO. 2014-31: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.

Councilmember Getsay 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. 2014-31 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-31 adopted.

ORDINANCE NO. 2014-32: AN ORDINANCE AUTHORIZING THE MAYOR TO

PURCHASE ONE (1) CURRENT MODEL YEAR HARLEY DAVIDSON POLICE MOTORCYCLE AND RELATED EQUIPMENT 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 O'Donnell moved, seconded by Councilmember Sullivan, that Ordinance No. 2014-32 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-32 adopted.

ORDINANCE NO. 2014-33: AN ORDINANCE ESTABLISHING THE VACATION LEAVE ACCUMULATION OF LARRY SURBER.

ORDINANCE NO. 2014-34: 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 EAST SIDE OF CROCKER ROAD AND THE SOUTH SIDE OF CENTER RIDGE ROAD, BEING PART OF PERMANENT PARCEL NOS. 217-28-004 AND 217-28-006, FROM R-1F-80 DISTRICT TO OFFICE BUILDING DISTRICT.

Council President Killeen referred Ordinance No. 2014-34 to the planning commission.

ORDINANCE NO. 2014-35: AN ORDINANCE SUPPLEMENTING SUBSECTION (b) OF SECTION 167.26 AS TO THE HIRING OF RETIRED GOVERNMENT EMPLOYEES.

Council President Killeen referred Ordinance No. 2014-35 to the Planning/Zoning/Legislative committee.

ORDINANCE NO. 2014-36: AN ORDINANCE AUTHORIZING THE CITY OF WESTLAKE, OHIO, TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE CLEVELAND-CUYAHOGA COUNTY PORT AUTHORITY, CROCKER PARK, LLC AND BLOCK K, LLC RELATING TO THE PLEDGE OF CERTAIN SERVICE PAYMENTS AND SHORTFALL PAYMENTS TO SECURE BONDS TO BE ISSUED BY THE CLEVELAND-CUYAHOGA COUNTY PORT AUTHORITY FOR THE PURPOSE OF PAYING THE COSTS OF PUBLIC

INFRASTRUCTURE IMPROVEMENTS RELATING TO CERTAIN REAL PROPERTY KNOWN AS "BLOCK K," TOGETHER WITH NECESSARY APPURTENANCES THERETO; AUTHORIZING THE ACCEPTANCE OF AND CONVEYANCE TO THE PORT AUTHORITY OF INTERESTS IN REAL PROPERTY INCLUDING THE EXECUTION OF CERTAIN EASEMENTS; AND AUTHORIZING VARIOUS RELATED DOCUMENTS AND INSTRUMENTS, INCLUDING A CONSTRUCTION MANAGEMENT AGREEMENT AND A TAX LIEN AGREEMENT WITH CUYAHOGA COUNTY; 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: Killeen, Appel, Nunnari, Sullivan, Getsay.

Abstentions: O'Donnell.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Appel, that Ordinance No. 2014-36 be adopted.

ROLL CALL ON ADOPTION:

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

Abstentions: O'Donnell.

Nays: None; Ordinance No. 2014-36 adopted.

Councilmember O'Donnell moved, seconded by Councilmember Sullivan, that Ordinance No. 2014-37 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Ordinance No. 2014-37 added to agenda.

ORDINANCE NO. 2014-37: AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2010-34 AS TO THE EMPLOYMENT OF ADDITIONAL LEGAL COUNSEL TO ASSIST IN LEGAL 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 O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-37 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Appel, Nunnari, Sullivan, O'Donnell, Getsay, Killeen.
Nays: None; Ordinance No. 2014-37 adopted.

MISCELLANEOUS:

None.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 9:02 p.m.

Denise L. Rosenbaum
Clerk of Council

Michael F. Killeen
President of Council