



**WESTLAKE CITY COUNCIL MEETING
JUNE 19, 2014
PROCEEDINGS OF PUBLIC HEARINGS
AND A REGULAR SESSION**

Public hearing was called to order by President of Council Michael F. Killeen at 8:00 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the West Life on June 11, 2014, and June 18, 2014, regarding the following legislation:

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.

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. 2014-34 closed.

Public hearing was called to order by President of Council Michael F. Killeen at 8:03 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the West Life on June 11, 2014, and June 18, 2014, regarding the following legislation:

ORDINANCE NO. 2014-54: AN ORDINANCE AMENDING SUBSECTION 1203.05(b) OF SECTION 1203.05 OF THE ZONING CODE AS TO AUTOMOTIVE USES.

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. 2014-54 closed.

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The regular session of Council was called to order at 8:04 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 Bob DeMinico, Planning Director James Bedell, Director of Purchasing Larry Surber, Director of Inspections Donald Grayem, Director of Community Services Lydia Gadd, 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 Brady, that the reading of the minutes of the regular session of June 5, 2014, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Email from Robert Grant of Pike Legal Group, attorney for Verizon Wireless, dated June 10, 2014, withdrawing the request for a conditional use permit to construct a new communications tower at Prince of Peace Lutheran Church, 28579 Center Ridge Road. (Ordinance No. 2012-122)

Communication from Mayor Clough dated June 9, 2014, requesting authorization to purchase cellular services through the General Services Administration from Verizon Wireless in an amount not to exceed \$51,000.00 for the 2014 calendar year. (Ordinance No. 2014-102)

Communication from Mayor Clough dated June 17, 2014, requesting to accept the bid of Broadway Excavating in the amount of \$142,287.00 as the lowest and most responsive bid for the Canterbury storm sewer replacement project. (Ordinance No. 2014-104)

Communication from Mayor Clough dated June 18, 2014, requesting to accept the bid of Dura Mark Inc. in an amount not to exceed \$220,000.00 for the pavement markings of certain streets and highways within the city of Westlake project. (Ordinance No. 2014-105)

Letter received from David Holtz dated June 18, 2014, requesting to withdraw his request for a text amendment of §1218.03 to add commercial indoor firing ranges as a conditional use within exclusive industrial district as he is not in a position to pursue it at this time. (Legislation had not been drafted yet.)

PETITIONS FROM THE PUBLIC:

None.

REPORT OF THE MAYOR:

Mayor Clough read his twelfth report of the year.

REPORTS OF ADMINISTRATIVE OFFICIALS:

None.

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

Councilmember Sullivan reported on the June 17, 2014, Planning/Zoning/Legislative committee meeting.

Councilmember Sullivan moved, seconded by Councilmember Getsay, that the report of the June 17, 2014, Planning/Zoning/Legislative committee meeting be amended by changing the motion regarding Ordinance No. 2014-35 to read that it “not be adopted” and that the report be received and filed as amended.

Yeas: All.

Nays: None; motion carried.

FINANCE COMMITTEE:

Council President Killeen reported on the June 19, 2014, Finance committee meeting.

Councilmember Appel moved, seconded by Councilmember O’Donnell, that the report of the June 19, 2014, Finance 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 7:37 p.m. Present were Councilmembers Killeen, Appel, Nunnari, Sullivan, O’Donnell, Brady, Getsay. Also present were Mayor Clough; Directors Wheeler, Quinn, Kelly, Shah, DeMinico, Bedell, Surber, Grayem, Gadd, Bielozer, Hughes. Agenda items were discussed as well as selected correspondence, proposed legislation to be added to the agenda, the purchase of transit vans, the July 4th parade and Crocker Park’s Liberty Fest. The following meetings were scheduled: Finance committee, June 25 at 7 p.m. and a joint meeting of the Committee of the Whole and Planning Commission, July 1 at 7 p.m.

Councilmember O’Donnell moved, seconded by Councilmember Nunnari, to adjourn at 7:55 p.m.

Yeas: All.

Nays: None; motion carried.

Meeting immediately adjourned at 7:55 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS:

None.

LEGISLATION:

ORDINANCE NO. 2012-122: AN ORDINANCE CONSIDERING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A WIRELESS TELECOMMUNICATIONS FACILITY AT 28579 CENTER RIDGE ROAD. (First reading and referred to planning commission 10/4/12, planning commission recommended approval 12/3/12, second reading 12/6/12, public hearing continued, removed from agenda 1/3/13, public hearing continued, removed from agenda 1/17/13, public hearing continued, removed from agenda and referred back to planning commission 2/7/13, withdrawn by applicant 6/10/14.)

Since the applicant had withdrawn this request, the public hearing on Ordinance No. 2012-122 continued to a date uncertain on February 7, 2013, was deemed no longer necessary.

Councilmember O'Donnell moved, seconded by Councilmember Brady, that Ordinance No. 2012-122 be adopted.

ROLL CALL ON ADOPTION:

Yeas: None.

Nays: Nunnari, Sullivan, O'Donnell, Brady, Getsay, Killeen, Appel; Ordinance No. 2012-122 defeated.

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. (First reading and referred to planning commission 3/6/14, planning commission recommended approval 5/19/14, second reading 6/5/14.)

Councilmember Getsay moved, seconded by Councilmember Appel, that Ordinance No. 2014-34 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-34 adopted.

ORDINANCE NO. 2014-54: AN ORDINANCE AMENDING SUBSECTION 1203.05(b) OF SECTION 1203.05 OF THE ZONING CODE AS TO AUTOMOTIVE USES. (First reading and referred to planning

commission 4/17/14, planning commission recommended approval 5/19/14, second reading 6/5/14.)

Councilmember Appel moved, seconded by Councilmember Getsay, that Ordinance No. 2014-54 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-54 adopted.

ORDINANCE NO. 2014-99: AN ORDINANCE ESTABLISHING THE VACATION LEAVE ACCUMULATION OF LYDIA GADD. (First reading and referred to finance committee 6/5/14.)
(SECOND READING)

ORDINANCE NO. 2014-102: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE CELLULAR SERVICE FROM VERIZON WIRELESS THROUGH THE GENERAL SERVICES ADMINISTRATION FOR CALENDAR YEAR 2014, AND DECLARING AN EMERGENCY.

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. 2014-102 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-102 adopted.

RESOLUTION NO. 2014-103: A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET INFORMATION FOR THE CITY OF WESTLAKE, OHIO FOR THE FISCAL YEAR OF 2015.

Council President Killeen referred Resolution No. 2014-103 to the finance committee.

ORDINANCE NO. 2014-104: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BROADWAY EXCAVATING FOR THE CANTERBURY ROAD STORM SEWER REPLACEMENT PROJECT FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Nunnari 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 Brady, that Ordinance No. 2014-104 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-104 adopted.

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Ordinance Nos. 2014-35, 105 and 106 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Ordinance Nos. 2014-35, 105 and 106 added to agenda.

ORDINANCE NO. 2014-35: AN ORDINANCE SUPPLEMENTING SUBSECTION (b) OF SECTION 167.26 AS TO THE HIRING OF RETIRED GOVERNMENT EMPLOYEES. (First reading and referred to Planning/Zoning/Legislative committee 3/6/14, second reading 3/20/14.)
(THIRD READING)

Councilmember Getsay moved, seconded by Councilmember Appel, that Ordinance No. 2014-35 be amended by substitution of an amended ordinance. Much discussion ensued as to the need for the amendment to the ordinance as well as to the code section itself.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Nays: Nunnari, Sullivan, Brady; Ordinance No. 2014-35 amended by substitution.

Councilmember Appel moved, seconded by Councilmember O'Donnell, that Ordinance No. 2014-35 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: Nunnari, Sullivan, Brady; Ordinance No. 2014-35 amended, adopted.

ORDINANCE NO. 2014-105: AN ORDINANCE TO AWARD A CONTRACT TO DURA MARK, INC. FOR THE PAVEMENT MARKINGS OF CERTAIN STREETS AND HIGHWAYS WITHIN THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

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 Getsay moved, seconded by Councilmember Appel, that Ordinance No. 2014-105 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-105 adopted.

ORDINANCE NO. 2014-106: AN ORDINANCE CONSIDERING A CONDITIONAL USE PERMIT FOR STORAGE OF RECREATIONAL VEHICLES.

Council President Killeen referred Ordinance No. 2014-106 to the planning commission.

MISCELLANEOUS:

Mayor Clough stated that the audit discussed in executive session of the Finance committee meeting tonight will become a public document once it is released by the auditors. Council President Killeen added that, until that time, Council is precluded from making any public comment on it.

Councilmember O'Donnell commended the administration and the residents who attended the community meeting on the flooding issues, and he encouraged residents to schedule a dye test if they haven't done so already.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 8:47 p.m.

Denise L. Rosenbaum
Clerk of Council

Michael F. Killeen
President of Council