



**WESTLAKE CITY COUNCIL MEETING  
JULY 17, 2014  
PROCEEDINGS OF A REGULAR SESSION**

The regular session of Council was called to order at 8:00 p.m. by President of Council Michael F. Killeen.

Present: President of Council Michael F. Killeen; Councilmembers Nick C. Nunnari, Dennis J. Sullivan, Michael F. O'Donnell, Kenneth R. Brady, Mark R. Getsay.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Councilmember Appel be excused for cause.

Yeas: All.

Nays: None; motion carried.

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 Bob DeMinico, Planning Director James Bedell, Police Chief Kevin Bielozer, Assistant Fire Chief Greg Mortus, 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 July 3, 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 July 7, 2014, regarding vacation time for prospective employees.

Notice from Ohio Division of Liquor Control received July 14, 2014, for a new D5 permit for Crocker Road Hospitality LLC, 2033 Crocker Park, Westlake, Ohio.

Councilmember O'Donnell moved, seconded by Councilmember Brady, not to object to a new D5 permit for Crocker Road Hospitality LLC, 2033 Crocker Park, Westlake, Ohio.

Yeas: All.

Nays: None; motion carried.

Notice from Ohio Division of Liquor Control received July 16, 2014, for transfer D5A, D6 permits from Sage Restaurant Manager LLC, dba Courtyard By Marriott, 25050 Sperry Road & Patio, Westlake, Ohio, to Vindicare Management LLC, dba Courtyard By Marriott, 25050 Sperry Road & Patio, Westlake, Ohio.

Councilmember O'Donnell moved, seconded by Councilmember Brady, not to object to transfer D5A, D6 permits from Sage Restaurant Manager LLC, dba Courtyard By Marriott, 25050 Sperry Road & Patio, Westlake, Ohio, to Vindicare Management LLC, dba Courtyard By Marriott, 25050 Sperry Road & Patio, Westlake, Ohio.

Yeas: All.

Nays: None; motion carried.

Communication from Mayor Clough dated July 17, 2014, requesting authorization to reject all bids received for the salt barn project and re-bid the project.

Councilmember Nunnari moved, seconded by Councilmember O'Donnell, to authorize the administration to reject all bids received for the salt barn project and re-bid the project.

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

Nays: None; motion carried.

**PETITIONS FROM THE PUBLIC:**

None.

**REPORT OF THE MAYOR:**

Mayor Clough read his fourteenth 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 7:30 p.m. Present were Councilmembers Killeen, Nunnari, Sullivan, O'Donnell, Brady, Getsay. Also present were Mayor Clough; Directors Wheeler, Stuhm (Deputy), Kelly, Shah, DeMinico, Bedell, Bielozer, Mortus (Assistant) and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence and the planning commission report. No meetings were scheduled.

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 – PLANNING COMMISSION:**

Councilmember Getsay reported on the July 7, 2014, planning commission meeting advising that the commission took the following actions: **Ordinance 2013-169** code amendment 1203.18 & 1211.03 accessory uses in single family: requested an extension of time for Ordinance 2013-169 until September 8, 2014, and tabled it until September 8, 2014; tabled **Livingston Villas Development Plan** (nursing home), Crocker Rd. (north of 3550), PP#216-10-023, until September 8, 2014; **American Greetings Revised Development Plan**, 1 American Blvd., PP#211-29-005: The planning commission made the following findings of fact: 1. The development plan approved in 2012 included a design that was more conceptual in terms of appurtenances, while this proposal is reflective of the actual design for the generator, elevator penthouse, HVAC and associated visual/acoustical screen walls. 2. The view of the generator is screened by the retention wall, landscaping and a gate. 3. The taller HVAC equipment that was selected by the applicant is preferred because it is quieter. 4. The height of the building has not increased from the 2012 PDP. 5. Rooftop screening was a requirement of the 2012 approval. 6. Rooftop appurtenances and associated screening are not factored into the height of the building. 7. No modifications are required for this approval. **Motion:** Based upon the above findings of fact Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the American Greetings Revised Development Plan; **American Greetings Landscape and Hardscape Plan**, 1 American Blvd., PP#211-29-005: The planning commission made the following findings of fact: 1. The landscape/hardscape plan is an exemplary design. 2. No modifications are required. **Motion:** Based upon the above findings of fact Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the American Greetings Landscape and Hardscape Plan; **Crocker Park Street Names Phase III**, within Crocker Park: **Motion:** Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the proposed street names with the condition that S.S. Comet Lane be extended to the intersection with Promenade Lane; **Hyatt Place Development Plan**, Crocker Park: The planning commission made the following findings of fact: 1. No modifications are required. 2. Further refinement is required for detailing appropriate for a signature building, and metal louvers. 3. The development plan may be approved with the condition that building elevations be reworked and presented for approval at a future meeting. 4. Terra cotta is not identified as one of the primary materials in the design guidelines but it is a fired clay material (like brick) that is at least equal to the other materials identified in the design guidelines. **Motion:** Based upon the above findings of fact Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Hyatt Place Development Plan, site plan, and structural and foundation plans as presented with the following conditions: 1. The applicant will provide revised building elevations for Planning Commission approval. 2. 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; tabled the **Hyatt Place Sign Plan**, Crocker Park, to the next meeting; **Nick Mayer Lincoln Quick Lane Development Plan**, 24400 Center Ridge Rd., PP#214-08-014 & 008: The planning commission made the following findings of fact: 1. The proposed use is consistent with the Guide Plan and meets applicable zoning requirements. 2. No modifications are required. **Motion:** Based upon the above findings of fact Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Nick Mayer Lincoln Quick Lane Development Plan with the following conditions: 1. Condition that the color of the building be integral to the split face block; 2. 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; **Nick Mayer Lincoln Quick Lane Sign Plan**, 24400 Center Ridge Rd., PP#214-08-014 & 008: The planning commission made the following findings of fact: 1. The proposal is to add signage to the new building. No changes are shown for the existing freestanding signage and wall signage on the existing building. 2. In 1974 the property was granted a number of variances to retain the two pole signs and add additional ground signs so the excess freestanding sign area is a moot point. 3. The proposed signage exceeds the code because the orange stripe shown on three sides of the new building is counted as sign area per the Westlake sign code and Design Guidelines for commercial buildings. 4. If the orange stripe is changed to black as shown in the color rendering submitted for the new building then the amount of new signage complies with code for the new building. **Motion:** Based upon the above findings of fact Mr. Fatzinger moved and Mr. Lamb second to approve the Nick Mayer Sign Plans with the condition that the applicant remove the orange stripe from the proposal and make it black as shown on the color rendering and approve the rest of the proposed sign plan as submitted; approved the **Nick Mayer Lincoln Quick Lane Lot Consolidation**, 24400 Center Ridge Rd., PP#214-08-014 & 008; **Montessori Children's School Development Plan (greenhouse)**, 28370 Bassett Rd., PP#212-28-007: The planning commission made the following findings of fact: 1. Since this will not be used for producing plant material for commercial sales, this more closely meets the definition of a private greenhouse. 2. A modification is required to permit a private greenhouse that exceeds 260 s.f. 3. The larger size is necessary to accommodate the use of the greenhouse by students and teachers during class. 4. The greenhouse meets the applicable Performance Standards in 1220.06 relative to granting modifications. **Motion:** Based upon the above findings of fact Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Montessori Children's School Development Plan with the following conditions: 1. A modification of 225 s.f. is granted. 2. 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; **Ordinance 2014-82** Conditional Use Permit for Occupational Health Clinic Services, 2116 Dover Center, PP# 212-26-004: requested an extension of time for Ordinance 2014-82 until the end of September (9/30/14) and tabled it to the next meeting; **Ordinance 2014-83** Conditional Use Permit for an Adult Day Care Center, 26115 and 26121 Center Ridge Road, PP#215-24-006: The planning commission made the following findings of fact: 1. The proposed use is in accordance with the Guide Plan's Future Land Use Map and zoning requirements in 1216.03 and 1227.03. 2. The proposed use is in a general business district and will not generate traffic or have hours of operation that are out of character with nearby businesses. 3. The only exterior change is the addition of fencing to enclose the rear yard, window signs, and a temporary banner sign. 4. Building permits are required for the signs and fencing. **Motion:** Based upon the above findings of fact Mr. Fatzinger moved and Mr. Lamb second to recommend approval of Ordinance 2014-83, LakeShore Adult Center; recommended approval of **Ordinance 2014-94** Supplementing §1203.03 and 1218.03(h) of the Zoning Code as to definitions and permitted uses in Industrial Districts; **Erie Shores Community Federal Credit Union Sign Plan**, 26931 Detroit Rd., PP#213-10-005: The planning commission made the following findings of fact: 1. The change to the approved sign package is the replacement of the existing externally illuminated monument sign with a new internally illuminated monument sign in the same location. 2. The existing sign is located 9.5' from the existing ROW and 6' from the driveway. **Motion:** Based upon the above findings of

fact Mr. Fatzinger moved and Mr. Lamb second to approve Erie Shores Community Federal Credit Union Sign Plan with the following modifications and conditions: 1. Setback modification of 10.5' from the planned ROW and 4' from the driveway. 2. Condition that if the road is widened the sign owner will move the sign at their expense to locate it a minimum of 10' from the edge of the new ROW. 3. Condition that the background of the new sign faces be a minimum of 75% opaque; **Psycle Sign Plan**, 25016 Center Ridge Rd. PP# 213-27-014: The planning commission made the following findings of fact: 1. The proposed signage for this tenant conforms to the code but requires three waivers from the approved sign criteria for this shopping center. 2. Even with the waivers the proposed signage maintains a level of uniformity for signage on the building. **Motion:** Based upon the above findings of fact Mr. Fatzinger moved and Mr. Lamb second to approve Psycle Sign Plan with the following waivers from the approved shopping center sign criteria for this tenant: 1. To allow letters with ascender and descenders exceeding the maximum 16" letter height permitted by the criteria. 2. To allow a portion of the sign to consist of white letters instead of turquoise. 3. To allow a portion of the sign to consist of a capsule sign with turquoise background color and white letters; **Stone Creek Village Entrance Sign Plan**, 1860 Bassett Rd., PP#211-27-021: The planning commission made the following findings of fact: 1. The proposed signage for this tenant conforms to the code except for one setback modification. 2. The latest Guide Plan calls for the Bassett Road ROW, which is currently 50' wide, to be widened to 60'. **Motion:** Based upon the above findings of fact Mr. Fatzinger moved and Mr. Lamb second to approve Stone Creek Village Sign Plan with the condition that the sign structure is installed as required per the right-of-way setback (moved back 2.5' from what was originally shown on the plans); tabled the **Ganley BMW Sign Plan**, 24690 Sperry Rd., PP#214-01-026, (applicant was not present at this point in the meeting). Meeting adjourned at 10:04 p.m. The next regular meeting is scheduled for Monday, August 4, 2014, in the Westlake City Hall Council Chambers.

Councilmember Getsay moved, seconded by Councilmember Brady, to grant an extension of time for **Ordinance 2013-169** until September 8, 2014.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Nunnari, to approve the **American Greetings Revised Development Plan**.

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

Abstentions: O'Donnell.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Nunnari, to approve the **American Greetings Landscape and Hardscape Plan**.

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

Abstentions: O'Donnell.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Brady, to approve the **Crocker Park Street Names Phase III** with the condition listed in the report of the July 7, 2014, planning commission.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Brady, to approve the **Hyatt Place Development Plan** with the conditions listed in the report of the July 7, 2014, planning commission and, for further clarification, that the motion is for approval of the development plan, site plan, structural plan and foundation plans and that the applicant will provide revised building elevations for later approval.

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

Abstentions: O'Donnell.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Brady, to approve the **Nick Mayer Lincoln Quick Lane Development Plan** with the conditions listed in the report of the July 7, 2014, planning commission.

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

Abstentions: Nunnari.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Brady, to approve the **Montessori Children's School Development Plan (greenhouse)** with the conditions listed in the report of the July 7, 2014, planning commission and adding "for a private greenhouse" at the end of condition #1.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Brady, to grant an extension of time for **Ordinance 2014-82** until the end of September (9/30/14).

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

Nays: None; motion carried.

**LEGISLATION:**

ORDINANCE NO. 2014-33: AN ORDINANCE ESTABLISHING THE VACATION  
(THIRD READING) LEAVE ACCUMULATION OF LARRY SURBER. (First reading 3/6/14, second reading 3/20/14, referred to finance committee 4/17/14, removed from agenda 7/3/14.)

Councilmember O'Donnell moved, seconded by Councilmember Brady, that Ordinance No. 2014-33 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: Sullivan; Ordinance No. 2014-33 adopted.

ORDINANCE NO. 2014-99: AN ORDINANCE ESTABLISHING THE VACATION  
(THIRD READING) LEAVE ACCUMULATION OF LYDIA GADD. (First reading and referred to finance committee 6/5/14, second reading 6/19/14, removed from agenda 7/3/14.)

Councilmember O'Donnell moved, seconded by Councilmember Brady, that Ordinance No. 2014-99 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Brady, Getsay, Killeen, Nunnari, O'Donnell.  
Nays: Sullivan; Ordinance No. 2014-99 adopted.

ORDINANCE NO. 2014-83: AN ORDINANCE CONSIDERING A CONDITIONAL USE PERMIT FOR AN ADULT DAY CENTER. (First reading and referred to planning commission 5/15/14, planning commission recommended approval 7/7/14.)  
(SECOND READING)

Council President Killeen set a public hearing on Ordinance No. 2014-83 for September 4, 2014.

ORDINANCE NO. 2014-94: AN ORDINANCE SUPPLEMENTING SUBSECTIONS 1203.03 AND 1218.03(h) OF THE ZONING CODE AS TO DEFINITIONS AND PERMITTED USES IN INDUSTRIAL DISTRICTS. (First reading and referred to planning commission 5/15/14, planning commission recommended approval 7/7/14.)  
(SECOND READING)

Council President Killeen set a public hearing on Ordinance No. 2014-94 for September 4, 2014.

ORDINANCE NO. 2014-109: AN ORDINANCE ENACTING NEW SECTION 505.22 OF THE GENERAL OFFENSES CODE AS TO DEER FEEDING. (First reading and referred to safety committee 7/3/14.)  
(SECOND READING)

ORDINANCE NO. 2014-111: AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WESTLAKE A PROPOSED AMENDMENT TO ARTICLE VII, SECTION 3 OF THE CITY CHARTER TO AMEND THE PETITION FILING DEADLINE OF DECLARATION OF CANDIDACY TO COMPLY WITH THE STATE OF OHIO LEGISLATION CHANGES, AND DECLARING AN EMERGENCY. (First reading 7/3/14.)  
(SECOND READING)

Council President Killeen referred Ordinance No. 2014-111 to the Planning/Zoning/Legislative committee.

ORDINANCE NO. 2014-112: AN ORDINANCE AMENDING AND SUPPLEMENTING SUBSECTION 333.03(b) OF THE TRAFFIC CODE AS TO THE SPEED LIMIT ON A PORTION OF CROCKER ROAD. (First reading 7/3/14.)  
(SECOND READING)

ORDINANCE NO. 2014-114: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.

Councilmember O'Donnell 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 O'Donnell moved, seconded by Councilmember Brady, that Ordinance No. 2014-114 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-114 adopted.

ORDINANCE NO. 2014-115: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO ATTORNEY GENERAL FOR DELINQUENT DEBT COLLECTION.

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. 2014-115 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-115 adopted.

ORDINANCE NO. 2014-116: AN ORDINANCE GRANTING AN ELECTRIC UTILITY EASEMENT TO THE CLEVELAND ELECTRIC ILLUMINATING COMPANY FOR THE INSTALLATION OF ELECTRIC UTILITY FACILITIES 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 O'Donnell, that Ordinance No. 2014-116 be amended by striking in Section 1, "copy of said Easement Agreement is attached hereto and marked Exhibit A," and inserting, "which Easement Agreement shall be in a form acceptable by the Mayor and Director of Law and shall be kept on file in the office of the Director of Engineering,".

ROLL CALL ON AMENDMENT:

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

Nays: None; Ordinance No. 2014-116 amended.



Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-116 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2014-116 amended, adopted.

**MISCELLANEOUS:**

Mayor Clough inquired as to Council's availability for the city retreat.

**ADJOURNMENT:**

President of Council Killeen declared the meeting adjourned at 8:35 p.m.

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Denise L. Rosenbaum  
Clerk of Council

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Michael F. Killeen  
President of Council