



**WESTLAKE CITY COUNCIL MEETING  
DECEMBER 18, 2014  
PROCEEDINGS OF PUBLIC HEARINGS  
AND A REGULAR SESSION**

Public hearing, continued from October 16, 2014, 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 October 8, 2014, and October 15, 2014, regarding the following legislation:

**ORDINANCE NO. 2013-197: AN ORDINANCE CONSIDERING A CONDITIONAL USE PERMIT FOR A NURSING HOME.**

Assistant Planning Director Will Krause explained this amendment to the zoning code.

Anthony Rhea of Legacy Health Services stated they have received their certificate of need from the State of Ohio for this project.

There being no further comments from the audience, Council President Killeen declared the public hearing on Ordinance No. 2013-197 closed.

Public hearing was called to order by President of Council Michael F. Killeen at 8:09 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the West Life on December 10, 2014, and December 17, 2014, regarding the following legislation:

**ORDINANCE NO. 2014-166: AN ORDINANCE SUPPLEMENTING SECTION 1203.18 AND AMENDING SUBSECTION 1218.03(h)(3) OF THE ZONING CODE AS TO DEFINITIONS AND PERMITTED USES IN EXCLUSIVE INDUSTRIAL DISTRICTS.**

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. 2014-166 closed.

Public hearing was called to order by President of Council Michael F. Killeen at 8:11 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the West Life on December 10, 2014, and December 17, 2014, regarding the following legislation:

ORDINANCE NO. 2014-167: AN ORDINANCE SUPPLEMENTING SUBSECTION 1218.03(h) OF THE ZONING CODE AS TO PERMITTED USES IN EXCLUSIVE INDUSTRIAL DISTRICTS.

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. 2014-167 closed.

\* \* \*

The regular session of Council was called to order at 8:13 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, Assistant Director of Planning Will Krause, Director of Purchasing Larry Surber, Director of Inspections Donald Grayem, Director of Community Services Lydia Gadd, Police Chief Kevin Bielozer, 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 December 4, 2014, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

**SELECTED CORRESPONDENCE:**

Communications from Recreation Director Bob DeMinico dated December 11, 2014, stating that at the November 18, 2014, Recreation Commission meeting, the commission recommended that Council approve the new 2015 Recreation Center Sunday hours, Peterson Pool season and daily guest pass guidelines, and Meadowood Golf Course rates beginning January 1, 2015.

Council acknowledged the new Recreation Center hours and Peterson pool guidelines and took no action on the Meadowood Golf Course rates. Therefore, if no further objections or amendments, they will automatically go into effect 60 days from the date of passage by the Recreation Commission.

Communication from Mayor Clough dated December 18, 2014, requesting authorization to solicit proposals for professional engineering services for master detention basin investigation

within the upper Cahoon Creek drainage area including the Rose, Kirk, Sandy Ridge, Costello (I & II), and Westwood basins for the potential benefits of lowering the flood elevations.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, to authorize the administration to solicit proposals for professional engineering services for master detention basin investigation within the upper Cahoon Creek drainage area including the Rose, Kirk, Sandy Ridge, Costello (I & II), and Westwood basins for the potential benefits of lowering the flood elevations.

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

Nays: None; motion carried.

**PETITIONS FROM THE PUBLIC:**

Brian Thompson, 2156 Walter Road, inquired as to the status of his request at the last Council meeting to begin having invocations at Council meetings. Council President Killeen stated that the matter is still under consideration.

**REPORT OF THE MAYOR:**

Mayor Clough read his twenty-second report of the year. He also stated the city of Westlake had received a certificate from the office of the United States Secretary of Defense recognizing the city as a patriotic employer for its support of employee participation in the National Guard and Reserve Force.

Mayor Clough requested authorization from Council to go forward with accepting a change order to Panzica's contract on behalf of the Cleveland Port Authority who is financing Block K at Crocker Park.

Councilmember Brady moved, seconded by Councilmember Getsay, to authorize the Mayor to accept the change order to the Panzica contract for Block K in Crocker Park.

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

Abstentions: O'Donnell.

Nays: None; motion carried.

**REPORTS OF ADMINISTRATIVE OFFICIALS:**

None.

**REPORTS OF STANDING COMMITTEES – FINANCE COMMITTEE:**

Council President Killeen reported on the December 13, 2014, Finance committee meeting. He referred the fire prevention organizational alternatives to the Safety committee.

Councilmember Brady moved, seconded by Councilmember Nunnari, that the report of the December 13, 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 7:32 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, Krause (Assistant), Surber, Grayem, Gadd, Bielozer, Hughes and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence, the planning commission report, a certificate received from the Secretary of Defense, and a change order request to the Panzica contract for Block K in Crocker Park. The following meetings were either scheduled or re-announced: Planning/Zoning/Legislative committee, December 22 at 7 p.m.; Committee of the Whole, January 27, 2015, at 7 p.m. (tentative).

Councilmember Sullivan moved, seconded by Councilmember Nunnari, to adjourn to executive session to discuss the sale of property at 7:53 p.m.

ROLL CALL:

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

Nays: None; motion carried.

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

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, to adjourn executive session at 8:01 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Meeting adjourned at 8:01 p.m.

**REPORTS OF OTHER BOARDS AND COMMISSIONS – PLANNING COMMISSION:**

Councilmember Getsay reported on the December 15, 2014, planning commission meeting advising that the commission took the following actions: **Crocker Park G Block (minor revisions to approved plans)**, within Crocker Park G Block: The Planning Commission gave unanimous consent to postpone this item to the January 5, 2015, meeting. **Ordinance 2014-168** conditional use permit for mobile food vending, 29305 Clemens Road, PP#211-22-056 to 059: The planning commission made the following findings of fact: 1. Although the two ordinances that enable this use are still before Council, the Planning Commission is able to make a recommendation regarding this CUP, provided that it be conditioned upon the approval of the ordinances. 2. The modification to reduce the number of required parking spaces by 5 is reasonable, since it meets the performance standards for modifications in section 1220.06, and the tasting room is likely to experience the most use after regular business hours. 3. The proposed use meets the standards for evaluating conditional use permits in section 1227.03.

**Motion:** Mr. Fatzinger moved and Mr. Lamb second to recommend approval of Ordinance 2014-168 with the following conditions and modification: 1. Approval is subject to the adoption of Ordinances 2014-166 and 2014-167. 2. A modification is granted to reduce the total number of required parking spaces to 58. 3. The mobile food vending shall be located on a paved surface and shall not interfere with ingress to or egress from the building. 4. The location of the mobile food vending unit is subject to the approval of the planning department. 5. That the hours of

operation be limited to 10:00 a.m. to 10:00 p.m. Meeting adjourned at 9:37 p.m. The next regular meeting is scheduled for Monday, January 5, 2015, in the Westlake City Hall Council Chambers.

**LEGISLATION:**

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, second reading, amended 3/6/14, removed from agenda 10/16/14.)

Councilmember O'Donnell moved, seconded by Councilmember Brady, that Ordinance No. 2013-197 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2013-197 adopted.

Councilmember Getsay moved, seconded by Councilmember Brady, to approve the **Livingston Villas Development Plan** with the conditions and modifications listed in the report of the December 1, 2014, planning commission.

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

Nays: None; motion carried.

ORDINANCE NO. 2014-163: AN ORDINANCE APPROVING THE REVISED PRELIMINARY PLAN OF THE LAKE FOREST V MAJOR SUBDIVISION IN THE CITY OF WESTLAKE. (First reading 11/20/14, second reading 12/4/14.)

Councilmember Getsay moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-163 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-163 adopted.

ORDINANCE NO. 2014-164: AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE BUR OAK PHASE II MAJOR SUBDIVISION IN THE CITY OF WESTLAKE. (First reading 11/20/14, second reading 12/4/14.)

Councilmember Getsay moved, seconded by Councilmember Nunnari, that Ordinance No. 2014-164 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-164 adopted.

ORDINANCE NO. 2014-166: AN ORDINANCE SUPPLEMENTING SECTION 1203.18 AND AMENDING SUBSECTION 1218.03(h)(3) OF THE ZONING CODE AS TO DEFINITIONS AND PERMITTED

USES IN EXCLUSIVE INDUSTRIAL DISTRICTS.  
(First reading and referred to planning commission 11/20/14,  
planning commission recommended approval 12/1/14, second  
reading 12/4/14.)

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2014-166 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-166 adopted.

ORDINANCE NO. 2014-167: AN ORDINANCE SUPPLEMENTING SUBSECTION  
(THIRD READING) 1218.03(h) OF THE ZONING CODE AS TO PERMITTED  
USES IN EXCLUSIVE INDUSTRIAL DISTRICTS.  
(First reading and referred to planning commission 11/20/14,  
planning commission recommended approval 12/1/14, second  
reading 12/4/14.)

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2014-167 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-167 adopted.

ORDINANCE NO. 2014-168: AN ORDINANCE CONSIDERING A CONDITIONAL USE  
(SECOND READING) PERMIT FOR MOBILE FOOD VENDING. (First reading  
and referred to planning commission 11/20/14, planning  
commission recommended approval with conditions 12/15/14.)

Councilmember Getsay moved, seconded by Councilmember Brady, that Ordinance No. 2014-168 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Nays: None; Ordinance No. 2014-168 amended by substitution.

Council President Killeen set a public hearing on Ordinance No. 2014-168 for January 15, 2015.

ORDINANCE NO. 2014-173: AN ORDINANCE APPROVING THE  
(SECOND READING) PRELIMINARY PLAN OF THE MALLARD COVE  
SUBDIVISION EXTENSION IN THE CITY OF  
WESTLAKE. (First reading 12/4/14.)

ORDINANCE NO. 2014-174: AN ORDINANCE AMENDING APPROPRIATIONS FOR  
THE CITY OF WESTLAKE, OHIO.

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 Nunnari, that Ordinance No. 2014-174 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-174 adopted.

ORDINANCE NO. 2014-175: AN ORDINANCE MAKING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2015, 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 Nunnari, that Ordinance No. 2014-175 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-175 adopted.

ORDINANCE NO. 2014-176: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PERSONAL SERVICES CONTRACT WITH SIGNAL SERVICE COMPANY, INC. AS TO THE MAINTENANCE AND REPAIR OF THE CITY'S TRAFFIC SIGNALS, 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 Appel moved, seconded by Councilmember Sullivan, that Ordinance No. 2014-176 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-176 adopted.

ORDINANCE NO. 2014-177: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ALAN C. FODOR FOR

**ARCHITECTURAL SERVICES FOR 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 Nunnari, that Ordinance No. 2014-177 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2014-177 adopted.

**ORDINANCE NO. 2014-178: AN ORDINANCE AUTHORIZING THE MAYOR TO  
ENTER INTO A COLLECTIVE BARGAINING  
AGREEMENT WITH THE WESTLAKE SERVICE  
DEPARTMENT ASSOCIATION, 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 Appel moved, seconded by Councilmember O'Donnell, that Ordinance No. 2014-178 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2014-178 adopted.

**MISCELLANEOUS:**

None.

**ADJOURNMENT:**

President of Council Killeen declared the meeting adjourned at 8:58 p.m.

---

Denise L. Rosenbaum  
Clerk of Council

---

Michael F. Killeen  
President of Council