



**WESTLAKE CITY COUNCIL MEETING
PROCEEDINGS OF PUBLIC HEARINGS
AND A REGULAR SESSION
JUNE 18, 2015**

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 June 10, 2015, and June 17, 2015, regarding the following legislation:

ORDINANCE NO. 2015-47: 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 BETWEEN CENTER RIDGE AND WESTWOOD ROADS, FROM R-MF-40 DISTRICT AND GENERAL BUSINESS DISTRICT TO R-MF-24 DISTRICT.

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

Jim Coughlin, 2526 Forest Parkway, a realtor, commented on the type of development this rezoning would permit and problems with increased population density and traffic. He cautioned that the city cannot regulate condominiums becoming rental units, and he proposed that the city purchase the land and turn it into a green area.

Tom Slater, 2537 Forest Parkway, voiced concerns about water damage and drainage problems in the area.

Nik Filippi, 29140 Schwartz Road, encouraged Council to pass this rezoning to eliminate mixed zonings which make development of the land difficult.

Donna Anderson, owner of the Schneider's Mobile Homes property, explained that the trailer park is a non-conforming use and that the sewer system therein is old. Any new development of the land would improve the existing conditions.

There being no further comments from the audience, Council President Killeen declared the public hearing on Ordinance No. 2015-47 closed.

Public hearing was called to order by President of Council Michael F. Killeen at 8:20 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the West Life on June 10, 2015, and June 17, 2015, regarding the following legislation:

ORDINANCE NO. 2015-64: 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 NEAR CROCKER ROAD, BEING PERMANENT PARCEL NO. 211-29-006 FROM R-1F-80 DISTRICT TO AUTOMOBILE PARKING DISTRICT.

Planning Director Jim Bedell explained this amendment to the zoning code and the corresponding development plan for the American Greetings surface parking lot on this parcel.

There being no comments from the audience, Council President Killeen declared the public hearing on Ordinance No. 2015-64 closed.

Public hearing was called to order by President of Council Michael F. Killeen at 8:28 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the West Life on June 10, 2015, and June 17, 2015, regarding the following legislation:

ORDINANCE NO. 2015-71: AN ORDINANCE SUPPLEMENTING AND AMENDING SECTION 1221.11 OF THE ZONING CODE AS TO DRIVEWAYS TO PARKING AREAS.

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

Brian Thompson, 2156 Walter Road, was opposed to this code change, stating that it limited the number of cars that could be parked in a driveway and that street parking was dangerous. He suggested added language to protect citizens' right to assemble. Law Director Wheeler and Planning Director Bedell clarified this ordinance and that the limitation to two cars applies to the ancillary parking pads, not the entire driveway.

There being no further comments from the audience, Council President Killeen declared the public hearing on Ordinance No. 2015-71 closed.

Public hearing was called to order by President of Council Michael F. Killeen at 8:38 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the West Life on June 10, 2015, and June 17, 2015, regarding the following legislation:

ORDINANCE NO. 2015-74: AN ORDINANCE ENACTING NEW CHAPTER 1230 "GENERAL PROVISIONS" OF TITLE FIVE "REGULATIONS APPLYING TO ALL USE DISTRICTS" OF THE ZONING CODE.

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. 2015-74 closed.

Public hearing was called to order by President of Council Michael F. Killeen at 8:40 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the West Life on June 10, 2015, and June 17, 2015, regarding the following legislation:

ORDINANCE NO. 2015-75: AN ORDINANCE AMENDING SUBSECTION 1211.04(B)(2) OF SECTION 1211.04 “ACCESSORY USES” OF THE ZONING CODE.

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. 2015-75 closed.

Public hearing was called to order by President of Council Michael F. Killeen at 8:41 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the West Life on June 10, 2015, and June 17, 2015, regarding the following legislation:

ORDINANCE NO. 2015-76: AN ORDINANCE REPEALING SECTION 1216.03 FOOTNOTE (g), AMENDING SUBSECTION 1216.03(g)(14) AND SUPPLEMENTING SUBSECTION 1216.03(h) OF THE ZONING CODE AS TO SLEEP STUDY LABORATORIES.

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. 2015-76 closed.

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The regular session of Council was called to order at 8:42 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, Economic Development Manager Michelle Boczek, 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 Nunnari, that the reading of the minutes of the regular session of June 4, 2015, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Mayor Clough dated June 10, 2015, requesting confirmation of the appointment of Duane Van Dyke to the Westlake planning commission to fill the unexpired term of Scott Fatzinger expiring on December 31, 2017.

Councilmember Nunnari moved, seconded by Councilmember O'Donnell, to confirm the appointment of Duane Van Dyke to the Westlake planning commission to fill the unexpired term of Scott Fatzinger expiring on December 31, 2017.

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

Nays: None; motion carried.

Communication from Mayor Clough dated June 15, 2015, requesting authorization to purchase one new model year Ford F150 Crew Cab 4WD truck with selected options through the state of Ohio cooperative purchasing program from Middletown Ford in an amount not to exceed \$28,250.00. (Ordinance No. 2015-86)

Communication from Mayor Clough dated June 15, 2015, requesting authorization to purchase one new model year Ford Explorer Interceptor AWD SUV with selected options through the state of Ohio cooperative purchasing program from Lebanon Ford in an amount not to exceed \$26,200.00. (Ordinance No. 2015-88)

Communication from Mayor Clough dated June 15, 2015, requesting authorization for the cleaning of the ponds at Clague Park and the Recreation Center through Sediment Removal Systems in an amount not to exceed \$50,000.00. (Ordinance No. 2015-87)

Communication from Mayor Clough dated June 15, 2015, requesting authorization to sell the listed items through the GovDeals auction site for the reserve amount listed or higher.

Councilmember Brady moved, seconded by Councilmember Nunnari, to authorize the administration to sell the listed items through the GovDeals auction site for the reserve amount listed or higher.

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

Nays: None; motion carried.

Communication from Economic Development Manager Michelle Boczek received June 16, 2015, regarding the Job Creation Grant Annual Report for Grant year 2014.

Councilmember Brady moved, seconded by Councilmember Nunnari, to approve the payment of the Equity Trust grant as proposed.

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

Nays: None; motion carried.

Councilmember Brady moved, seconded by Councilmember Nunnari, to approve the payment of the Henkel Consumer Adhesives grant as proposed.

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

Abstentions: Getsay.

Nays: None; motion carried.

Councilmember Brady moved, seconded by Councilmember Sullivan, to approve the payment of the Hyland Software grant as proposed.

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

Nays: None; motion carried.

PETITIONS FROM THE PUBLIC:

None.

REPORT OF THE MAYOR:

Mayor Clough read his twelfth report of the year.

REPORTS OF STANDING COMMITTEES – PUBLIC GROUNDS, BUILDINGS AND RECREATION COMMITTEE:

Councilmember Brady reported on the June 9, 2015, Public Grounds, Buildings and Recreation committee meeting.

Councilmember Brady moved, seconded by Councilmember O'Donnell, that the report of the June 9, 2015, Public Grounds, Buildings and Recreation committee meeting be received and filed.

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

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, Boczek (Economic Development Manager), Surber, Grayem, Gadd, Bielozer, Hughes and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence. The following meeting was scheduled: Finance committee, June 30 at 7 p.m.

Councilmember Sullivan moved, seconded by Councilmember O'Donnell, to adjourn to executive session to discuss the possible purchase and/or sale of property at 8:00 p.m.

ROLL CALL:

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

Nays: None; motion carried.

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

Councilmember Sullivan moved, seconded by Councilmember Nunnari, to adjourn executive session at 8:06 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Meeting adjourned at 8:06 p.m.

LEGISLATION:

ORDINANCE NO. 2015-47: 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 BETWEEN CENTER RIDGE AND WESTWOOD ROADS, FROM R-MF-40 DISTRICT AND GENERAL BUSINESS DISTRICT TO R-MF-24 DISTRICT. (First reading and referred to planning commission 4/2/15, planning commission recommended approval with condition 6/1/15, second reading 6/4/15.)

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-47 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-47 adopted.

ORDINANCE NO. 2015-48: AN ORDINANCE AUTHORIZING AND DIRECTING THE PROPOSED AMENDMENT OF THE ZONING MAP OF THE CITY CHANGING THE ZONING OF CERTAIN LAND LOCATED BETWEEN CENTER RIDGE ROAD AND WESTWOOD ROAD, BEING PERMANENT PARCEL NOS. 215-01-011, 215-01-013, 215-01-014, 215-01-015 AND 215-01-029 FROM R-MF-40 DISTRICT AND GENERAL BUSINESS DISTRICT TO R-MF-24 DISTRICT, TO BE SUBMITTED TO THE ELECTORS AT A REGULAR MUNICIPAL OR GENERAL ELECTION FOR APPROVAL BY THE ELECTORATE, AND DECLARING AN EMERGENCY. (First reading 4/2/15, second reading 6/4/15.)

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2015-48 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-48 adopted.

ORDINANCE NO. 2015-56: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO THE MARKET SQUARE OPERATION AND MAINTENANCE AGREEMENT WITH CROCKER PARK MANAGEMENT, LLC, AND DECLARING AN EMERGENCY. (First reading and referred to Public Grounds, Buildings, Recreation committee 4/16/15, second reading 5/7/15.)

Councilmember Appel moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-56 be removed from the agenda.

ROLL CALL ON REMOVING FROM AGENDA:

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

Nays: None; Ordinance No. 2015-56 removed from agenda.

ORDINANCE NO. 2015-64: 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 NEAR CROCKER ROAD, BEING PERMANENT PARCEL NO. 211-29-006 FROM R-1F-80 DISTRICT TO AUTOMOBILE PARKING DISTRICT. (First reading and referred to planning commission 5/7/15, planning commission recommended approval 6/1/15, second reading 6/4/15.)

Councilmember Getsay moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-64 be adopted.

ROLL CALL ON ADOPTION:

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

Abstentions: O'Donnell.

Nays: None; Ordinance No. 2015-64 adopted.

Councilmember Getsay moved, seconded by Councilmember Appel, to approve the **American Greetings Development Plan (surface parking)** with the conditions listed in the report of the June 1, 2015, planning commission.

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

Abstentions: O'Donnell.

Nays: None; motion carried.

ORDINANCE NO. 2015-70: AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE RESERVE AT FOX RUN MAJOR SUBDIVISION IN THE CITY OF WESTLAKE. (First reading 5/21/15, second reading 6/4/15.)

Councilmember Appel moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-70 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-70 adopted.

ORDINANCE NO. 2015-71: AN ORDINANCE SUPPLEMENTING AND AMENDING SECTION 1221.11 OF THE ZONING CODE AS TO DRIVEWAYS TO PARKING AREAS. (First reading and referred to Planning, Zoning, Legislative committee and planning commission 5/21/15, planning commission recommended approval 6/1/15, second reading, amended 6/4/15.)

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2015-71 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-71 adopted.

ORDINANCE NO. 2015-74: AN ORDINANCE ENACTING NEW CHAPTER 1230
(THIRD READING) "GENERAL PROVISIONS" OF TITLE FIVE
"REGULATIONS APPLYING TO ALL USE DISTRICTS"
OF THE ZONING CODE. (First reading and referred to
planning commission 5/21/15, planning commission
recommended approval 6/1/15, second reading 6/4/15.)

Councilmember Appel moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-74 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-74 adopted.

ORDINANCE NO. 2015-75: AN ORDINANCE AMENDING SUBSECTION
(THIRD READING) 1211.04(B)(2) OF SECTION 1211.04 "ACCESSORY USES"
OF THE ZONING CODE. (First reading and referred to
planning commission 5/21/15, planning commission
recommended approval 6/1/15, second reading 6/4/15.)

Councilmember Appel moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-75 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-75 adopted.

ORDINANCE NO. 2015-76: AN ORDINANCE REPEALING SECTION 1216.03
(THIRD READING) FOOTNOTE (g), AMENDING SUBSECTION 1216.03(g)(14)
AND SUPPLEMENTING SUBSECTION 1216.03(h) OF THE
ZONING CODE AS TO SLEEP STUDY LABORATORIES.
(First reading and referred to planning commission 5/21/15,
planning commission recommended approval 6/1/15, second
reading 6/4/15.)

Councilmember Appel moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-76 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-76 adopted.

ORDINANCE NO. 2015-85: AN ORDINANCE AMENDING SECTION 2 OF
ORDINANCE NO. 2014-50 AS TO A PROFESSIONAL
SERVICES CONTRACT FOR PROFESSIONAL

INSPECTION SERVICES, 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: All.

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-85 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-85 adopted.

ORDINANCE NO. 2015-86: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW FORD PICK-UP TRUCK THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, 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 Appel moved, seconded by Councilmember O'Donnell, that Ordinance No. 2015-86 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-86 adopted.

ORDINANCE NO. 2015-87: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH SEDIMENT REMOVAL SYSTEMS, AND DECLARING AN EMERGENCY.

Councilmember Appel 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 Nunnari, that Ordinance No. 2015-87 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-87 adopted.

ORDINANCE NO. 2015-88: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW MODEL YEAR FORD EXPLORER AWD SUV WITH SELECTED OPTIONS 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 Nunnari, that Ordinance No. 2015-88 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-88 adopted.

RESOLUTION NO. 2015-89: A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET INFORMATION FOR THE CITY OF WESTLAKE, OHIO FOR THE FISCAL YEAR OF 2016.

Council President Killeen referred Resolution No. 2015-89 to the finance committee.

MISCELLANEOUS:

Mayor Clough stated that the mayors and fire chiefs of the four cities – Westlake, Fairview Park, Rocky River and Bay Village – met regarding the grant received to study a potential joint fire district and have decided not to accept the grant. The rejection of the grant is due to the positions of the four chiefs. Instead they will provide information to the mayors as requested.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 9:10 p.m.

Denise L. Rosenbaum
Clerk of Council

Michael F. Killeen
President of Council