



**WESTLAKE CITY COUNCIL MEETING  
PROCEEDINGS OF A REGULAR SESSION  
OCTOBER 15, 2015**

The regular session of Council was called to order at 8:03 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 October 1, 2015, be waived and that they be approved as received.

**VOICE VOTE:**

Yeas: All.

Nays: None; motion carried.

**SELECTED CORRESPONDENCE:**

Communication from Director of Inspections Donald Grayem dated October 8, 2015, stating that Mr. Sohail Ahmad is requesting a conditional use permit for Anytime Fitness, a fitness gym open 24 hours a day to members, at 27257 Detroit Road. Council President Killeen referred this request to the Planning/Zoning/Legislative committee.

Report to Council from Economic Development Manager Michelle Boczek dated October 12, 2015, on the Tax Incentive Review Council (TIRC) meeting held on August 4, 2015.

Councilmember Appel moved, seconded by Councilmember Nunnari, to accept the minutes of the August 4, 2015, Tax Incentive Review Council meeting.

**VOICE VOTE:**

Yeas: All.

Nays: None; motion carried.

Councilmember O'Donnell moved, seconded by Councilmember Appel, to terminate the Industrial Electric Wire abatement agreement.

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

Nays: None; motion carried.

No action was taken on the Struers (Premcar) abatement agreement.

Communication from Mayor Clough dated October 9, 2015, requesting authorization to purchase landscaping products from John Deere Landscaping in an amount not to exceed \$30,000.00.

(Ordinance No. 2015-124)

Communication from Mayor Clough dated October 9, 2015, requesting authorization to purchase vehicle replacement parts and related equipment from Great Northern Auto Parts in an amount not to exceed \$30,000.00. (Ordinance No. 2015-125)

Communication from Mayor Clough dated October 9, 2015, requesting authorization of expenditures for MTech Company in an amount not to exceed \$40,000.00 for the 2015 calendar year. (Ordinance No. 2015-126)

Communication from Mayor Clough dated October 9, 2015, requesting authorization to sell the listed items through the GovDeals auction site for the reserve amount listed or higher.

Councilmember Sullivan 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: All.

Nays: None; motion carried.

Zone map amendment request from Orley Developers, LLC, received October 13, 2015, to change the zoning of permanent parcel numbers 213-23-023 and 213-23-024 from RMF-24 and R-1F-80 to R-1F cluster. Council President Killeen referred this request to the Planning/Zoning/Legislative committee.

Notice from Ohio Division of Liquor Control received October 13, 2015, for a liquor agency contract for Riser Foods Company, 30664 Detroit Road, Westlake, Ohio.

Notice from Ohio Division of Liquor Control received October 13, 2015, for transfer of C1, C2, D6, D8 permits from Bob and Rozann LLC dba Minottis Wine and Liquor, 30664 Detroit Road, Westlake, Ohio, to Riser Foods Company, 30664 Detroit Road, Westlake, Ohio.

Councilmember Appel moved, seconded by Councilmember Nunnari, not to object to a liquor agency contract for Riser Foods Company, 30664 Detroit Road, Westlake, Ohio, and a transfer of C1, C2, D6, D8 permits from Bob and Rozann LLC dba Minottis Wine and Liquor, 30664 Detroit Road, Westlake, Ohio, to Riser Foods Company, 30664 Detroit Road, Westlake, Ohio.

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

Nays: None; motion carried.

**PETITIONS FROM THE PUBLIC:**

None.

**REPORT OF THE MAYOR:**

Mayor Clough read his eighteenth report of the year.

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

Councilmember Sullivan reported on the October 8, 2015, Planning/Zoning/Legislative committee meeting.

Councilmember Sullivan moved, seconded by Councilmember O'Donnell, that the report of the October 8, 2015, Planning/Zoning/Legislative committee meeting be received and filed.

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

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Brady, that legislation be drafted relative to the Russell Preferred Properties rezoning request.

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

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Brady, that legislation be drafted relative to the code amendments to §1218.03 suggested by planning commission.

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

Abstentions: Getsay.

Nays: None; motion carried.

**AD HOC INFORMATION TECHNOLOGY COMMITTEE:**

Councilmember O'Donnell reported on the October 13, 2015, Ad Hoc Information Technology committee meeting.

Councilmember O'Donnell moved, seconded by Councilmember Brady, that the report of the October 13, 2015, Ad Hoc Information Technology committee meeting be received and filed.

Yeas: All.

Nays: None; motion carried.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that legislation be drafted for a professional services agreement with Hartman and Associates to serve as the city consultant on a proposed project to replace the city phone system.

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

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, 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 planning commission report, the Crocker Road retention basin fencing, Schwartz Road, the monies received from the road salt settlement, the hiring of part-time fire inspectors and a tentative date for the budget hearings. The following meetings were either scheduled or re-announced: Safety, Utilities committee, October 21 at 7 p.m.; Planning/Zoning/Legislative committee, October 29 at 6:30 p.m.; and Sanitation committee, October 29 at 7 p.m.

Councilmember Nunnari moved, seconded by Councilmember O'Donnell, to adjourn at 7:58 p.m.

Yeas: All.

Nays: None; motion carried.

Meeting immediately adjourned at 7:58 p.m.

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

Councilmember Getsay reported on the October 5, 2015, planning commission meeting advising that the commission took the following actions: **Ordinance 2015-83 amending §1218.03 by enacting new subsections (h)(14) commercial indoor firing ranges in Exclusive Industrial:** **Motion:** Mr. Lamb moved and Mr. DiCarlo second to request an extension of time until January 4, 2016. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to table Ordinance 2015-83 to November 9, 2015. **Canterbury Manor 2 Subdivision Preliminary Plan (12 lots), Center Ridge Rd. & Newbury extension, PP#213-23-023 & 024:** **Motion:** Mr. Lamb moved and Mr. DiCarlo second to table Canterbury Manor 2 Subdivision Preliminary Plan to November 9, 2015. **The Reserve at Fox Run Subdivision, fence waiver, Fox Run, PP#214-29-018:** **Motion:** Mr. Lamb moved and Mr. DiCarlo second to table the Reserve at Fox Run Subdivision fence waiver to November 9, 2015. **Travel Centers of America Sign Plan, 24601 Center Ridge Rd., PP#215-27-006:** **Motion:** Mr. Lamb moved and Mr. DiCarlo second to table Travel Centers of America to November 9, 2015. **Holiday Inn Express Sign Plan, 30500 Clemens Rd., PP#211-15-016:** Findings of fact: 1. The sign package has been revised to conform to code in every way except for the mounting height above grade for two of the wall signs, which will both require a 25' 1" height modification, if mounted at 45' 1" as proposed. The third wall sign is mounted at 20' above grade. 2. On 1/12/15 Planning Commission approved a sign plan for a re-branded nearby Doubletree hotel at 1100 Crocker Road. The Doubletree is located in Interchange Services District which does not have a height restriction for signage above grade. Their signage is mounted at 47' and 27' above grade. 3. The Hampton Inn on Detroit Rd. was approved in 1985, it is in Interchange Services District. It has a wall sign at 41' above grade. 4. The Courtyard Marriott on Sperry Rd. was approved in 1996, it is in Interchange Services District. It has a wall sign at 46.5' above grade. 5. The owner stated in a letter dated 9/3/15 that they are no longer requesting blue up-lights on the building. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the proposed wall signage with a 25' 1" height modification to permit two of the wall signs to be mounted at 45' 1" above grade with a condition that no colored illumination of the exterior walls is permitted. **Crocker Professionals**

**Building Development Plan, Crocker & Center Ridge, PP#217-26-001, 002, & 009: Motion:** Mr. Lamb moved and Mr. DiCarlo second to table Crocker Professionals Building to November 9, 2015. **Canterbury Center Ridge Road Improvements, roundabout development plan: Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Canterbury Center Ridge Road Improvements with the following conditions: 1. Planning Commission approval and modification is required for the relocation of any free standing and/or monument signs. 2. Development plans are required for parking lots, indicating the landscaping and buffering for Planning Commission approval and modification. 3. The design of the center island regarding landscaping, artwork, signage, and other features to create a focal point shall be provided to the Planning Commission for recommendation. 4. Streetscaping for the roundabout shall be explored, such as ornamental lighting, brick paver crosswalks, site furniture, bollards, etc. for the outside perimeter of the roundabout and diverter islands in addition to the center island. Vote: 1 ayes, 3 nays, motion failed. **Lush Fresh Handmade Cosmetics, Sign Plan, 239 Main Street, PP#211-26-302:** Findings of fact: 1. The proposal complies with the sign criteria. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the Lush sign plan as submitted. **St. John Medical Center Sign Plan, 29000 Center Ridge Rd., PP#216-11-007 to 011, 024:** Findings of fact: 1. The proposed signage is uniform with previously approved signage for the emergency room entrance and is consistent with other signage on the site. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the proposed St. John Medical Center signage. **Mercy Occupational Health Sign Plan, 2116 Dover Center, PP#212-26-004:** Findings of fact: 1. The proposed directional signage is uniform with previously approved directional signage for the Concord Reserve campus. 2. The wall sign is small and non-illuminated and is needed to direct patients to the proper entrance in the Concord Reserve facility. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the proposed Mercy Occupational Health Sign Plan with a modification to allow a 7 sq. ft., 6 ‘ high wayfinding directional sign and an additional 14 sq. ft. wall sign over the entrance to their offices. **Westlake Guide Plan, proposed updates:** No action is required at this time. Meeting adjourned at 9:18 p.m. The next regular meeting is scheduled for Monday, November 9, 2015, in the Westlake City Hall Council Chambers.

Councilmember Getsay moved, seconded by Councilmember Brady, to grant an extension of time until January 4, 2016, for **Ordinance 2015-83**.

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

Nays: None; motion carried.

Council President Killeen referred the **Canterbury Center Ridge Road Improvements, roundabout development plan** to the Service, Streets, Sidewalks, Road Drains committee.

#### LEGISLATION:

ORDINANCE NO. 2015-120: AN ORDINANCE APPROVING (FOR RECORDING PURPOSES ONLY) THE FINAL PLAT OF BUR OAK PHASE II MAJOR SUBDIVISION, IN THE CITY OF WESTLAKE. (First reading 9/17/15, second reading 10/1/15.)  
(THIRD READING)

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-120 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-120 adopted.

**ORDINANCE NO. 2015-124: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE TURF MAINTENANCE PRODUCTS FROM JOHN DEERE LANDSCAPING, 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. 2015-124 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2015-124 adopted.

**ORDINANCE NO. 2015-125: AN ORDINANCE APPROVING EXPENDITURES WITH GREAT NORTHERN AUTO PARTS FOR AUTO PARTS, AND DECLARING AN EMERGENCY.**

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 Appel, that Ordinance No. 2015-125 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2015-125 adopted.

**ORDINANCE NO. 2015-126: AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2015-44 AS TO EXPENDITURES FOR PARTS AND EQUIPMENT FROM MTECH COMPANY, 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 Appel moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-126 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-126 adopted.

ORDINANCE NO. 2015-127: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO THE 2016 CONTRACT FOR PUBLIC HEALTH SERVICES, AND DECLARING AN EMERGENCY.

Councilmember Appel 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. 2015-127 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-127 adopted.

ORDINANCE NO. 2015-128: AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2014-52 AS TO A PROFESSIONAL SERVICES CONTRACT WITH QUALITY CONTROL INSPECTION, INC., AND DECLARING AN EMERGENCY.

Councilmember Appel 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. 2015-128 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-128 adopted.

ORDINANCE NO. 2015-129: AN ORDINANCE ENACTING NEW CHAPTER 194 OF THE CODIFIED ORDINANCES OF THE CITY OF WESTLAKE REGARDING MUNICIPAL INCOME TAX.

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 Nunnari moved, seconded by Councilmember Getsay, that Ordinance No. 2015-129 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2015-129 adopted.

**MISCELLANEOUS:**

Councilmember Appel inquired as to the status of the Peterson Pool project. Council President Killeen stated that an update should be ready soon.

**ADJOURNMENT:**

President of Council Killeen declared the meeting adjourned at 8:39 p.m.

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Denise L. Rosenbaum  
Clerk of Council

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Michael F. Killeen  
President of Council