



**WESTLAKE CITY COUNCIL MEETING  
PROCEEDINGS OF PUBLIC HEARINGS  
AND A REGULAR SESSION  
FEBRUARY 18, 2016**

Public hearing was called to order by President of Council Michael F. Killeen at 8:01 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the West Life on February 10, 2016, and February 17, 2016, regarding the following legislation:

**ORDINANCE NO. 2016-13: AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A LANDSCAPING BUSINESS.**

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. 2016-13 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 February 10, 2016, and February 17, 2016, regarding the following legislation:

**ORDINANCE NO. 2016-14: AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A PHARMACEUTICAL FULFILLMENT CENTER.**

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. 2016-14 closed.

\* \* \*

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 Nick C. Nunnari, Dennis J. Sullivan, Michael F. O'Donnell, Kenneth R. Brady, Mark R. Getsay.

Councilmember Nunnari moved, seconded by Councilmember O'Donnell, 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, 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.

Council President Killeen called for a moment of silence in remembrance of the passing of Nicholas Massa, the Kent State University student from Westlake killed in a robbery; William Sexton, a former long-time Councilmember; and Roger Cooley, an active member of the community and descendant of one of the founding families of Dover township/Westlake.

**APPROVAL OF MINUTES:**

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that the reading of the minutes of the regular session of February 4, 2016, be waived and that they be approved as received.

VOICE VOTE:

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

Abstentions: Killeen.

Nays: None; motion carried.

**SELECTED CORRESPONDENCE:**

Notice from Ohio Division of Liquor Control received February 8, 2016, for transfer of D5A, D6 permits from Amitel LLC dba Residence Inn, 30100 Clemens Road & pool area, Westlake, Ohio, to Sonesta International Hotels Corp. dba Sonesta ES Suites Cleveland Westlake, 30100 Clemens Road & pool area, Westlake, Ohio.

Councilmember Sullivan moved, seconded by Councilmember O'Donnell, not to object to a transfer of D5A, D6 permits from Amitel LLC dba Residence Inn, 30100 Clemens Road & pool area, Westlake, Ohio, to Sonesta International Hotels Corp. dba Sonesta ES Suites Cleveland Westlake, 30100 Clemens Road & pool area, Westlake, Ohio.

Yeas: All.

Nays: None; motion carried.

Communication from Mayor Clough dated February 16, 2016, 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.

Communication from Mayor Clough dated February 12, 2016, requesting authorization to purchase two new current model year Ford F250 regular cab 4x4 pick-up trucks with selected options through the Ohio DAS State term schedule from Middletown Ford Inc. in an amount not to exceed \$55,000.00. (Ordinance No. 2016-20)

Communication from Mayor Clough dated February 12, 2016, requesting authorization to purchase one new current model year Ford F150 extended cab 4x4 pick-up truck with selected options and one 2017 Ford Escape 4WD with selected options through the city of Columbus, Ohio solicitation awarded to Byers Ford, in an amount not to exceed \$50,000.00. (Ordinance No. 2016-21)

Email from Justin Orley of Orley Developers LLC, received February 18, 2016, requesting that Ordinance No. 2015-155, the Kings Tree subdivision preliminary plan, be referred back to planning commission as they have redesigned it to meet code requirements. Council President Killeen referred Ordinance No. 2015-155 back to the planning commission.

**PETITIONS FROM THE PUBLIC:**

None.

**REPORT OF THE MAYOR:**

Before reading his fourth report of the year, Mayor Clough stated that the city has reached a tentative agreement with the fire department concerning negotiations for the next three years. He requested Council to accept said tentative agreement with the fire department.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, to accept the tentative agreement with the fire department.

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

Nays: None; motion carried.

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

Councilmember Nunnari reported on the February 11, 2016, Sanitation committee meeting.

Councilmember Sullivan moved, seconded by Councilmember O'Donnell, that the report of the February 11, 2016, Sanitation committee meeting be received and filed.

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

Nays: None; motion carried.

**COMMITTEE OF THE WHOLE:**

President of Council Killeen reported on the February 11, 2016, Committee of the Whole meeting.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that the report of the February 11, 2016, Committee of the Whole meeting be received and filed.

Yeas: All.

Nays: None; motion carried.

Councilmember O'Donnell moved, seconded by Councilmember Brady, that the administration continue to refine the **Clague Park Pool (aquatic center ) Development Plan (new pool, clubhouse, parking lot expansion)** and that it be further reviewed by the planning commission and the Committee of the Whole.

Yeas: Brady, Getsay, Killeen, 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 7:33 p.m. Present were Councilmembers Killeen, Nunnari, Sullivan, O'Donnell, Brady, Getsay. Also present were Mayor Clough; Directors Wheeler, Stuhm (Deputy Director), 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 proposed I-90 signage, and the appointment of Councilmember Sullivan to be the Council representative to the planning commission pro tem for the March 7, 2016, planning commission meeting. No meetings were scheduled.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, to adjourn to executive session to discuss labor negotiations at 7:51 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Also present were Mayor Clough and Finance Director Shah.

Councilmember Nunnari moved, seconded by Councilmember O'Donnell, to adjourn executive session at 8:00 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Meeting adjourned at 8:00 p.m.

**REPORTS OF ADMINISTRATIVE OFFICIALS: COMMUNITY IMPROVEMENT CORPORATION (CIC):**

Council President Killeen reported on the CIC meeting held earlier this evening at 6:45 p.m.

**LEGISLATION:**

ORDINANCE NO. 2015-157: AN ORDINANCE WAIVING THE COMPENSATION REDUCTION PROVISION OF SECTION 167.26(b) AS TO PERSONNEL IN THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY. (First reading and referred to Safety/Utilities committee 12/17/15, second reading 1/21/16)

Councilmember Nunnari moved, seconded by Councilmember O'Donnell, that Ordinance No. 2015-157 be removed from the agenda.

ROLL CALL ON REMOVAL FROM AGENDA:

Yeas: Nunnari, O'Donnell, Killeen.

Nays: Getsay, Sullivan, Brady; motion failed.

Councilmember Sullivan moved, seconded by Councilmember Brady, that Ordinance No. 2015-157 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Nunnari, O'Donnell.

Nays: Getsay, Sullivan, Brady, Killeen; Ordinance No. 2015-157 defeated.

ORDINANCE NO. 2016-10: AN ORDINANCE AMENDING SECTION 2 OF  
(THIRD READING) ORDINANCE NO. 2015-67 AS TO A PROFESSIONAL SERVICES CONTRACT WITH LIFESPAN DESIGN STUDIO FOR PROFESSIONAL ARCHITECTURAL SERVICES, AND DECLARING AN EMERGENCY. (First reading 1/21/16, second reading 2/4/16)

Councilmember Sullivan moved, seconded by Councilmember Getsay, that Ordinance No. 2016-10 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-10 adopted.

ORDINANCE NO. 2016-13: AN ORDINANCE APPROVING A CONDITIONAL USE  
(THIRD READING) PERMIT FOR A LANDSCAPING BUSINESS. (First reading and referred to planning commission 1/21/16, planning commission recommended approval 2/1/16, second reading 2/4/16)

Councilmember Getsay moved, seconded by Councilmember Sullivan, that Ordinance No. 2016-13 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-13 adopted.

ORDINANCE NO. 2016-14: AN ORDINANCE APPROVING A CONDITIONAL USE  
(THIRD READING) PERMIT FOR A PHARMACEUTICAL FULFILLMENT CENTER. (First reading and referred to planning commission 1/21/16, planning commission recommended approval 2/1/16, second reading 2/4/16)

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2016-14 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-14 adopted.

ORDINANCE NO. 2016-18: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A STORM WATER DRAINAGE SYSTEM AGREEMENT WITH HELEN MCGUINNESS, OWNER OF MALLARD COVE SUBDIVISION PHASE TWO, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell moved, seconded by Councilmember Brady, 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 Getsay, that Ordinance No. 2016-18 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-18 adopted.

ORDINANCE NO. 2016-19: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.

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 Sullivan, that Ordinance No. 2016-19 be adopted.

ROLL CALL ON ADOPTION:

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

Abstentions: O'Donnell.

Nays: None; Ordinance No. 2016-19 adopted.

ORDINANCE NO. 2016-20: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE TWO (2) NEW FORD PICK-UP TRUCKS 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. 2016-20 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2016-20 adopted.

**ORDINANCE NO. 2016-21: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW CURRENT MODEL YEAR FORD F150 PICK-UP TRUCK AND FORD ESCAPE 4WD THROUGH THE CITY OF COLUMBUS, OHIO CONTRACT, 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 Nunnari moved, seconded by Councilmember Sullivan, that Ordinance No. 2016-21 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2016-21 adopted.

**ORDINANCE NO. 2016-22: AN ORDINANCE PROVIDING FOR THE FUNDING AND DEFEASANCE OF THE CITY'S OUTSTANDING STREET IMPROVEMENT BONDS, SERIES 2005, DATED SEPTEMBER 22, 2005, AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT WITH RESPECT TO THAT DEFEASANCE, TOGETHER WITH RELATED MATTERS, AND DECLARING AN EMERGENCY.**

**ADJOURNMENT:**

President of Council Killeen declared the meeting adjourned at 8:31 p.m.

---

Denise L. Rosenbaum  
Clerk of Council

---

Michael F. Killeen  
President of Council