

**PROCEEDINGS OF A REGULAR SESSION
OF WESTLAKE CITY COUNCIL
JANUARY 5, 2006**

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 Nan A. Baker, Kenneth R. Brady, James P. Connole, Michael F. O'Donnell, Dennis J. Sullivan.

Councilmember O'Donnell moved, seconded by Councilmember Brady, that Councilmember Hack be excused for cause.

Yeas: All.

Nays: None; motion carried.

Also present: Mayor Dennis Clough, Law Director John Wheeler, Service Director Donald Glauner, Director of Engineering Robert Kelly, Finance Director Anne Fritz, Recreation Director Michael Rump, Planning Director Robert Parry, Director of Purchasing Mary Calabrese, Director of Inspections Robert Patton, Director of Community Services Joyce Schroth, Police Chief Richard Walling, Fire Chief Richard Pietrick, Clerk of Council Susan J. Prehoda.

APPROVAL OF MINUTES:

Councilmember Connole moved, seconded by Councilmember Sullivan, that the reading of the Minutes of the Regular Session of December 15, 2005, be waived and that they be approved as received.

Yeas: Killeen, Baker, Brady, Connole, O'Donnell, Sullivan.

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Sullivan, that the reading of the Minutes of the Organizational Session of January 2, 2006, be waived and that they be approved as received.

Yeas: Killeen, Baker, Brady, Connole, O'Donnell, Sullivan.

Nays: None; motion carried.

Councilmember O'Donnell moved, seconded by Councilmember Connole, that Resolution Nos. 2006-2 and 3 be taken out of order.

ROLL CALL ON TAKING RESOLUTION NOS. 2006-2 AND 3 OUT OF ORDER:

Yeas: Killeen, Connole, Sullivan, O'Donnell, Brady, Baker.

Nays: None; Resolution Nos. 2006-2 and 3 taken out of order.

RESOLUTION NO. 2006-2: A RESOLUTION COMMENDING JACOB BERNSTEIN FOR ACHIEVING THE RANK OF EAGLE SCOUT.

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Councilmember Sullivan moved, seconded by Councilmember O'Donnell, that the rule requiring the resolution 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 Connole moved, seconded by Councilmember O'Donnell, that Resolution No. 2006-2 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Killeen, Connole, Sullivan, O'Donnell, Brady, Baker.

Nays: None; Resolution No. 2006-2 adopted.

RESOLUTION NO. 2006-3: A RESOLUTION COMMENDING JACOB FERRY FOR ACHIEVING THE RANK OF EAGLE SCOUT.

Councilmember O'Donnell moved, seconded by Councilmember Baker, that the rule requiring the resolution 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 Baker moved, seconded by Councilmember O'Donnell, that Resolution No. 2006-3 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Connole, Sullivan, O'Donnell, Brady, Baker, Killeen.

Nays: None; Resolution No. 2006-3 adopted.

SELECTED CORRESPONDENCE:

Communication from Director of Inspections Patton dated December 28, 2005, stating that Mr. Norman Kotoch, Jr., representing Norcon Properties Limited, is requesting a Conditional Use Permit for self-storage for Permanent Parcel No. 211-15-009 and 211-15-001. The property is located at the corner of Bradley and Clemens Roads and is the site of the old Blue Marlin Swim Club at 1159 Bradley Road. This item was referred by the Chair to the Planning/Zoning/Legislative Committee.

Communication from Mayor Clough dated January 4, 2006, requesting confirmation of the reappointment of Mr. Mark Getsay to the Westlake Civil Service Commission for an additional four year term ending on December 31, 2009.

Councilmember O'Donnell moved, seconded by Councilmember Connole, to confirm the reappointment of Mr. Mark Getsay to the Westlake Civil Service Commission for an additional four year term ending on December 31, 2009.

Yeas: Connole, Sullivan, O'Donnell, Brady, Baker, Killeen.

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Nays: None; motion carried.

Communications from Mayor Clough dated January 4, 2006, requesting confirmation of the following reappointments to the Westlake Youth Commission: Mr. Tom LeChaix for an additional one year term ending on December 31, 2006; Ms. Linda Schell for an additional two year term ending on December 31, 2007; Mr. Chuck Lokar for an additional two year term ending on December 31, 2007; Mr. James Gilmore for an additional one year term ending on December 31, 2006; and Ms. Judy Boey for an additional one year term ending on December 31, 2006.

Councilmember Connole moved, seconded by Councilmember Baker, to confirm the reappointment of Mr. Tom LeChaix to the Westlake Youth Commission for an additional one year term ending on December 31, 2006.

Yeas: Sullivan, O'Donnell, Brady, Baker, Killeen, Connole.

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Baker, to confirm the reappointment of Ms. Linda Schell to the Westlake Youth Commission for an additional two year term ending on December 31, 2007.

Yeas: O'Donnell, Brady, Baker, Killeen, Connole, Sullivan.

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Baker, to confirm the reappointment of Mr. Chuck Lokar to the Westlake Youth Commission for an additional two year term ending on December 31, 2007.

Yeas: Brady, Baker, Killeen, Connole, Sullivan, O'Donnell.

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Baker, to confirm the reappointment of Mr. James Gilmore to the Westlake Youth Commission for an additional one year term ending on December 31, 2006.

Yeas: Baker, Killeen, Connole, Sullivan, O'Donnell, Brady.

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Baker, to confirm the reappointment of Ms. Judy Boey to the Westlake Youth Commission for an additional one year term ending on December 31, 2006.

Yeas: Killeen, Connole, Sullivan, O'Donnell, Brady, Baker.

Nays: None; motion carried.

PETITIONS FROM THE PUBLIC:

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Mr. Peter Rubin, President of the Coral Company, 24400 Chagrin Boulevard, Beachwood, stated he was present to answer any questions regarding West Hampton in Crocker Park, the for-sale residential project.

Ms. Mary Levtzow, 2454 Dover Center Road, commented on Ordinance Nos. 2006-1 and 3, when the Finance Committee will address compensation matters, holding a discussion regarding conflicts between the Charter and State Constitution regarding the number of signatures needed for a Charter amendment to be placed on the ballot, and the scheduling of a previous special council meeting.

REPORT OF THE MAYOR:

Mayor Clough read his first report of the year.

REPORTS OF STANDING COMMITTEES – FINANCE COMMITTEE:

Council President Killeen reported on the December 17, 2005, Finance Committee meeting.

Councilmember Brady moved, seconded by Councilmember Baker, that the report of the December 17, 2005, Finance Committee be received and filed.

Yeas: Connole, Sullivan, O'Donnell, Brady, Baker, Killeen.

Nays: None; motion carried.

Council President Killeen announced the formation of a new special Ad Hoc Information Technology Committee to be chaired by Mr. O'Donnell with members Messrs. Connole and Sullivan, to discuss with the Administration the status of the City's technology and where it is going as the technology gets larger and more complicated every year.

COMMITTEE OF THE WHOLE:

Council President Killeen reported on the December 21, 2005, Committee of the Whole meeting.

Councilmember Sullivan moved, seconded by Councilmember O'Donnell, that the report of the December 21, 2005, Committee of the Whole be received and filed.

Yeas: Connole, Sullivan, O'Donnell, Brady, Baker, 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 7:36 p.m. Present were Councilmembers Killeen, Baker, Brady, Connole, O'Donnell, Sullivan. Also present were Mayor Clough; Directors Wheeler, Glauner, Kelly, Fritz, Rump, Parry, Calabrese, Patton, Schroth, Walling, Pietrick. Agenda items were discussed. Selected correspondence and the Planning Commission report were each

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briefly discussed as well as legislation to be added to the agenda and the new Ad Hoc Information Technology Committee.

Councilmember Baker moved, seconded by Councilmember O'Donnell, to adjourn the Committee of the Whole at 7:46 p.m. Motion passed unanimously. Meeting immediately adjourned at 7:46 p.m.

Councilmember Connole moved, seconded by Councilmember O'Donnell, that Resolution No. 2006-1 be taken out of order.

ROLL CALL ON TAKING RESOLUTION NO. 2006-1 OUT OF ORDER:

Yeas: Sullivan, O'Donnell, Brady, Baker, Killeen, Connole.

Nays: None; motion carried.

RESOLUTION NO. 2006-1: A RESOLUTION OF APPRECIATION TO WILLIAM SEXTON UPON COMPLETION OF TWELVE (12) OUTSTANDING YEARS OF SERVICE AS A WESTLAKE CITY COUNCILMAN.

Councilmember Sullivan moved, seconded by Councilmember O'Donnell, that the rule requiring the resolution 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 Resolution No. 2006-1 be adopted. Discussion: Many thanks were voiced for Mr. Sexton's service, dedication and friendship.

ROLL CALL ON ADOPTION:

Yeas: Sullivan, O'Donnell, Brady, Baker, Killeen, Connole.

Nays: None; Resolution No. 2006-1 adopted.

REPORTS OF OTHER BOARDS AND COMMISSIONS - PLANNING COMMISSION:

Councilmember Connole reported on the December 19, 2005, planning commission meeting advising that the commission approved the **Bella Derm Sign Plan**, 24461 Detroit Road, with the following condition and modification: 1) condition that black, yellow and white are the only colors permitted for signage on the building; and 2) a 5 sq. ft. size modification for the DHL kiosk sign, a .75 sq. ft. modification for the UPS kiosk sign, and a 24.75 sq. ft. total sign area modification for the site; approved the **BP Amoco Sign Plan**, 25466 Detroit Road, with the following conditions: 1) condition that BP Amoco continue to comply with all aspects of Westlake's temporary and permanent sign code; 2) condition to move the "car wash" lettering to the smaller green panel on the Detroit side of the car wash as per previously approved plans; 3) for the record, as currently approved this results in a total net reduction of 36.2 sq. ft. to the previously

approved signage; approved the **BP Amoco Sign Plan**, 29775 Clemens Road, with the following condition: 1) condition that BP Amoco continue to comply with all aspects of Westlake's temporary and permanent sign code; 2) for the record, as currently approved this results in a total net reduction of 11.76 sq. ft. to the existing signage; recommended approval of the **Crocker Park I-Block Phase I Site Improvements** (infrastructure), southwest corner Crocker and Detroit Roads, with the following conditions: 1) condition that easements be granted to the property owners to the west of the setback area, west of West Hampton, in the form and manner to be reviewed and approved by the law department, and that those easements be recorded; 2) 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; 3) condition that both The Covenants and Restrictions to be Contained in Condominium Declarations for West Hampton at Crocker Park Condominium be included and The Grant of Limited Access and Use Easement be included; recommended approval of the **Crocker Park Design Guidelines For-Sale Housing in I Block**, southwest Crocker and Detroit Roads, with the following condition: 1) condition that Section 3.7, fifth paragraph be replaced with a new paragraph establishing a landscape buffer zone 10' on either side of the 60' centerline of the 120' setback; approved the **Crocker Park Revised Lot Split and Assembly**, southwest corner of Crocker and Detroit Roads, dated December 12, 2005; approved the **Leonard Revised Lot Assembly**, 30618 Royal Woods Place, with the following condition and modification: 1) condition that the 50' building setback off of Cottage Drive be shown on the plat for this parcel only; 2) modification of depth to width ratio to permit a ratio of 4.63 versus 3.5 permitted by code; approved the **Bella Capelli Sign Plan**, 24350 Center Ridge Road, with the following conditions and modification: 1) condition that the panels on the freestanding sign will have a matte finish and not exceed the performance illumination regulation in the code (10 lumens at 3' from the face of the sign); 2) condition that additional evergreen plant material be planted at the base of the sign to shield any glare from the ground mounted external illumination; 3) modification of 2 sq. ft. to the total signage permitted (to allow a 4 sq. ft. logo sign on the entrance vestibule); approved the **Champion Sign Plan**, 901 Canterbury Road, with the following condition and modifications: 1) condition that no further Champion signage be permitted on the building; 2) modification to permit the 24" red letters and the 8" black letters; 3) modification to stack the lines of letters and mount them so that the top of the highest letter is approximately 15.5' above grade; to approve the **Next Home Monument Sign Plan and Wall Address Sign Plan**, 29077 Clemens Road, with the following modification: 1) modification to allow an additional 6.53 sq. ft. of address signage; **Westshore Dental**, 29160 Center Ridge Road – letter requesting approval of minor revision - recommend approval of the Westshore Family and Cosmetic Dental minor revision to the approved sign plan with the following conditions and modifications: 1) condition that the property owner present a letter stating that he will relocate the sign at his own expense if Center Ridge Road is widened; 2) condition that the monument sign meet the performance illumination regulation in the code (10 lumens at 3' from the face of the sign) by reduction in the wattage of the bulbs externally illuminating the sign

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and/or the removal of the shiny surface; 3) condition that the 80% summer opacity along the west property line be met and the owner is to provide a bond to the city in an amount to cover the cost to plant trees needed to meet the opacity; 4) a modification to permit a 5' setback for the existing monument sign from the existing right-of-way. Meeting adjourned at 10:01 p.m. The next regular meeting is scheduled for Monday, January 9, 2006, at the Westlake City Hall Council Chambers.

Councilmember Connole moved, seconded by Councilmember Sullivan, to approve the **Crocker Park I-Block Phase I Site Improvements** (infrastructure), southwest corner Crocker and Detroit Roads, with the conditions listed in the report of the December 19, 2006, Planning Commission.

Councilmember Connole moved, seconded by Councilmember Sullivan, that condition number one of the report of the Planning Commission be amended to continue to read by adding the following verbiage: "hopefully contemporaneously with the filing of the plat, but in no case should any building permits be issued before such easements have been recorded." Discussion ensued to clarify a few items as follows: It was stated that both parties agreed that no fence or permanent structure would be in the 40' easement. Council President Killeen instructed the Law Director to be sure this was covered in the easement. It was also stated that the streets were private, the area would be open and not gated, that there may be plans for a fence and an opening or an emergency gate as another way of getting into the development, that the existing wall and fence may continue on to isolate homes from the loading area of the Promenade, and that the final set back from Savannah to Block I is 120'.

ROLL CALL ON MOTION TO AMEND:

Yeas: O'Donnell, Brady, Baker, Killeen, Connole, Sullivan.

Nays: None; motion carried.

ROLL CALL ON MAIN MOTION AS AMENDED:

Yeas: Baker, O'Donnell, Brady, Connole, Sullivan, Killeen.

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember O'Donnell, to approve the **Crocker Park Design Guidelines For-Sale Housing in I Block**, southwest Crocker and Detroit Roads, with the condition listed in the report of the December 19, 2005, Planning Commission.

Yeas: Brady, Baker, Killeen, Connole, Sullivan, O'Donnell.

Nays: None; motion carried.

Mr. Connole stated that regarding the Westshore Family and Cosmetic Dental minor revision to the approved sign plan request, that the conditions had not yet been met and Mr. Parry would be following up on this item.

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LEGISLATION:

ORDINANCE NO. 2005-139: 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 ON THE NORTHEAST CORNER OF BRADLEY AND CLEMENS ROADS, BEING PERMANENT PARCEL NO. 211-15-009 FROM RECREATIONAL BUSINESS DISTRICT TO INDUSTRIAL DISTRICT.

Councilmember O'Donnell moved, seconded by Councilmember Brady, that Ordinance No. 2005-139 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

Yeas: Baker, Killeen, Connole, Sullivan, O'Donnell, Brady.

Nays: None; Ordinance No. 2005-139 amended by substitution.

Council President Killeen referred Ordinance No. 2005-139 back to the Planning Commission and set a public hearing on the ordinance for February 2, 2006.

Council President Killeen set a public hearing on Ordinance No. 2005-31 for January 19, 2006.

ORDINANCE NO. 2005-140: 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 ON COLUMBIA ROAD, BEING PERMANENT PARCEL NOS. 213-21-021 AND 213-21-032 FROM R-1F-80 DISTRICT TO AUTOMOBILE PARKING DISTRICT.

Council President Killeen set a public hearing on Ordinance No. 2005-140 for January 19, 2006.

ORDINANCE NO. 2005-172: AN ORDINANCE FIXING THE COMPENSATION OF SALARIED AND HOURLY RATE EMPLOYEES IN THE LAW DEPARTMENT OF THE CITY OF WESTLAKE, AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

Council President Killeen referred Ordinance No. 2005-172 to the Finance Committee.

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ORDINANCE NO. 2005-174: AN ORDINANCE AMENDING SECTIONS 133.02
AND 133.03 OF THE ADMINISTRATIVE CODE,
AND DECLARING AN EMERGENCY.

Council President Killeen referred Ordinance No. 2005-174 to the Finance Committee.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 8:55 p.m.

Susan J. Prehoda, CMC
Clerk of Council

Michael F. Killeen,
President of Council