

**PROCEEDINGS OF PUBLIC HEARING AND REGULAR SESSION
OF WESTLAKE CITY COUNCIL
JANUARY 19, 2006**

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 Westlife on January 11, 2006, and January 18, 2006.

ORDINANCE NO. 2005-31: 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 VACANT LAND LOCATED ON THE NORTH AND SOUTH SIDE OF WESTCHESTER PARKWAY, WEST OF THE NORTHERLY EXTENSION OF THE EXISTING NORTH/SOUTH ZONING LINE OF OFFICE LABORATORY, BEING PERMANENT PARCEL NO. 212-03-003 AND PART OF PERMANENT PARCEL NO. 212-03-001 FROM R-MF-24 DISTRICT TO OFFICE LABORATORY DISTRICT.

Planning Director Parry explained this proposed amendment to the Zoning Code.

Mr. Jeff Friedman of Associated Estates Realty and owner of the property addressed in this ordinance as well as Ordinance No. 2005-30 previously approved, commented in favor of the rezoning from R-MF-24 to R-MF-40.

Mr. Joe Nieberding, 27687 Whitehill Circle, commented on behalf of the neighbors on Whitehill Circle and Bryandale Drive, stating they support the City's position to rezone the land to office laboratory district.

Mr. Steve Potocin, 27688 Bryandale Drive, voiced concerns regarding the potential need to build a new school due to space constraints, and stated he supports the Planning Commission's position to rezone the land to office laboratory district.

Mr. Sam Mazzola, 27691 Whitehill Circle, stated that concerning the Cluggman report the City was involved with about 20 to 25 years ago, Cahoon cannot take on additional traffic. He concurred with Council about the office laboratory district.

Councilmember Sullivan stated there is no clear cut consensus among residents and scheduled an information meeting for February 1, 2006, with area residents and Mr. Friedman, to review further specifics.

Council President Killeen continued the public hearing on Ordinance No. 2005-31 to February 2, 2006.

Public Hearing was called to order by President of Council Michael F. Killeen at 8:19 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the Westlife on January 11, 2006, and January 18, 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.

Planning Director Parry explained this proposed amendment to the Zoning Code

Mr. Daniel Raible, 1362 Columbia Road, voiced concerns regarding spot zoning, property devaluation; a traffic conflict where accidents already occur; engineering and EPA concerns regarding a waterway, inadequate buffer zone; drainage; light/noise pollution; signage; and if additional parking will be sufficient and not open doors for further structures, additions or changes to the mode of operation from the original intent. He further commented on the state of approximately 40 parking spaces behind Houllihan's restaurant that are not being used.

Councilmember Connole commented on Mr. Raible's concerns stating that they would be addressed when a development plan is submitted.

Mr. Roger Newman of the Ohio Carpenters' Pension Plan commented that a commitment has been made regarding the success of this facility and further, he will remain sensitive to the neighbors' concerns.

There being no further comments from the audience, Council President Killeen declared the Public Hearing on Ordinance No. 2005-140 closed.

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The Regular Session of Council was called to order at 8:32 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, Edward G. Hack, Michael F. O'Donnell, Dennis J. Sullivan.

Also present: Mayor Dennis Clough, Law Director John Wheeler, Service Director Donald Glauner, Director of Engineering Robert Kelly, 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 Captain Guy Turner, Police Chief Richard Walling (arrived 8:45 p.m.), Fire Chief Richard Pietrick, Clerk of Council Susan J. Prehoda.

APPROVAL OF MINUTES:

Councilmember O'Donnell moved, seconded by Councilmember Brady, that the reading of the Minutes of the Regular Session of January 5, 2006, be waived and that they be approved as received.

ROLL CALL:

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

Abstentions: Hack.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Director of Inspections Patton dated January 12, 2006, stating that Mr. Scott Miles of S. Miles Construction is requesting a Conditional Use Permit for a public self-storage facility to be located at 958 Bassett Road, and he plans to relocate his business and other businesses in the other portion of this building. The Chair referred this item to the Planning/Zoning/Legislative Committee.

Communication from Mayor Clough dated January 13, 2006, requesting that a Public Grounds and Buildings Committee be scheduled to discuss the purchase of a strip of land on the corner of Hilliard Boulevard and Hunter's Point Lane, currently owned by the City. The Chair referred this item to the Public Grounds and Buildings Committee.

Council President Killeen removed the request from Valore Builders regarding the retention basin at I-90 that was referred to the Committee of the Whole on November 17, 2005, and referred it to the Planning/Zoning/Legislative Committee.

Council President Killeen referred the request of the Arts Council to establish dialogue with Council their status of plans to the Public Grounds and Buildings Committee.

Council President Killeen stated that the item in the Service, Streets, Sidewalks and Road Drains Committee regarding the Crocker Road Retention Basin was acted on by another committee and is therefore moot. The Chair removed this item from this committee.

PETITIONS FROM THE PUBLIC:

Ms. Mary Levtzow, 2454 Dover Center Road, asked why there was a chairman pro tem for the Sanitation Committee and if a Finance Committee had been set. She further commented on Ordinance No. 2006-4, the Mayor's salary, Ordinance No. 2006-6, Ordinance No. 2006-5, a recent article in the Westlaker Times regarding a conflict between city charter and state constitution, etc., containers to collect aluminum cans, the situation regarding assistant city

prosecutor Rocco and the school board. She then voiced her appreciation of the various communication systems the City provides to keep residents well informed.

REPORT OF THE MAYOR:

Mayor Clough read his second report of the year.

REPORTS OF STANDING COMMITTEES - COMMITTEE OF THE WHOLE:

Council President Killeen reported on the Committee of the Whole meeting held this date at 7:00 p.m. Present were Councilmembers Killeen, Brady, Connole, Hack, O'Donnell, Sullivan. Also present were Mayor Clough and Law Director Wheeler.

Councilmember Hack moved, seconded by Councilmember O'Donnell, to immediately adjourn the Committee of the Whole at 7:00 p.m. to discuss pending litigation in accordance with Ohio Revised Code Section 122.22(G)(1)

ROLL CALL:

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

Nays: None; motion carried.

Councilmember Baker arrived at 7:25 p.m.

Also present were Mayor Clough and Law Director Wheeler.

Councilmember Hack moved, seconded by Councilmember Brady, to adjourn executive session at 7:42 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Meeting immediately adjourned at 7:42 p.m.

The Committee of the Whole immediately reconvened at 7:42 p.m. Present were Councilmembers Killeen, Baker, Brady, Connole, Hack, O'Donnell, Sullivan. Also present were Mayor Clough; Directors Wheeler, Glauner, Kelly, Fritz, Rump, Parry, Calabrese, Patton, Schroth, Turner (Police Captain), Pietrick. Agenda items were discussed. Selected correspondence, the planning commission report and legislation to be added to the agenda were each briefly discussed. Meetings were scheduled.

Council President Killeen announced that the public hearing on Ordinance No. 2005-139 will be held on February 2, 2006.

REPORTS OF OTHER BOARDS AND COMMISSIONS - PLANNING COMMISSION:

Councilmember Connole reported on the January 9, 2006, planning commission meeting advising that the commission nominated Mr. Richard Schultz for Chairman, Mr. John DesForges for Vice Chairman and Mr. Daniel Meehan for Secretary; tabled **Ordinance 2005-141**, Conditional Use Permit for an indoor storage and wholesale sales facility, 876 Bradley Road, to the first meeting in February; tabled the **Prosource Warehouse Development Plan**, 876 Bradley Road, to the first meeting in February; recommended approval of the **SprintCom, Inc. Co-location Development Plan**, 1812 Bassett Road, with the following conditions: 1) condition that the antennas are to be the same color as the water tower; 2) condition that the antennas do not obstruct the "Westlake" signage that exists on the water tower; 3) condition that some type of buffer is placed around the cabinet, conditional to the planning director determining that it is needed and his approval of the buffer plan; tabled the **Emerald Square Retail Building Campus Development Plan**, northeast corner of Crocker and Center Ridge Roads, to the next planning commission meeting; recommended approval of the **Prestwick Glen Subdivision No. 2 Preliminary Plan**, Birkdale Turn S/L 162 and 163, with the following conditions: 1) condition that a temporary road easement be given to the city for service access on subplot 162; 2) condition that the sidewalk be continued to the end of the temporary access on subplot 163 and continue through the T-turnaround on subplot 162. Meeting adjourned at 9:20 p.m. The next regular meeting is scheduled for Monday, January 23, 2006, at the Westlake City Hall Council Chambers.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **SprintCom, Inc. Co-location Development Plan**, 1812 Bassett Road, with the conditions listed in the report of the January 9, 2006, planning commission.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to request the Law Director to draft legislation for the **Prestwick Glen Subdivision No. 2 Preliminary Plan**, Birkdale Turn S/L 162 and 163, with the conditions listed in the report of the January 9, 2006, planning commission.

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

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2005-31: AN ORDINANCE PROVIDING FOR THE AMENDMENT
(THIRD READING) 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 VACANT LAND LOCATED ON THE NORTH
AND SOUTH SIDE OF WESTCHESTER PARKWAY, WEST
OF THE NORTHERLY EXTENSION OF THE EXISTING

NORTH/SOUTH ZONING LINE OF OFFICE
LABORATORY, BEING PERMANENT PARCEL NO. 212-
03-003 AND PART OF PERMANENT PARCEL NO. 212-03-
001 FROM R-MF-24 DISTRICT TO OFFICE LABORATORY
DISTRICT.

Councilmember Connole moved, seconded by Councilmember Hack, that Ordinance No. 2005-31 be removed from the agenda.

ROLL CALL ON REMOVAL FROM AGENDA:

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

Nays: None; Ordinance No. 2005-31 removed from agenda.

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.

Councilmember Connole moved, seconded by Councilmember O'Donnell, that Ordinance No. 2005-140 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2005-140 adopted.

ORDINANCE NO. 2006-4: AN ORDINANCE MAKING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2006 INCLUDING TEMPORARY APPROPRIATIONS HERETOFOR MADE IN ORDINANCE 2005-170 AND DECLARING AN EMERGENCY.

Councilmember Hack moved, seconded by Councilmember Connole, 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 Hack moved, seconded by Councilmember Brady, that Ordinance No. 2006-4 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-4 adopted.

ORDINANCE NO. 2006-5: AN ORDINANCE REQUESTING THE COOPERATION OF THE COUNTY OF CUYAHOGA AND OHIO DEPARTMENT OF TRANSPORTATION AS TO THE BRIDGE DECK WATERPROOFING OF THE DETROIT ROAD (SR-254) BRIDGE 197 OVER SPERRY CREEK IN THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Hack moved, seconded by Councilmember Connole, 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 Hack moved, seconded by Councilmember Sullivan, that Ordinance No. 2006-5 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-5 adopted.

Councilmember Brady moved, seconded by Councilmember Connole, that Ordinance No. 2006-6 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

Yeas: All.

Nays: None; Ordinance No. 2006-6 added to agenda.

ORDINANCE NO. 2006-6: 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.

Councilmember Brady 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 Hack moved, seconded by Councilmember Brady, that Ordinance No. 2006-6 be adopted.

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ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-6 adopted.

ADJOURNMENT:

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

Susan J. Prehoda, CMC
Clerk of Council

Michael F. Killeen,
President of Council