

**PROCEEDINGS OF A REGULAR SESSION
OF WESTLAKE CITY COUNCIL
FEBRUARY 16, 2006**

Public Hearing was called to order by President of Council Michael F. Killeen at 8:00 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the Westlife on February 8, 2006, and February 15, 2006.

ORDINANCE NO. 2005-32: AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE ZONING MAP OF THE CITY BY CHANGING THE ZONING OF CERTAIN LAND LOCATED WITHIN KING JAMES NORTH, BEING ALL OF PERMANENT PARCEL NOS. 214-18-003 AND 214-18-010 FROM OFFICE LABORATORY DISTRICT TO R-MF-15 AND ALL OF PERMANENT PARCEL NOS. 214-18-005, 214-18-006, 214-18-009, 214-18-011, 214-18-012 AND 214-18-004 FROM OFFICE LABORATORY DISTRICT TO R-MF-24 DISTRICT AND AUTHORIZING AND DIRECTING THE PROPOSAL TO BE SUBMITTED TO THE ELECTORS AT A REGULAR MUNICIPAL OR GENERAL ELECTION FOR APPROVAL BY THE ELECTORATE, AND DECLARING AN EMERGENCY.

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

There being no further comments from the audience, Council President Killeen declared the Public Hearing on Ordinance No. 2005-32 closed.

Public Hearing was called to order by President of Council Michael F. Killeen at 8:05 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the Westlife on February 8, 2006, and February 15, 2006.

ORDINANCE NO. 2005-34: 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 NORTHWEST SIDE OF CENTER RIDGE ROAD, BEING PERMANENT PARCEL NO. 216-11-008 FROM GENERAL BUSINESS DISTRICT TO HEALTH CAMPUS DISTRICT.

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

There being no further comments from the audience, Council President Killeen declared the Public Hearing on Ordinance No. 2005-34 closed.

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The Regular Session of Council was called to order at 8:06 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, Finance Director Anne Fritz, Recreation Director Michael Rump, Planning Director Robert Parry, Assistant Planning Director William Krause, Director of Purchasing Mary Calabrese, Director of Inspections Robert Patton, Director of Community Services Joyce Schroth, Police Chief Richard Walling, Fire Chief Richard Pietrick, Assistant Clerk of Council Denise L. Rosenbaum.

APPROVAL OF MINUTES:

Councilmember O'Donnell moved, seconded by Councilmember Brady, to remove the approval of the Minutes of the Regular Session of February 2, 2006, for clarification regarding Ordinance No. 2005-139.

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

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Mayor Clough dated February 6, 2006, requesting authorization to purchase one 2006 Ford Explorer, Model U72 through the State of Ohio Cooperative Purchasing program from 32 Ford-Mercury, Inc. in an amount not to exceed \$20,500.00.

Communication from Mayor Clough dated February 6, 2006, requesting authorization to purchase tasers and related products for use in the Police department through the State of Ohio Cooperative Purchasing program from Taser International, Inc. in an amount not to exceed \$63,000.00.

Communication from Director of Inspections Patton dated February 7, 2006, requesting a Planning/Zoning/Legislative committee meeting to discuss State of Ohio residential building code issues. The Chair referred this item to the Planning/Zoning/Legislative Committee.

Communication from Director of Inspections Patton dated February 9, 2006, stating that Mr. John P. Cavano Jr. is requesting a Conditional Use Permit for animal boarding and dog day care to be located at 851 Bradley Road, permanent parcel numbers 211-12-009 and 211-12-003. The building will be leased to a franchisee under the name of Camp Bow Wow, and they would be the building occupant. The Chair referred this item to the Planning/Zoning/Legislative Committee.

Communication from Mayor Clough dated February 13, 2006, requesting authorization to purchase five current year Ford Victoria police cruisers through the State of Ohio Cooperative Purchasing program from Statewide Ford Lincoln Mercury, Inc. in an amount not to exceed \$121,000.00.

Communication from Mayor Clough dated February 14, 2006, requesting authorization to purchase one 2006 GMC Sierra 1500, 4WD, Extended Cab through the State of Ohio Cooperative Purchasing program from Bob Ross Buick-GMC-Hummer, Inc. in an amount not to exceed \$19,491.00.

PETITIONS FROM THE PUBLIC:

Mary Levtzow, 2454 Dover Center Road, commented on where vehicles are purchased, asked about the status of the fire risk assessment and the results of the 30-day trial of police equipment to catch speeding motorists, asked for clarification of the Andreano case regarding the Crocker Road extension project, and whether there are other significant law suits or expenditures still pending.

REPORT OF THE MAYOR:

Mayor Clough read his fourth report of the year.

REPORTS OF ADMINISTRATIVE OFFICIALS:

Police Chief Walling announced that on February 18, 2006, there will be the annual Chili Bowl 5K Foot Race that will have traffic re-routed on certain streets that morning.

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

Councilmember Hack reported on the February 8, 2006, Planning/Zoning/Legislative Committee meeting.

Councilmember Hack moved, seconded by Councilmember Brady, that legislation be drafted for the Conditional Use Permit on PPN 211-15-001 and 211-15-009 to permit self-storage with the conditions listed in the report of the February 8, 2006, Planning/Zoning/Legislative Committee. Yeas: Killeen, Hack, Connole, Sullivan, O'Donnell, Brady, Baker. Nays: None; motion carried.

Councilmember Hack moved, seconded by Councilmember Connole, that legislation be drafted to remove paragraph (b), which mentions the 25' set back, from §1218.04. Yeas: Hack, Connole, Sullivan, O'Donnell, Brady, Baker, Killeen. Nays: None; motion carried.

Councilmember Hack moved, seconded by Councilmember Connole, that the report of the February 8, 2006, Planning/Zoning/Legislative Committee be received and filed.

Yeas: All.

Nays: None; motion carried.

PUBLIC GROUNDS AND BUILDINGS COMMITTEE:

Councilmember Baker reported on the February 8, 2006, Public Grounds and Buildings Committee meeting.

Councilmember Baker moved, seconded by Councilmember Hack, that the report of the February 8, 2006, Public Grounds and Buildings Committee be received and filed.

Yeas: All.

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, Baker, Brady, Connole, Hack, O'Donnell, Sullivan. Also present were Mayor Clough; Directors Wheeler, Glauner, Kelly, Fritz, Rump, Parry, Krause (Assistant), Calabrese, Patton, Schroth, Walling, Pietrick. Agenda items were discussed as well as selected correspondence and the planning commission report. Three committee meetings previously scheduled for February 21, 2006 were announced again: Ad Hoc Information Technology at 7:00 p.m., Planning/Zoning/Legislative at 7:30 p.m., and Finance at 8:00 p.m.

Councilmember O'Donnell moved, seconded by Councilmember Brady, to adjourn the Committee of the Whole at 7:49 p.m. Motion passed unanimously. Meeting immediately adjourned at 7:49 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS - PLANNING COMMISSION:

Councilmember Connole reported on the February 6, 2006, planning commission meeting advising that the commission added the following four SBC Cabinet Development Plans to the agenda which were then withdrawn by the applicant: **SBC Cabinet Development Plan**, 26055 Detroit Road; **SBC Cabinet Development Plan**, 1565 Hunter's Chase; **SBC Cabinet Development Plan**, 29242 Detroit Road; **SBC Cabinet Development Plan**, 27991 Center Ridge (west of); recommended approval of the **Oakridge Home Development Plan**, 26520 Center Ridge Road, with the following conditions: 1) condition that the light poles are reduced in height to 20'; 2) condition that the development plans are corrected to show that all the parking lot light poles are being replaced; and 3) condition that the existing fence be repaired and replaced where needed; recommended approval of **Ordinance 2005-141** CONDITIONAL USE PERMIT FOR AN INDOOR STORAGE AND WHOLESALE SALES FACILITY, 876 Bradley Road; recommended approval of the **Prosource Warehouse Development Plan**, 876 Bradley Road, with the following conditions and modifications: 1) modification of 8' to the front

employee parking setback; 2) modification to allow the removal of five land banked parking spaces in order to preserve two large trees on the north side of the parking lot; 3) condition that a sign plan or awning is not part of this approval plan; 4) condition that no mechanical equipment be installed on the roof within 30' of the front or sides of the building; approved the **Towne Place Suites Sign Plan**, 25052 Sperry Road, with the following conditions and modification: 1) condition that the sign face is grey aluminum with painted or vinyl graphics and only letters and logo symbols illuminate; 2) condition that the red and blue backgrounds be opaque as required by Section 1223.07(g); 3) modification of 1 sq. ft. and a 6" height modification for directional sign; approved the **Courtyard Marriott Sign Plan**, 25050 Sperry Road, with the following conditions: 1) that the sign face on the freestanding signs are grey aluminum with painted or vinyl graphics and only letters and logo symbols illuminate; and 2) condition that the directional sign not exceed a 3' height limitation above grade; recommended approval of the **Berry & Martens Funeral Home Development Plan**, 26691 Detroit Road, with the following conditions: 1) condition that the existing light pole be changed to match the new light poles to be installed in the rear parking lot; 2) condition that the row of future parking at the rear of the lot not be approved as part of this development plan and to be considered with the future addition; 3) condition that the buffer at the rear of the property (south along Gershwin) meet the 80% summer opacity and 100% opacity from the ground to 3' above grade to screen vehicle headlights; 4) condition to add an additional sidewalk going east/west along the driveway to the rear of the building connecting with the new sidewalk; 5) condition that the individual parcels are assembled before an occupancy permit is issued; recommended approval of the **Crocker Park Bldg. AW East (Sephora) Development Plan**, Crocker Park Blvd., with the following conditions: 1) condition that the second floor area be a residential use; 2) condition that the roof screening for mechanical equipment be at least a full bay off the exterior wall edge; approved **The Original Dave's Cosmic Subs Revised Sign Plan**, 180 Market Street, with the following modification and removal of previous condition: 1) to approve a minor revision to eliminate signage related condition #4 of the 7/11/05 Planning Commission approval – "condition that the stars on the primary sign are all the same color;" 2) modification of 2.37 sq. ft. to the total sign area to allow the changeable easel sign in addition to all of the previously approved signage; **Eddie Bauer Revised Storefront (as built)**, 184 Main Street, was withdrawn by applicant; approved the **Morgan Stanley Sign Plan**, 159 Crocker Park Blvd., with the condition that the acrylic face of the letter forms must have a matte finish to avoid reflections in the letter face when not illuminated; approved the **Emerald Square Retail Center**, revision to approved Sign Plan criteria to grant a modification from the approved sign criteria for the 36" letter "J" in order for the Kolick's Jewelers sign to be approved as submitted. Meeting adjourned at 10:05 P.M. The next regular meeting is scheduled for Monday, March 6, 2006 at the Westlake City Hall Council Chambers.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **Oakridge Home Development Plan** with the conditions listed in the report of the February 6, 2006, planning commission.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **Prosource Warehouse Development Plan** with the conditions and modifications listed in the report of the February 6, 2006, planning commission and that condition 4 be corrected to read “within one bay” instead of 30’.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **Berry & Martens Funeral Home Development Plan** with the conditions listed in the report of the February 6, 2006, planning commission.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **Crocker Park Bldg. AW East (Sephora) Development Plan** with the conditions listed in the report of the February 6, 2006, planning commission with an additional condition that the approval does not include the sign plan.

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

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2005-32: AN ORDINANCE PROVIDING FOR THE AMENDMENT OF
(THIRD READING) THE ZONING MAP OF THE CITY BY CHANGING THE ZONING OF CERTAIN LAND LOCATED WITHIN KING JAMES NORTH, BEING ALL OF PERMANENT PARCEL NOS. 214-18-003 AND 214-18-010 FROM OFFICE LABORATORY DISTRICT TO R-MF-15 AND ALL OF PERMANENT PARCEL NOS. 214-18-005, 214-18-006, 214-18-009, 214-18-011, 214-18-012 AND 214-18-004 FROM OFFICE LABORATORY DISTRICT TO R-MF-24 DISTRICT AND AUTHORIZING AND DIRECTING THE PROPOSAL TO BE SUBMITTED TO THE ELECTORS AT A REGULAR MUNICIPAL OR GENERAL ELECTION FOR APPROVAL BY THE ELECTORATE, AND DECLARING AN EMERGENCY.

Councilmember Hack moved, seconded by Councilmember Brady, that Ordinance No. 2005-32 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2005-32 adopted.

ORDINANCE NO. 2005-34: AN ORDINANCE PROVIDING FOR THE AMENDMENT OF
(THIRD READING) 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 NORTHWEST SIDE OF CENTER RIDGE ROAD, BEING PERMANENT PARCEL NO. 216-11-008 FROM GENERAL BUSINESS DISTRICT TO HEALTH CAMPUS DISTRICT.

Councilmember Connole moved, seconded by Councilmember Sullivan, that Ordinance No. 2005-34 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2005-34 adopted.

ORDINANCE NO. 2005-139: AN ORDINANCE PROVIDING FOR THE AMENDMENT OF (THIRD READING) 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 NOS. 211-15-009 AND 211-15-016 FROM RECREATIONAL BUSINESS DISTRICT TO INDUSTRIAL DISTRICT.

Councilmember Hack moved, seconded by Councilmember Brady, that Ordinance No. 2005-139 be removed from the agenda.

VOICE VOTE ON REMOVAL FROM AGENDA:

Yeas: All.

Nays: None; Ordinance No. 2005-139 removed from agenda.

ORDINANCE NO. 2005-141: AN ORDINANCE CONSIDERING AN APPLICATION (SECOND READING) FOR A CONDITIONAL USE PERMIT FOR AN INDOOR STORAGE AND WHOLESALE SALES FACILITY.

Council President Killeen set a public hearing on Ordinance No. 2005-141 for March 2, 2006.

ORDINANCE NO. 2006-9: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER (SECOND READING) INTO A PROFESSIONAL SERVICES CONTRACT TO RETAIN IMAGINiT TECHNOLOGIES TO DESIGN, IMPLEMENT AND SUPPORT THE NEW CITY GIS SYSTEM, AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2006-12: A RESOLUTION APPROVING THE PRELIMINARY PLAN (SECOND READING) OF THE PRESTWICK GLEN SUBDIVISION NO. 2 IN THE CITY OF WESTLAKE.

ORDINANCE NO. 2006-15: AN ORDINANCE AMENDING SECTIONS 141.01 AND 141.03

(SECOND READING) OF THE ADMINISTRATIVE CODE, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2006-17: AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES.

Councilmember Hack 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 Brady moved, seconded by Councilmember Baker, that Ordinance No. 2006-17 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-17 adopted.

ORDINANCE NO. 2006-18: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE TASERS AND RELATED PRODUCTS FOR USE IN THE POLICE DEPARTMENT THROUGH THE OHIO'S COOPERATIVE PURCHASE ACT.

Councilmember Hack 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 O'Donnell moved, seconded by Councilmember Brady, that Ordinance No. 2006-18 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-18 adopted.

ORDINANCE NO. 2006-19: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) 2006 FORD EXPLORER FOR THE RECREATION DEPARTMENT THROUGH THE OHIO'S COOPERATIVE PURCHASE ACT.

Councilmember Hack 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 Brady moved, seconded by Councilmember Baker, that Ordinance No. 2006-19 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-19 adopted.

ORDINANCE NO. 2006-20: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE FIVE (5) CURRENT YEAR FORD CROWN VICTORIA POLICE CRUISERS FOR THE POLICE DEPARTMENT THROUGH THE OHIO'S COOPERATIVE PURCHASE ACT, AND DECLARING AN EMERGENCY.

Councilmember Connole 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 O'Donnell moved, seconded by Councilmember Brady, that Ordinance No. 2006-20 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-20 adopted.

ORDINANCE NO. 2006-21: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) 2006 GMC SIERRA 1500 4WD PICK-UP TRUCK FOR THE POLICE DEPARTMENT THROUGH THE OHIO'S COOPERATIVE PURCHASE ACT, 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 O'Donnell moved, seconded by Councilmember Hack, that Ordinance No. 2006-21 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-21 adopted.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 9:07 p.m.

Denise L. Rosenbaum
Assistant Clerk of Council

Michael F. Killeen,
President of Council