

**PROCEEDINGS OF A REGULAR SESSION
OF WESTLAKE CITY COUNCIL
MARCH 2, 2006**

Mayor Clough and Fairview Park Mayor Eileen Patton officiated a group swearing-in of the members of the new West Shore Central Dispatch Center, which is set to officially open at St. John Westshore Hospital on March 13, 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 February 22, 2006, and March 1, 2006.

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

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. 2005-141 closed.

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The Regular Session of Council was called to order at 8:21 p.m. by President of Council Michael F. Killeen.

Present: President of Council Michael F. Killeen; Councilmembers Nan A. Baker, James P. Connole, Edward G. Hack, Michael F. O'Donnell, Dennis J. Sullivan.

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

Yeas: All.

Nays: None; motion carried.

Also present: Mayor Dennis Clough, Assistant Law Director Bill Huffman, Service Director Donald Glauner, Director of Engineering Robert Kelly, Finance Director Anne Fritz, Assistant Recreation Center Manager Ann Babitsky, Planning Director Robert Parry, Assistant Director of Inspections Don Grayem, 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 Connole moved, seconded by Councilmember Sullivan, that the reading of the Minutes of the Regular Session of February 2, 2006, be waived and that they be approved as received.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Baker, that the reading of the Minutes of the Regular Session of February 16, 2006, be waived and that they be approved as received.

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

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Mayor Clough dated February 21, 2006, requesting to award the bid for rental of 4-wheel, gasoline powered golf carts with canopy tops and fold-down windshields to South East Golf Car Co., for their bid of 63.1% for a three year contract for seasons 2006 through 2008, as the lowest and best bid.

Communication from Mayor Clough dated February 23, 2006, requesting authorization to purchase five Vision Hawk In-Car Digital Camera Systems and related equipment for use by the Police department through the GSA Federal Supply Schedule from International Police Technologies in the amount of \$32,645.00.

Communication from Mayor Clough dated February 27, 2006, requesting authorization to purchase one 28 x 44 foot Cedar Forest Pavilion and related materials from Play Creations Equipment and other miscellaneous vendors in an amount not to exceed \$26,845.00.

Communication from Mayor Clough dated February 27, 2006, requesting a Public Grounds and Buildings Committee meeting to discuss the pond area located between the Westlake Police Station and Dover Center Road. Council President Killeen stated this would be handled administratively.

Communication from Mayor Clough dated February 28, 2006, requesting an Ad Hoc Sidewalk Committee meeting to discuss the 2006 sidewalk program. The Chair referred this item to the Ad Hoc Sidewalk Committee.

Communication from Mayor Clough dated March 1, 2006, requesting Council to appoint a representative to the S.A.F.E. Council of Governments. Council President Killeen stated that Councilmember Ken Brady has been appointed as the representative to the S.A.F.E. Council of Governments.

Communication from Mayor Clough dated March 1, 2006, requesting Council's confirmation of the reappointment of Mary Beth Schneidler to the Westlake Tree Commission for an additional two year term expiring on December 31, 2007.

Councilmember Connole moved, seconded by Councilmember O'Donnell, to confirm the reappointment of Mary Beth Schneidler to the Westlake Tree Commission for an additional two year term expiring on December 31, 2007.

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

Nays: None; motion carried.

Communication from Mayor Clough dated March 1, 2006, requesting a Committee of the Whole to discuss the response of the Fire Chief and the Union pursuant to the recent Risk Assessment/Audit that was done by McGrath Consultants. The Chair stated that this will be discussed at the March 23, 2006, Committee of the Whole.

Communication from Mayor Clough dated February 28, 2006, requesting Council's confirmation of the appointment of Joyce Schroth to serve in the capacity of Director of Community Services retroactive to January 1, 2006.

Councilmember O'Donnell moved, seconded by Councilmember Sullivan, to reaffirm the appointment of Joyce Schroth to serve in the capacity of Director of Community Services retroactive to January 1, 2006.

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

Nays: None; motion carried.

Communication from Mayor Clough dated February 28, 2006, requesting Council's confirmation of the appointment of Anne Fritz to serve in the capacity of Director of Finance retroactive to January 1, 2006.

Councilmember Hack moved, seconded by Councilmember O'Donnell, to reaffirm the appointment of Anne Fritz to serve in the capacity of Director of Finance retroactive to January 1, 2006.

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

Nays: None; motion carried.

Communication from Mayor Clough dated February 28, 2006, requesting Council's confirmation of the appointment of Donald Glauner to serve in the capacity of Director of Public Service retroactive to January 1, 2006.

Councilmember Hack moved, seconded by Councilmember O'Donnell, to reaffirm the appointment of Donald Glauner to serve in the capacity of Director of Public Service retroactive to January 1, 2006.

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

Nays: None; motion carried.

Communication from Mayor Clough dated February 28, 2006, requesting Council's confirmation of the appointment of Robert Parry to serve in the capacity of Director of Planning and Economic Development retroactive to January 1, 2006.

Councilmember Hack moved, seconded by Councilmember O'Donnell, to reaffirm the appointment of Robert Parry to serve in the capacity of Director of Planning and Economic Development retroactive to January 1, 2006.

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

Nays: None; motion carried.

Communication from Mayor Clough dated February 28, 2006, requesting Council's confirmation of the appointment of Robert Kelly to serve in the capacity of Director of Engineering retroactive to January 1, 2006.

Councilmember Connole moved, seconded by Councilmember O'Donnell, to reaffirm the appointment of Robert Kelly to serve in the capacity of Director of Engineering retroactive to January 1, 2006.

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

Nays: None; motion carried.

PETITIONS FROM THE PUBLIC:

Ms. Cecelia Baker, 2076 Arthur Avenue, commented on a February 19, 2006, Plain Dealer article regarding mailing of the annual report and people's access to computers to obtain this information and the webcasts on the city's website. She also requested that the public be able to comment at the end of Council as well as committee meetings in addition to the Petitions from the Public section.

Ms. Mary Levtzow, 2454 Dover Center Road, expressed thanks to the Police department for their services, to the Fire department regarding the ACBC container, and to the Mayor for the newsletter which featured ACBC. She also commented on Ordinance Nos. 2006-25, 28 and 30; the progress on the sale of the land owned by the school board; the change in the percentage of the school tax agreement; court cases involving land acquisition for the Crocker/Stearns extension project and the Shimola case; and if the newspapers have made any retractions regarding articles about Westlake and the Mayor.

REPORT OF THE MAYOR:

Mayor Clough read his fifth report of the year.

REPORTS OF STANDING COMMITTEES – WESTLAKE COMMUNITY IMPROVEMENT CORPORATION:

Council President Killeen reported on the February 8, 2006, Westlake Community Improvement Corporation (CIC) stating that officers were re-elected and the financial report for 2005 was reviewed for forwarding to the State Auditor. Also discussed was the promotional material for economic development and the upgrading of the same.

AD HOC INFORMATION TECHNOLOGY COMMITTEE:

Councilmember O'Donnell reported on the February 21, 2006, Ad Hoc Information Technology Committee meeting.

Councilmember O'Donnell moved, seconded by Councilmember Connole, that the report of the February 21, 2006, Ad Hoc Information Technology Committee be received and filed.

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

Nays: None; motion carried.

PLANNING/ZONING/LEGISLATIVE COMMITTEE:

Councilmember Hack reported on the February 21, 2006, Planning/Zoning/Legislative Committee meeting.

Councilmember Hack moved, seconded by Councilmember Connole, that the report of the February 21, 2006, Planning/Zoning/Legislative Committee be received and filed.

Yeas: All.

Nays: None; motion carried.

FINANCE COMMITTEE:

Council President Killeen reported on the February 21, 2006, Finance Committee meeting.

Councilmember Hack moved, seconded by Councilmember O'Donnell, that the report of the February 21, 2006, Finance 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 7:30 p.m. Present were Councilmembers Killeen, Baker, Connole, Hack, O'Donnell, Sullivan. Also present were Mayor Clough; Directors Huffman (Assistant), Glauner, Kelly, Fritz, Babitsky (Assistant Center Manager), Parry, Grayem (Assistant), Schroth, Walling, Pietrick. Agenda items were discussed as well as selected correspondence and updates on the Recreation Center and Service garage construction. Three meetings were scheduled: Public Grounds on March 9, 2006, at 7:00 p.m. followed by Ad Hoc Information Technology at 7:15 p.m. A Committee of the Whole was scheduled for March 23, 2006, at 7:00 p.m. The Chair also announced the meeting of the Tax Incentive Review Committee on March 15, 2006, at 9:00 a.m.

Councilmember O'Donnell moved, seconded by Councilmember Hack, to adjourn to executive session to discuss litigation at 7:55 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Also present were Mayor Clough and Assistant Law Director Bill Huffman.

Councilmember Sullivan moved, seconded by Councilmember Hack, to adjourn executive session at 8:06 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Meeting adjourned at 8:07 p.m.

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 NOS. 211-15-009, 211-15-010 AND 211-15-016 FROM RECREATIONAL BUSINESS DISTRICT TO INDUSTRIAL DISTRICT.

Councilmember Hack moved, seconded by Councilmember Connole, that Ordinance No. 2005-139 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2005-139 adopted.

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

Councilmember Hack moved, seconded by Councilmember Sullivan, that Ordinance No. 2005-141 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2005-141 adopted.

ORDINANCE NO. 2005-166: AN ORDINANCE FIXING THE COMPENSATION OF SALARIED AND HOURLY RATE EMPLOYEES IN THE SEVERAL DEPARTMENTS OF THE CITY OF WESTLAKE, AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

Councilmember Hack moved, seconded by Councilmember O'Donnell, that Ordinance No. 2005-166 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Nays: None; Ordinance No. 2005-166 amended by substitution.

Councilmember Hack moved, seconded by Councilmember O'Donnell, that Ordinance No. 2005-166 amended be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2005-166 amended, adopted.

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.

Councilmember Hack moved, seconded by Councilmember O'Donnell, that Ordinance No. 2005-172 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Nays: None; Ordinance No. 2005-172 amended by substitution.

Councilmember Hack moved, seconded by Councilmember O'Donnell, that Ordinance No. 2005-172 be further amended by removing the Law Director's salary and hours per week.

ROLL CALL ON AMENDMENT:

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

Nays: None; Ordinance No. 2005-172 amended.

Councilmember Hack moved, seconded by Councilmember O'Donnell, that Ordinance No. 2005-172 amended be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2005-172 amended, adopted.

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

Councilmember Hack moved, seconded by Councilmember O'Donnell, that Ordinance No. 2006-9 be removed from the agenda.

ROLL CALL ON REMOVAL FROM AGENDA:

Yeas: Killeen, Hack, Connole, Sullivan, O'Donnell, Baker.
Nays: None; Ordinance No. 2006-9 removed from agenda.

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

Councilmember Baker moved, seconded by Councilmember O'Donnell, that Resolution No. 2006-12 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Hack, Connole, Sullivan, O'Donnell, Baker, Killeen.
Nays: None; Resolution No. 2006-12 adopted.

**ORDINANCE NO. 2006-15: AN ORDINANCE AMENDING SECTIONS 141.01 AND 141.03
(THIRD READING) OF THE ADMINISTRATIVE CODE, AND DECLARING AN
EMERGENCY.**

Councilmember Hack moved, seconded by Councilmember Connole, that Ordinance No. 2006-15 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Connole, Sullivan, O'Donnell, Baker, Killeen, Hack.
Nays: None; Ordinance No. 2006-15 adopted.

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

**ORDINANCE NO. 2006-22: AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR
THE IMPROVEMENT OF SANITARY SEWER DISTRICT NO.
2 BY CONSTRUCTING SANITARY SEWERS, TOGETHER
WITH CURB CONNECTIONS THEREFOR AND THE
NECESSARY APPURTENANCES THERETO, WHERE
SANITARY SEWERS AND CURB CONNECTIONS DO NOT
NOW EXIST, IN CENTER RIDGE ROAD BETWEEN
CERTAIN TERMINI, 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 Baker, that Ordinance No. 2006-22 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-22 adopted.

ORDINANCE NO. 2006-23: AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF SANITARY SEWER DISTRICT NO. 2 BY CONSTRUCTING SANITARY SEWERS, TOGETHER WITH CURB CONNECTIONS THEREFOR AND THE NECESSARY APPURTENANCES THERETO, WHERE SANITARY SEWERS AND CURB CONNECTIONS DO NOT NOW EXIST, IN CENTER RIDGE ROAD AND MILL ROAD BETWEEN CERTAIN TERMINI, 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 Connole moved, seconded by Councilmember Sullivan, that Ordinance No. 2006-23 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-23 adopted.

ORDINANCE NO. 2006-24: AN ORDINANCE REPEALING SUBSECTION 1218.04(b) OF THE ZONING CODE.

Council President Killeen referred Ordinance No. 2006-24 to the Planning Commission.

ORDINANCE NO. 2006-25: AN ORDINANCE SUPPLEMENTING SECTION 137.01 AS TO THE COMPOSITION OF THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

Councilmember Hack 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 Baker, that Ordinance No. 2006-25 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-25 adopted.

ORDINANCE NO. 2006-26: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE FIVE (5) VISION HAWK IN-CAR DIGITAL CAMERA SYSTEMS AND RELATED EQUIPMENT THROUGH THE GSA FEDERAL SUPPLY SCHEDULE.

Councilmember Connole moved, seconded by Councilmember Hack, 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 Connole moved, seconded by Councilmember Hack, that Ordinance No. 2006-26 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-26 adopted.

ORDINANCE NO. 2006-27: AN ORDINANCE ACCEPTING THE BID OF SOUTH EAST GOLF CAR CO. AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE RENTAL OF GOLF CARTS FOR THE RECREATION DEPARTMENT.

Councilmember Hack 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 Hack moved, seconded by Councilmember Baker, that Ordinance No. 2006-27 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-27 adopted.

ORDINANCE NO. 2006-28: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH SIGNAL SERVICE COMPANY, INC. AS TO THE MAINTENANCE AND REPAIR OF THE CITY'S TRAFFIC SIGNALS, 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 Baker, that Ordinance No. 2006-28 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-28 adopted.

ORDINANCE NO. 2006-29: AN ORDINANCE CONSIDERING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A SELF STORAGE FACILITY.

Council President Killeen referred Ordinance No. 2006-29 to the Planning Commission.

ORDINANCE NO. 2006-30: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE A PAVILION AND RELATED SUPPLIES FOR USE AT CLAGUE PARK.

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 Baker, that Ordinance No. 2006-30 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-30 adopted.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 9:24 p.m.

Denise L. Rosenbaum
Assistant Clerk of Council

Michael F. Killeen,
President of Council