

**PROCEEDINGS OF A REGULAR SESSION  
OF WESTLAKE CITY COUNCIL  
APRIL 6, 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, Edward G. Hack, Dennis J. Sullivan.

Councilmember Connole moved, seconded by Councilmember Brady, that Councilmember Michael F. O'Donnell 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 Brady, that the reading of the Minutes of the Regular Session of March 16, 2006, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

**SELECTED CORRESPONDENCE:**

Communication from Mayor Clough dated March 24, 2006, requesting confirmation of the appointment of Ms. Ginny Mayhew to the Westlake Recreation Commission to fill the position previously held by Mr. Albert Bobak which ends on December 31, 2007.

Councilmember Connole moved, seconded by Councilmember Brady, to confirm the Mayor's appointment of Ms. Ginny Mayhew to the Westlake Recreation Commission for the term ending December 31, 2007.

Yeas: All.

Nays: None; motion carried.

Communication from Mayor Clough dated March 24, 2006, requesting confirmation of the appointment of Mr. John Walz to the Westlake Tree Commission to fill the position previously held by Mr. Anthony DeMeo who resigned due to relocating out of state. The term ends on December 31, 2006.

Councilmember Brady moved, seconded by Councilmember Baker, to confirm the Mayor's appointment of Mr. John Walz to the Westlake Tree Commission for the term ending December 31, 2006.

Yeas: All.

Nays: None; motion carried.

Notice from Ohio Division of Liquor Control received March 30, 2006, for a new C1, C2 permit for Speedway Superamerica, LLC, DBA Speedway 3197, 23735 Center Ridge Road, Westlake, Ohio 44145.

Councilmember Brady moved, seconded by Councilmember Baker, not to object to the request for a new C1, C2 permit for Speedway Superamerica, LLC, DBA Speedway 3197, 23735 Center Ridge Road, Westlake, Ohio 44145.

Yeas: Connole, Sullivan, Brady, Baker, Killeen, Hack.

Nays: None; motion carried.

**PETITIONS FROM THE PUBLIC:**

Mr. Patrick Grealis, President of the Westlake Firefighters' Association, Local 1814, commented as follows: "In the wake of recent rumors of changes to be made in the fire department's leadership the Westlake Firefighters' Association, Local 1814, would like to restate its commitment to improving communication throughout the fire department, working with the fire department's current leadership and the City's Administration to institute those changes for the fire department audit. In recent months the union and fire department's leadership have engaged in constructive discussions aimed to improve the quality and efficiency in the City's fire and EMS. In the month's ahead the union hopes to continue those constructive discussions with the fire department's current leadership, as well as Mayor Clough and city council. The union believes that it is with the membership along with the fire department's current leadership and the City's Administration we can effectuate those changes needed to provide the citizens with the best fire and EMS service possible."

Ms. Cecelia Baker, 2076 Arthur Avenue, commented on the Mayor displaying a sign on his property for the current school levy, but not officially endorsing the levy considering he personally endorsed the prior levy. Ms. Baker further asked why have a police/fire renewal levy and put safety forces at risk when the costs could be included in the annual budget.

Ms. Mary Levtzow, 2454 Dover Center Road, commented on Ordinance Nos. 2006-41 and 44. She further commented that cable television is not showing current council meetings.

Ms. Carol Corpus, 25539 Hilliard Boulevard, commented on Ms. Baker and Mr. Connole's previous statements regarding the upcoming school levy. She further commented on the Mayor displaying a sign on his property regarding the upcoming school levy.

**REPORT OF THE MAYOR:**

Mayor Clough commented that school issues are important in any community and that Council will be asked to put a police/fire renewal levy on the ballot. A renewal of Issue 11 will also be considered for a future appropriate ballot.

Mayor Clough read his seventh report of the year.

**REPORTS OF ADMINISTRATIVE OFFICIALS:**

Police Chief Walling commented on recent DARE graduations he and Mayor Clough attended at St. Bernadette's Elementary School and Parkside Intermediate School. He further stated he received a check for \$1500 for the DARE program from Cuyahoga County Sheriff McFaul.

**REPORTS OF STANDING COMMITTEES – AD HOC SIDEWALK COMMITTEE:**

Councilmember Brady reported on the March 22, 2006, Ad Hoc Sidewalk Committee meeting.

Councilmember Brady moved, seconded by Councilmember Baker, that the report of the March 22, 2006, Ad Hoc Sidewalk Committee be received and filed.

Yeas: All.

Nays: None; motion carried.

**SERVICE, STREETS, SIDEWALKS & ROAD DRAINS COMMITTEE:**

Councilmember Brady reported on the March 22, 2006, Service, Streets, Sidewalks & Road Drains Committee.

Councilmember Brady moved, seconded by Councilmember Sullivan, that the report of the March 22, 2006, Service, Streets, Sidewalks & Road Drains Committee be received and filed.

Yeas: All.

Nays: None; motion carried.

**COMMITTEE OF THE WHOLE:**

Council President Killeen reported on the March 23, 2006, Committee of the Whole.

Councilmember Hack moved, seconded by Councilmember Brady, that the report of the March 23, 2006, Committee of the Whole be received and filed.

Yeas: All.

Nays: None; motion carried.

**PLANNING/ZONING/LEGISLATIVE COMMITTEE:**

Councilmember Hack reported on the March 29, 2006, Planning/Zoning/Legislative Committee.

Councilmember Hack moved, seconded by Councilmember Connole, that the report of the March 29, 2006, Planning/Zoning/Legislative 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, Brady, Connole, Hack, 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 briefly discussed as well as legislation to be added to the agenda.

Councilmember Hack moved, seconded by Councilmember Baker, to adjourn at 7:52 p.m. Motion passed unanimously. Meeting immediately adjourned at 7:52 p.m.

#### **REPORTS OF OTHER BOARDS AND COMMISSIONS - PLANNING COMMISSION:**

Councilmember Connole reported on the March 20, 2006, planning commission meeting advising that the commission tabled the **Crocker Park, Building F, Development Plan**, Market Street and Crocker Road, to April 17<sup>th</sup>; tabled the **Loco Leprechaun Development Plan site addition**, 24545 Center Ridge Road, to April 3<sup>rd</sup>; recommended approval of the **SBC Cabinet Development Plan**, 26055 Detroit Road; recommended approval of the **SBC Cabinet Development Plan**, 1565 Hunter's Chase; recommended approval of the **SBC Cabinet Development Plan**, 29242 Detroit Road; recommended approval of the **SBC Cabinet Development Plan**, 27991 Center Ridge (west of); approved the **Century Oaks Condominium Association Monument Sign**, Century Oaks Drive and Hilliard Boulevard, with the following conditions: 1) condition that the sign is lowered 6" into the ground from the current plan so the posts are not visible; 2) condition that if the sign is externally illuminated any illumination must comply with the illumination performance regulations of the code; 3) condition if there are ground mounted floodlights they cannot glare into the eyes of drivers or pedestrians and must be screened with landscaping along the base of the sign; approved the **Chase Bank Sign Plan**, 29656 Detroit Road, with the following conditions and modifications: 1) condition that Chase Bank at this location limit itself to two temporary promotional banners per year as specified in the Westlake Codified Ordinances; 2) condition that the directional sign is placed at least 5' from the planned right-of-way (15' from the existing right-of-way); 3) condition that if the roadway is widened and the sign needs to be relocated the owner will pay for relocating the sign; 4) condition that the window signs will not exceed more than 30% window coverage; 5) a .875 sq. ft. size modification and .25' height modification for the directional sign to be approved as submitted; 6) a 3.5' setback modification from the planned right-of-way for the freestanding sign as submitted; 7) a 4.75 sq. ft. sign area modification for the 10.75 sq. ft. of sign area on the ATM; approved the **TGI Friday's minor revision to approved sign plan**, 30115 Detroit Road; recommended approval of the **Medical Resource Group revision to approved Development Plan** (second floor), 27991 Center Ridge Road; tabled the **Westhampton Phase I Residential Development Plans**, Crocker Park I-Block, to April 17<sup>th</sup>. Meeting adjourned at 9:30 p.m. The next regular meeting is scheduled for Monday, April 3, 2006, at the Westlake City Hall Council Chambers.

Councilmember Connole moved, seconded by Councilmember Sullivan, to approve the **SBC Cabinet Development Plan**, 26055 Detroit Road.

Yeas: Hack, Connole, Sullivan, Brady, Baker, Killeen.

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **SBC Cabinet Development Plan**, 1565 Hunter's Chase; the **SBC Cabinet Development Plan**, 29242 Detroit Road; and the **SBC Cabinet Development Plan**, 27991 Center Ridge (west of).

Yeas: Connole, Sullivan, Brady, Baker, Killeen, Hack.

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Brady to approve the **Medical Resource Group revision to approved Development Plan** (second floor), 27991 Center Ridge Road.

Yeas: Killeen, Hack, Connole, Sullivan, Brady, Baker.

Nays: None; motion carried.

#### PLANNING COMMISSION:

Councilmember Connole reported on the April 3, 2006, planning commission meeting advising that the commission approved the **Fluidtrols Sign Plan**, 909 Canterbury Road, with a 9" height modification for the letters "F" and "T"; tabled the **Loco Leprechaun Development Plan site addition**, 24545 Center Ridge Road, to the second meeting in May; recommended approval of the **Cachat Office Warehouse Development Plan**, 26000 First Street, with the following condition and modification: 1) a 5' side yard parking setback modification to the east; 2) condition that the lighting of the monument sign conform to the illumination performance regulation of the code; recommended approval of the **SBC Above Ground Telephone Cabinet Development Plan**, 27215 Westown Boulevard; recommended approval of the **SBC Above Ground Telephone Cabinet Development Plan**, 31368 Center Ridge Road; approved the **Associates in Dermatology Sign Plan**, 26908 Detroit Road; tabled the **Westbay Plaza Monument Sign Plan**, Detroit Road, to the first meeting in May; recommended approval of **Ordinance 2006-24, Code Amendment**, repealing §1218.04(b) Yard Regulations; withdrew, pursuant to request of applicant, the **Landerbrook Point 6/Squadron Properties Lot Split and Assembly**, 24805 and 24651 Center Ridge Road; withdrew, pursuant to request of applicant that included waiver of the 60-day time frame for planning commission to act upon application, **The Park Subdivision (fka Prestwick Woods) Preliminary Plans (34 lots)**, Bradley Road, west of and south of Lincoln Road; requested a 60-day extension of time for **Ordinance 2006-29**, conditional use permit for 1159 Bradley Road. Meeting adjourned at 10:25 p.m. The next regular meeting is scheduled for Monday, May 1, 2006, at the Westlake City Hall Council Chambers.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **Cachat Office Warehouse Development Plan**, 26000 First Street, with the condition and modification listed in the report of the April 3, 2006, planning commission.

Yeas: Hack, Connole, Sullivan, Brady, Baker, Killeen.

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **SBC Above Ground Telephone Cabinet Development Plan**, 27215 Westown Boulevard and the **SBC Above Ground Telephone Cabinet Development Plan**, 31368 Center Ridge Road.

Yeas: Connole, Sullivan, Brady, Baker, Killeen, Hack.

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to approve a 60-day extension of time for **Ordinance 2006-29**, conditional use permit for 1159 Bradley Road.

Yeas: Killeen, Hack, Connole, Sullivan, Brady, Baker.

Nays: None; motion carried.

#### LEGISLATION:

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

Council President Killeen set a public hearing on Ordinance No. 2006-24 for April 20, 2006.

**ORDINANCE NO. 2006-40: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A STORM SEWER DISCHARGE AGREEMENT WITH CROCKER PARK LCC AND THE CORAL WESTHAMPTON LCC.**

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. 2006-40 be adopted. Discussion: Council President Killeen stated this would be removed from the Sanitation Committee contingent upon passage of this ordinance.

ROLL CALL ON ADOPTION:

Yeas: Hack, Connole, Sullivan, Brady, Baker, Killeen.

Nays: None; Ordinance No. 2006-40 adopted.

**ORDINANCE NO. 2006-41: AN ORDINANCE TRANSFERRING FUNDS FROM ONE APPROPRIATION TO ANOTHER AND/OR APPROPRIATING FUNDS NOT HERETOFORE APPROPRIATED.**

Councilmember Hack moved, seconded by Councilmember Baker, 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 Brady, that Ordinance No. 2006-41 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Connole, Sullivan, Brady, Baker, Killeen, Hack.

Nays: None; Ordinance No. 2006-41 adopted.

Councilmember Hack moved, seconded by Councilmember Brady, that Ordinance Nos. 2006-42, 43 and 44 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

Yeas: Killeen, Hack, Connole, Sullivan, Brady, Baker.

Nays: None; Ordinance Nos. 2006-42, 43 and 44 added to agenda.

**ORDINANCE NO. 2006-42: AN ORDINANCE CONSIDERING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR AN ANIMAL BOARDING AND DOG DAY CARE CENTER.**

Council President Killeen referred Ordinance No. 2006-42 to the planning commission.

**ORDINANCE NO. 2006-43: AN ORDINANCE CONSIDERING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A DOG DAY CARE CENTER.**

Council President Killeen referred Ordinance No. 2006-43 to the planning commission.

**ORDINANCE NO. 2006-44: AN ORDINANCE AUTHORIZING THE MAYOR TO OFFER TO PURCHASE REAL ESTATE ON BRADLEY ROAD, KNOWN AS PERMANENT PARCEL NOS. 217-09-013 AND 217-09-009 FROM THE BOARD OF EDUCATION OF THE WESTLAKE CITY SCHOOL DISTRICT FOR RECREATIONAL PURPOSES.**

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 Hack moved, seconded by Councilmember Brady, that Ordinance No. 2006-44 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Hack, Connole, Sullivan, Brady, Baker, Killeen.

Nays: None; Ordinance No. 2006-44 adopted.

Councilmember Hack moved, seconded by Councilmember Brady, that Ordinance No. 2005-174 be removed from the table.

VOICE VOTE ON REMOVAL FROM TABLE:

Yeas: All.

Nays: None; motion carried.

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

Councilmember Brady moved, seconded by Councilmember Baker, that Ordinance No. 2005-174 be removed from the Agenda.

ROLL CALL ON REMOVAL FROM AGENDA:

Yeas: Connole, Sullivan, Brady, Baker, Killeen, Hack.

Nays: None; Ordinance No. 2005-174 removed from Agenda.

**MISCELLANEOUS:**

Mayor Clough stated the Cuyahoga County Mayors and Managers Association and the Northeast Ohio Mayors and Managers Association encourages all councils to pass a resolution opposing the TEL amendment proposed by Mr. Blackwell. It will hinder a city's ability to deal with expenditures or to pass anything that may be submitted to the voters without 50% of the

registered voters voting on an issue. It does not matter how many people come out and vote. Based on the language included in it, it would pretty much eliminate the ability of any community, school board or library to pass any type of a tax issue for their particular needs. It also limits the Tax and Expenditure Limitation Amendment. He stated a resolution would be on the agenda for the next council meeting. Council President Killeen also voiced concerns regarding the issue.

**ADJOURNMENT:**

President of Council Killeen declared the meeting adjourned at 9:06 p.m.

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Susan J. Prehoda, CMC  
Clerk of Council

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Michael F. Killeen,  
President of Council