

**PROCEEDINGS OF A REGULAR SESSION
OF WESTLAKE CITY COUNCIL
MAY 4, 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, 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, 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 Brady moved, seconded by Councilmember O'Donnell, that the reading of the Minutes of the Regular Session of April 20, 2006, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Ms. Alexis V. Boothe, Vice President of Development, Coral Company, 24400 Chagrin Boulevard, Beachwood, Ohio, dated May 2, 2006, requesting that a Public Grounds Committee meeting be scheduled as soon as possible to discuss proposed improvements to the I-90/Crocker Road detention basin. This item was referred by the Chair to the Public Grounds Committee.

Communication from Mayor Clough dated April 24, 2006, requesting authorization to go out to bid for the 2006 Concrete Rehabilitation Improvements, the 2006 Asphalt Rehabilitation Improvements and the Crack and Joint Seal Resurfacing Program.

Councilmember Brady moved, seconded by Councilmember Connole, to authorize the administration to go out to bid for the 2006 Concrete Rehabilitation Improvements, the 2006 Asphalt Rehabilitation Improvements and the Crack and Joint Seal Resurfacing Program.

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

Nays: None; motion carried.

Communication from Mayor Clough dated April 25, 2006, requesting authorization to renew the personal service contract with The J.P. Farley Corporation for the period of May 1, 2006, through April 30, 2007, to administer the City's group health plan.

Communication from Mayor Clough dated April 25, 2006, requesting approval for the purchase of a paging system and related products to be installed at the service center from TCI in an amount not to exceed \$16,250.00.

PETITIONS FROM THE PUBLIC:

Ms. Mary Levtzow, 2454 Dover Center Road, asked for an explanation of the special assessments regarding Ordinance No. 2006-53. She further commented on the following: clarification of Ordinance Nos. 2006-54 and 55; an update of the Shimola case; progress on the Stearns Road extension; including an additional section to the agenda for public comment before the miscellaneous portion; if the Charter addresses indictment of an official and the action Council would take.

Mr. Robert Koenig, 29181 Schwartz, voiced his concern about Bay Village restricting their swimming pool to non-residents and if Westlake could do the same.

REPORT OF THE MAYOR:

Mayor Clough read his ninth report of the year.

REPORTS OF ADMINISTRATIVE OFFICIALS:

Chief Richard Pietrick stated that long time resident and retired captain of the fire department, Wallace Cook, passed away last Saturday after a long illness.

REPORTS OF STANDING COMMITTEES - COMMITTEE OF THE WHOLE:

President of Council Killeen reported on the Committee of the Whole meeting held this date at 7:34 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, Walling, Pietrick. Agenda items were discussed. Selected correspondence and the Planning Commission report were each briefly discussed along with proposed legislation to be added to the agenda. Also discussed was the role of the Ad Hoc IT Committee as to the types of items they will address. The engineer provided updates on the recreation center addition and the service facility. The following committee meetings were scheduled: Ad Hoc Information Technology, May 22nd, 7:00 p.m.; Public Grounds, May 30th, 7:00 p.m.; Planning/Zoning/Legislative, May 30th, 7:30 p.m.

Councilmember O'Donnell moved, seconded by Councilmember Brady, to adjourn the Committee of the Whole meeting at 7:59 p.m. Motion passed unanimously. Meeting immediately adjourned at 7:59 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS - PLANNING COMMISSION:

Councilmember Connole reported on the May 1, 2006, Planning Commission meeting advising that the commission tabled the **Crocker Park Building F Development Plan**, Market Street & Crocker Road, to the next meeting; **Westhampton Phase I Development Plans**, Crocker Park I-Block – recommended approval of the Westhampton Phase I City Estates - recommend approval of the Westhampton Phase I City Lofts – tabled the Westhampton Phase I City Manors and Townhomes Development Plans to the next meeting; approved the **Westbay Plaza Monument Sign Plan**, Detroit Road, dated received April 21, 2006, with the location of the monument sign to be 55’ from the centerline of Detroit Road and 10’ from the westerly driveway; recommended approval of the **Berry & Martens Funeral Home Development Plan**, 26691 Detroit Road, - Letter dated received March 10, 2006, from Donald Martens Sr., further revisions - for 17 additional parking spaces and buffering along the new parking spaces; tabled the **SBC Above Ground Cabinet Development Plan**, 1543 Weymouth Circle, to the next meeting; recommended approval of the **West Side Plaza Landscape Plan – revised buffer**, 2055 Crocker Road, with the following conditions: 1) condition that all buffer landscape be installed before occupancy permit is issued; 2) condition that the additional trees to be planted in the northeast corner, as shown on the revised buffer plan, in place of the dirt mound in that area of the site, meet the opacity requirements of the code; tabled the **Security Self Storage Development Plan**, 1159 Bradley Road, to the first meeting in June; requested a 60-day extension of time for **Ordinance 2006-29 Conditional Use Permit**, self storage facility at 1159 Bradley Road - tabled Ordinance 2006-29 to the first meeting in June. Meeting adjourned at 10:35 p.m. The next regular meeting is scheduled for Monday, May 15, 2006, at the Westlake City Hall Council Chambers.

Councilmember Connole moved, seconded by Councilmember Sullivan, to approve the **Westhampton Phase I City Estates**.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **Westhampton Phase I City Lofts**.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **Berry & Martens Funeral Home Development Plan**, 26691 Detroit Road, as indicated in the report of the May 1, 2006, Planning Commission.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **West Side Plaza Landscape Plan – revised buffer**, 2055 Crocker Road, as indicated in the report of the May 1, 2006, Planning Commission.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Sullivan, to grant a 60-day extension to the Planning Commission to review **Ordinance 2006-29, Conditional Use Permit**, self storage facility at 1159 Bradley Road.

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

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2006-49: AN ORDINANCE REPEALING AND AMENDING
(SECOND READING) VARIOUS SUBSECTIONS OF CHAPTERS 1301, 1305 AND
1307 OF THE BUILDING CODE.

RESOLUTION NO. 2006-53: A RESOLUTION DECLARING IT NECESSARY TO
IMPROVE CERTAIN PROPERTIES IN THE CITY OF
WESTLAKE BY CONSTRUCTING SIDEWALKS, WHERE
THEY DO NOT NOW EXIST, AND DRAINAGE
FACILITIES, WHERE NECESSARY, SEEDING AND
MULCHING, TOGETHER WITH THE NECESSARY
APPURTENANCES THERETO, IN CERTAIN
DESIGNATED LOCATIONS, AND DECLARING AN
EMERGENCY.

Councilmember Hack moved, seconded by Councilmember Connole, 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 Baker, that Resolution No. 2006-53 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Resolution No. 2006-53 adopted.

ORDINANCE NO. 2006-54: AN ORDINANCE AUTHORIZING THE MAYOR TO
ENTER INTO A PERSONAL SERVICES CONTRACT FOR
ADMINISTRATIVE SERVICES WITH THE J.P. FARLEY
CORP. TO ADMINISTER THE CITY OF WESTLAKE
GROUP HEALTH PLAN.

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 Connole, that Ordinance No. 2006-54 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-54 adopted.

ORDINANCE NO. 2006-55: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CUYAHOGA COMMUNITY COLLEGE FOR FIRE SAFETY TRAINING.

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 Brady, that Ordinance No. 2006-55 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-55 adopted.

ORDINANCE NO. 2006-56: AN ORDINANCE ACCEPTING PERMANENT HIGHWAY EASEMENTS FROM GEORGE WEBBER dba WEBBER GAGE AND FRED COURI dba LEBO PROPERTIES, LLC, AND DECLARING AN EMERGENCY.

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 Brady moved, seconded by Councilmember Baker, that Ordinance No. 2006-56 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-56 adopted.

Councilmember Brady moved, seconded by Councilmember O'Donnell, that Ordinance Nos. 2006-39 and 57 be added to the Agenda.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Ordinance Nos. 2006-39 and 57 added to Agenda.

ORDINANCE NO. 2006-39: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE PAGING SYSTEMS AND RELATED PRODUCTS TO BE INSTALLED AT THE CITY OF WESTLAKE SERVICE CENTER THROUGH THE OHIO'S COOPERATIVE PURCHASE ACT.

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. 2006-39 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-39 adopted.

ORDINANCE NO. 2006-57: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE DOCUMENT IMAGING SOFTWARE FROM HYLAND SOFTWARE THROUGH THE OHIO'S COOPERATIVE PURCHASE ACT.

Council President Killeen referred Ordinance No. 2006-57 to the Ad Hoc Information Technology Committee.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 8:50 p.m.

Susan J. Prehoda, CMC
Clerk of Council

Michael F. Killeen,
President of Council

