

**PROCEEDINGS OF A REGULAR SESSION
OF WESTLAKE CITY COUNCIL
JULY 6, 2006**

The Regular Session of Council was called to order at 8:03 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 Connole moved, seconded by Councilmember Brady, that the reading of the Minutes of the Regular Session of June 15, 2006, be waived and that they be approved as received.

ROLL CALL:

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

Abstentions: Killeen.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Mayor Clough dated June 28, 2006, requesting authorization to purchase one 2006 John Deere, less trade-in of one 1978 Cat D3 Dozer under the State of Ohio's Cooperative Purchasing Program from Nortrax-Great Lakes, Inc., in an amount not to exceed \$67,399.00.

Communication from Mayor Clough dated June 29, 2006, requesting authorization to purchase various fitness equipment to be used at the recreation center under the State of Ohio's Cooperative Purchasing Program from Life Fitness/Hammer Strength in an amount not to exceed \$41,512.22.

Communication from Director of Inspections Patton dated June 30, 2006, stating that Mr. Lawrence Fischer of Perspectus Architecture is requesting a conditional use permit for construction of a two story, 60 bed skilled nursing facility at the existing Westlake Village Community at 28550 Westlake Village Drive. This item was referred by the Chair to the Planning/Zoning/Legislative Committee.

Communication from Mayor Clough dated July 3, 2006, requesting authorization of the change order to Tele-Communications, Inc., for the amount of \$3,000.00.

Communication from Mayor Clough dated July 5, 2006, requesting that the bid of Konstruction King be accepted in the amount of \$478,265.00 as the lowest and most responsive bid for the Sharon Drive Rehabilitation Program.

Communication from Mayor Clough dated July 5, 2006, requesting approval of the appointments of Messrs. Alan Ext, William Scheer, and John Heindel to the Sidewalk Assessment Equalization Board. The board will hear objections regarding the 2006 New Sidewalk Program.

Councilmember Brady moved, seconded by Councilmember O'Donnell, to approve the appointments of Messrs. Alan Ext, William Scheer, and John Heindel to the Sidewalk Assessment Equalization Board.

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

Nays: None; motion carried.

PETITIONS FROM THE PUBLIC:

Mr. George Draeger, 2105 Canterbury, voiced his concerns regarding an abandoned house located at 2185 Canterbury Road that has been vacant and in neglect for a year.

Ms. Mary Levtzow, 2454 Dover Center Road, commented on the BFI and Allied Waste contract, improved safety, and if there would be a change in the Aluminum Cans for Burned Children program. She further commented on the concerts in the park, asked about the progress with legal cases in the Law Department, voiced safety issue concerns regarding bike lanes, commented that an outstanding job was done regarding the July 4th parade, but stated that she was not pleased that it ending up at Crocker Park rather than at a city facility. She also felt it was too short.

Ms. Cecelia Baker, 2076 Arthur Avenue, asked if there was Federal funding for the bike trail, how much it would cost, where it would be located, what liability issues there would be, and why certain Members of Council voted for it.

REPORT OF THE MAYOR:

Mayor Clough read his thirteenth report of the year.

REPORTS OF STANDING COMMITTEES - FINANCE COMMITTEE:

Council President Killeen reported on the June 28, 2006, Finance Committee meeting.

Councilmember Hack moved, seconded by Councilmember Brady, that the report of the June 28, 2006, Finance Committee be received and filed.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

COMMITTEE OF THE WHOLE:

Council President Killeen reported on the June 28, 2006, Committee of the Whole meeting.

Councilmember Connole, moved, seconded by Councilmember Baker, that the report of the June 28, 2006, Committee of the Whole be received and filed.

VOICE VOTE:

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 7:00 p.m. Present were Councilmembers Killeen, Baker, Brady, Connole, Hack, O'Donnell, Sullivan. Also present were Mayor Clough and Law Director Wheeler.

Councilmember Brady moved, seconded by Councilmember O'Donnell, to immediately adjourn to executive session to discuss pending litigation and issues pertaining to those matters listed in Ohio Revised Code, Section 121.22 (G)(1) at 7:01 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Councilmember Hack moved, seconded by Councilmember O'Donnell, to adjourn executive session at 7:41 p.m.

ROLL CALL:

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

Nays: None; motion carried.

At this time Directors Glauner, Fritz, Rump, Parry, Calabrese, Patton, Schroth, Walling and Pietrick joined the meeting. Agenda items were discussed. Correspondence and the Planning Commission report were each briefly discussed as well as legislation to be added to the agenda. A Planning/Zoning/Legislative Committee meeting was scheduled for July 13, 2006, at 7:00 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS - PLANNING COMMISSION:

Councilmember Connole reported on the June 19, 2006, planning commission meeting advising that the commission tabled **Ordinance 2006-42**, Conditional Use Permit for animal boarding and dog day care at 851 Bradley (referred by Council 4/6/06, requested 90-day extension 6/5/06) until July 10th; tabled the **John Cavano Kennel Building Development Plan**, 851 Bradley Road, until July 10th; approved the **Lube Stop Wall Sign Plan**, 1220 Columbia Road, with the following condition and modification: 1) condition that the background for the signage remain brown or be repainted another earth tone to match the color of the masonry which the building is constructed of; 2) modification to allow a 35.64 sq. ft. wall sign; approved the **Pat Catan's Sign Plan**, 24839 Center Ridge Road; recommended approval of the **SBC Above Ground Cabinet Development Plan**, 1675 Cedarwood

Drive, of the SBC Above Ground Cabinet Development Plan with the condition that the forsythia bushes are replaced with arborvitae; approved the **Marc's Sign Plan**, 30050 Detroit Road, with the following condition and modification: 1) condition that the total amount of signage allocated on the Marc's and Kmart building still complies with code; 2) approve the additional 18.67 sq. ft. of sign area for Marc's as a modification from the sign criteria; recommended approval of the **BP Amoco Development Plan, shed**, 29775 Clemens Road, with the following conditions: 1) condition that the unit not be used as a cooler; 2) condition that landscaping is installed around the shed to partially screen its view from the right-of-way; approved the **Max & Erma's Revised Sign Plan**, 30105 Detroit Road, with a 60.21 sq. ft. sign area modification; approved the **Powerlink Electrical Sales Sign Plan & Flag Pole**, 30555 Clemens Road, with the following conditions: 1) condition to allow three lamps (one for the flag pole and two for the sign); 2) condition of approval should be that the illumination conform to the performance regulation of the code (no more than 10 lumens at 3' from the center of the face of the sign); 3) condition that the illumination of the sign and flag not glare in the eyes of drivers or pedestrians on Clemens Road; withdrew (per applicant) the **Crocker Park Building DNE – Gordon Building – East Elevation Master Sign Plan and Sign Height Waiver for Office Sign**, 159 Crocker Park Boulevard; approved the **Lee Hayden Gallery Additional Sign Plan**, 155 Crocker Park Boulevard, as submitted; approved the **Crocker Park Wachovia Sign Plan**, 25 Main Street, Suite 200, with a modification to permit an address sign as a canopy sign facing Crocker Road. Meeting adjourned at 9:10 p.m. The next regular meeting is scheduled for Monday, July 10, 2006, at the Westlake City Hall Council Chambers.

Councilmember Connole moved, seconded by Councilmember Sullivan, to approve the **SBC Above Ground Cabinet Development Plan**, 1675 Cedarwood Drive, with the condition that the forsythia bushes are replaced with arborvitae.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Sullivan, to approve the **BP Amoco Development Plan, shed**, 29775 Clemens Road, with the conditions listed in the report of the June 19, 2006, planning commission.

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

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2006-65: AN ORDINANCE PROVIDING FOR THE SUBMISSION
(THIRD READING) TO THE ELECTORS OF THE CITY OF A PROPOSED
AMENDMENT TO ARTICLE VI, SECTION 4 OF THE CITY
CHARTER TO RENEW AN EXISTING TAX LEVY FOR
THE PURPOSE OF PROVIDING FUNDS TO PAY FOR THE
SALARIES AND OTHER EXPENSES OF THE
POLICE AND FIRE DEPARTMENTS, FOR A PERIOD OF
FIVE YEARS, AND DECLARING AN EMERGENCY.

Councilmember Hack moved, seconded by Councilmember Brady, that Ordinance No. 2006-65 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-65 adopted.

ORDINANCE NO. 2006-66: AN ORDINANCE AMENDING SUBSECTIONS (b) AND (c) OF SECTION 313.11 ENTITLED "RIGHT TURNS ON RED PROHIBITED," AND DECLARING AN EMERGENCY.
(THIRD READING)

Councilmember Hack moved, seconded by Councilmember Connole, that Ordinance No. 2006-66 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-66 adopted.

ORDINANCE NO. 2006-72: AN ORDINANCE AMENDING SECTIONS 193.22 AND 193.54 OF THE CODIFIED ORDINANCES OF THE CITY IN ORDER TO RENEW THE EXISTING THREE-EIGHTHS PERCENT (3/8%) INCOME TAX FOR THE PURPOSE OF PROVIDING FUNDS TO PAY COSTS OF CONSTRUCTING, IMPROVING AND REPAIRING STREETS, ROADS AND HIGHWAYS, STORM SEWERS, STORM WATER RETENTION BASINS AND OTHER DRAINAGE FACILITIES AND WATER LINES AND PRINCIPAL OF AND INTEREST ON BONDS AND NOTES ISSUED FOR ANY OF THOSE PURPOSES, FOR 15 YEARS, BEGINNING JANUARY 1, 2008, AND DECLARING AN EMERGENCY.
(THIRD READING)

Councilmember Brady moved, seconded by Councilmember Connole, that Ordinance No. 2006-72 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-72 adopted.

RESOLUTION NO. 2006-73: A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE AMENDING SECTIONS 193.22 AND 193.54 OF THE CODIFIED ORDINANCES OF THE CITY IN ORDER TO RENEW THE EXISTING THREE-EIGHTHS PERCENT (3/8%) INCOME TAX FOR THE PURPOSE OF PROVIDING FUNDS TO PAY COSTS OF CONSTRUCTING, IMPROVING AND REPAIRING STREETS, ROADS AND HIGHWAYS, STORM SEWERS, STORM WATER RETENTION BASINS AND OTHER DRAINAGE FACILITIES AND WATER LINES AND PRINCIPAL OF AND INTEREST
(THIRD READING)

ON BONDS AND NOTES ISSUED FOR ANY OF THOSE PURPOSES, FOR 15 YEARS, BEGINNING JANUARY 1, 2008, AND DECLARING AN EMERGENCY.

Councilmember Hack moved, seconded by Councilmember Baker, that Resolution No. 2006-73 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Resolution No. 2006-73 adopted.

RESOLUTION NO. 2006-84: A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET INFORMATION FOR THE CITY OF WESTLAKE, OHIO FOR THE FISCAL YEAR OF 2007.
(SECOND READING)

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 Brady moved, seconded by Councilmember Baker, that Resolution No. 2006-84 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Resolution No. 2006-84 adopted.

ORDINANCE NO. 2006-85: AN ORDINANCE AMENDING SUBSECTION (c) OF SECTION 1519.02 OF THE FIRE PREVENTION CODE.
(SECOND READING)

ORDINANCE NO. 2006-86: AN ORDINANCE REPEALING SUBSECTION 1501.01(b) OF THE FIRE CODE.
(SECOND READING)

ORDINANCE NO. 2006-87: AN ORDINANCE ENACTING SUBSECTION 1501.20 "PERMITS AND FEES" IN THE FIRE CODE.
(SECOND READING)

ORDINANCE NO. 2006-88: AN ORDINANCE ENACTING SUBSECTION 1501.19 "FALSE ALARMS" IN THE FIRE CODE.
(SECOND READING)

ORDINANCE NO. 2006-89: AN ORDINANCE AMENDING SUBSECTION (d) OF CHAPTER 1501.04 OF THE FIRE CODE.
(THIRD READING)

RESOLUTION NO. 2006-90: A RESOLUTION APPOINTING AN ASSESSMEN EQUALIZATION BOARD TO HEAR AND DETERMINE OBJECTIONS RELATIVE TO THE

IMPROVEMENT OF 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 Brady moved, seconded by Councilmember Baker, that Resolution No. 2006-90 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Resolution No. 2006-90 adopted.

ORDINANCE NO. 2006-91: AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 1381.07 OF THE PROPERTY MAINTENANCE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF WESTLAKE, 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 Brady, that Ordinance No. 2006-91 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-91 adopted.

ORDINANCE NO. 2006-92: AN ORDINANCE AMENDING CHAPTER 1365 OF THE BUILDING CODE AS TO SWIMMING POOLS, SPAS AND HOT TUB REGULATIONS, AND DECLARING AN EMERGENCY.

Councilmember Brady 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 O'Donnell moved, seconded by Councilmember Connole, that Ordinance No. 2006-92 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-92 adopted.

RESOLUTION NO. 2006-93: RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR THE 2006/2007 DARE LAW ENFORCEMENT GRANT THROUGH THE ATTORNEY GENERAL'S OFFICE OF THE STATE OF OHIO FOR CERTIFIED DARE OFFICERS.

Councilmember O'Donnell moved, seconded by Councilmember Brady, 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 Brady, that Resolution No. 2006-93 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Resolution No. 2006-93 adopted.

ORDINANCE NO. 2006-94: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) 2006 JOHN DEERE 450J DOZER FOR THE SERVICE DEPARTMENT THROUGH THE OHIO'S COOPERATIVE PURCHASE ACT.

Councilmember Brady 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 O'Donnell moved, seconded by Councilmember Connole, that Ordinance No. 2006-94 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-94 adopted.

ORDINANCE NO. 2006-95: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE VARIOUS FITNESS EQUIPMENT FOR THE CITY OF WESTLAKE'S RECREATION CENTER THROUGH THE OHIO'S COOPERATIVE PURCHASE ACT.

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 Sullivan, that Ordinance No. 2006-95 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-95 adopted.

ORDINANCE NO. 2006-96: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.

Councilmember Brady 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 Hack moved, seconded by Councilmember Brady, that Ordinance No. 2006-96 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-96 adopted.

Councilmember Connole moved, seconded by Councilmember Brady, that Ordinance Nos. 2006-97 through 99 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Ordinance Nos. 2006-97 through 99 added to agenda.

ORDINANCE NO. 2006-97: AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2006-16 AS TO AN AMENDED CONTRACT WITH URS

FOR SANITARY SEWER TESTING, AND DECLARING AN EMERGENCY.

Councilmember Brady 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 Sullivan, that Ordinance No. 2006-97 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-97 adopted.

ORDINANCE NO. 2006-98: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH KONSTRUCTION KING FOR THE SHARON DRIVE REHABILITATION PROGRAM FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Connole 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 Connole moved, seconded by Councilmember Brady, that Ordinance No. 2006-98 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-98 adopted.

ORDINANCE NO. 2006-99: AN ORDINANCE AMENDING SECTIONS 1 AND 2 OF ORDINANCE NO. 2006-39 AS TO AN AMENDED CONTRACT WITH TCI FOR PAGING SYSTEMS AND RELATED PRODUCTS TO BE INSTALLED AT THE CITY OF WESTLAKE'S SERVICE CENTER.

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 Brady moved, seconded by Councilmember Sullivan, that Ordinance No. 2006-99 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2006-99 adopted.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 9:30 p.m.

Susan J. Prehoda, CMC
Clerk of Council

Michael F. Killeen,
President of Council