

**PROCEEDINGS OF A REGULAR SESSION
OF WESTLAKE CITY COUNCIL
JANUARY 18, 2007**

The Regular Session of Council was called to order at 8:05 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, Assistant Finance Director Bonnie Freeh, Recreation Director Michael Rump, Planning Director Robert Parry, Director of Purchasing Mary Calabrese, Director of Inspections Donald Grayem, Director of Community Services Joyce Schroth, Police Chief Richard Walling, Assistant Fire Chief Ronald Janicek, Clerk of Council Susan J. Prehoda.

APPROVAL OF MINUTES:

Councilmember Brady moved, seconded by Councilmember Sullivan, that the reading of the Minutes of the Regular Session of January 4, 2007, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Mayor Clough dated January 8, 2007, requesting authorization to advertise and receive proposals for engineering services for the Columbia Road widening from Hilliard Boulevard to Center Ridge Road.

Councilmember Connole moved, seconded by Councilmember O'Donnell, to authorize the administration to advertise and receive proposals for engineering services for the Columbia Road widening from Hilliard Boulevard to Center Ridge Road.

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

Nays: None; motion carried.

Notice from Ohio Division of Liquor Control received January 10, 2007, requesting transfer of a C1, D2, D6 permit from Tops Markets, LLC, DBA Tops, 1499 Columbia Road, Westlake, Ohio 44145 to Rego's Fresh Market, Inc., 1499 Columbia Road, Westlake, Ohio 44145.

Councilmember Hack moved, seconded by Councilmember Connole, not to object to the request for transfer of a C1, D2, D6 permit from Tops Markets, LLC, DBA Tops, 1499 Columbia Road, Westlake, Ohio 44145 to Rego's Fresh Market, Inc., 1499 Columbia Road, Westlake, Ohio 44145.

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

Nays: None; motion carried.

Communication from Mayor Clough dated January 11, 2007, requesting confirmation of the appointment of Ms. Maria Gregg to the Westlake Civil Service Commission to fulfill the term of Mr. Alan Ext, who recently resigned, which ends on December 31, 2008.

Councilmember Hack moved, seconded by Councilmember O'Donnell, to confirm the appointment of Ms. Maria Gregg to the Westlake Civil Service Commission to fulfill the term of Mr. Alan Ext, who recently resigned, which ends on December 31, 2008.

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

Nays: None; motion carried.

Communication from Mayor Clough dated January 16, 2007, requesting that items 1, 3, 12 through 29; 33, 35 through 39; and 41 through 58 be rejected and items 2, 4, 5, 6, 7, 8, 9, 10, 11, 30, 31, 32, 34, 40 and 59 be awarded as the highest and best bid regarding the surplus equipment bid.

Communication from Mayor Clough dated January 17, 2007, requesting authorization to prepare plans and specifications for the proposed 2007 construction projects, i.e., 2007 Asphalt Streets, Forest Parkway Watermain, Bradley Road Storm Sewer, Sanitary Sewer Rehabilitation, Tri-City Parking Lot.

Councilmember Sullivan moved, seconded by Councilmember O'Donnell, to authorize the preparation of plans and specifications for the proposed 2007 construction projects as listed in the Mayor's January 17, 2007, memo.

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

Nays: None; motion carried.

Communication from Mayor Clough dated January 17, 2007, requesting authorization to receive proposals for professional engineering services pursuant to the Hilliard Boulevard widening.

Councilmember Brady moved, seconded by Councilmember O'Donnell, to authorize the administration to receive proposals for professional engineering services pursuant to the Hilliard Boulevard widening.

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

Nays: None; motion carried.

PETITIONS FROM THE PUBLIC:

Ms. Cecelia Baker, 2076 Arthur Avenue, commented on recent negative publicity concerning Fire Chief Pietrick and internal issues regarding leadership as well as the positive results of a recent telephone poll regarding the fire department, delayed cable broadcasts of council meetings, and that there be a second opportunity at the end of council meetings for audience participation.

REPORT OF THE MAYOR:

Mayor Clough read his second report of the year.

A tentative Service, Streets and Road Drains Committee meeting was set for February 12, 2007, at 7:00 p.m. This meeting would be confirmed at the February 1, 2007, Council meeting.

REPORTS OF STANDING COMMITTEES – COMMITTEE OF THE WHOLE:

Council President Killeen reported on the January 10, 2007, Committee of the Whole meeting.

Councilmember Connole moved, seconded by Councilmember O'Donnell, that the report of the January 10, 2007, Committee of the Whole meeting be received and filed.

Yeas: All.

Nays: None; motion carried.

PLANNING/ZONING/LEGISLATIVE COMMITTEE:

Councilmember Hack reported on the January 10, 2007, Planning/Zoning/Legislative Committee meeting.

Councilmember Hack moved, seconded by Councilmember Sullivan, that the report of the January 10, 2007, Planning/Zoning/Legislative Committee meeting be received and filed.

Yeas: All.

Nays: None; motion carried.

Council President Killeen set a Public Hearing on Ordinance No. 2006-166 for February 15, 2007.

REPORTS OF STANDING COMMITTEES - COMMITTEE OF THE WHOLE:

President of Council Killeen reported on the Committee of the Whole meeting held this date at 7:30 p.m. Present were Councilmembers Killeen, Baker, Brady, Connole, Hack, O'Donnell, Sullivan. Also present were Mayor Clough; Directors Wheeler, Glauner, Kelly, Freeh (Assistant), Rump, Parry, Calabrese, Grayem, Schroth, Walling, Janicek (Assistant). Agenda items were discussed. Selected correspondence, the planning commission report, and proposed legislation to be added to the agenda were each briefly discussed. The following previously set meetings were again announced: January 29, 2007, Planning/Zoning/Legislative Committee, 7 p.m., followed by a Finance Committee meeting at 7:30 p.m.

Councilmember Sullivan moved, seconded by Councilmember O'Donnell, to adjourn to executive session to discuss negotiations and litigation and issues pertaining to those matters listed in Ohio Revised Code, Section 121.22(G)(1), at 7:48 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Also present were Mayor Clough and Law Director Wheeler.

Councilmember Brady moved, seconded by Councilmember Hack, to adjourn executive session at 8:02 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Meeting adjourned at 8:03 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS - PLANNING COMMISSION:

Councilmember Connole reported on the January 8, 2007, planning commission meeting advising that the commission tabled the **Crocker Park Master Sign Plan, Westhampton In I-Block**; recommended approval of the **Fairway Villas Revised Buffer Plan**, Center Ridge Road and Fairway Drive, with the condition that all future replacement trees be healthy, nursery quality evergreen trees that meet the city's 80% opacity requirement; recommended approval of the **Rudiger Façade Renovation Development Plan**, 680 Dover Center Road, with the following conditions: 1) condition that the applicant apply for rezoning of the rear parcel within two weeks from today (by January 22, 2007); 2) condition that the dumpster enclosure be moved to the north side of the property and placed either on the currently commercially zoned property or property soon to be rezoned and constructed within six months; did not recommend approval of **Ordinance No. 2006-144** conditional use permit for a day care center at the southeast corner of Bradley and Clemens Roads; recommended approval of the **Technology Pointe Office Campus Development Plan**, 1215 Bradley Road, with the following condition and modifications: 1) a 25' setback modification to consider east setback as side setback; 2) 10 ½ sq. ft. modification for total wall sign area and modification for 10 ½ sq. ft. total sign area; 3) condition that the lighting be 250 watts high pressure sodium downcast and shielded as indicated by the applicant; approved the **Carl Andreano Lot Split**, east side of Crocker extension; approved the **Bur Oak Subdivision Sign Plan**, 31320 Detroit Road, with a modification to allow the oak leaf and outline decoration and a curved portion of the sign face to extend up to 5' above grade, a 1' height modification; approved the **Lake Forest Lot Assembly**, 2967 Waterfall Way S/L 109 and 110; with a modification for depth to width ratio of .67; approved the **Dollar Bank Sign Plan**, 26895 Center Ridge Road, with the following condition and modification: 1) modification of 26.65 sq. ft. excess existing signage; 2) condition that the directional sign be placed a minimum of 5' from the existing right-of-way as required by code; approved the **287 West Sign Plan (West Pavilion Crocker Park)**, 287 Crocker Park Boulevard; **287 West**, 287 Crocker Park Boulevard, letter from T. Lutz, Gamekeeper's Hospitality Inc., request to waive the condition for electro-static precipitator in the west pavilion – did not approve the request to waive the condition for electro-static precipitator in the west pavilion. Meeting adjourned at 8:42 p.m. The next work session meeting is scheduled for January 22, 2007, and the next regular meeting is scheduled for Monday, February 5, 2007, at the Westlake City Hall Council Chambers.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **Fairway Villas Revised Buffer Plan**, Center Ridge Road and Fairway Drive, as indicated in the report of the January 8, 2007, planning commission.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Sullivan, to approve the **Rudiger Façade Renovation Development Plan**, 680 Dover Center Road, as indicted in the report of the January 8, 2007, planning commission and that condition number 2 read as follows: "condition that the dumpster enclosure be moved to the north side of the property and placed either on the currently commercially zoned property or the property if and when rezoned, and that construction would take place within a six month time period."

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **Technology Pointe Office Campus Development Plan**, 1215 Bradley Road, as indicated in the report of the January 8, 2007, planning commission.

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

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2007-2:
(SECOND READING)

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.

ORDINANCE NO. 2007-3:

AN ORDINANCE MAKING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2007 INCLUDING TEMPORARY APPROPRIATIONS HERETOFOR MADE IN ORDINANCE 2006-181 AND DECLARING AN EMERGENCY.

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. 2007-3 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-3 adopted.

ORDINANCE NO. 2007-4: AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY TO THE CITY OF CLEVELAND, DIVISION OF WATER, THE CITY OF WESTLAKE'S ANNUAL CHARGE FOR FIRE HYDRANT USAGE, 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 Sullivan, that Ordinance No. 2007-4 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-4 adopted.

ORDINANCE NO. 2007-5: AN ORDINANCE AUTHORIZING THE TRANSFER AND ADVANCE BETWEEN FUNDS BY THE DIRECTOR OF FINANCE FOR THE CITY OF WESTLAKE, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2006.

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 Brady moved, seconded by Councilmember Baker, that Ordinance No. 2007-5 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-5 adopted.

ORDINANCE NO. 2007-6: AN ORDINANCE AUTHORIZING AN ASSIGNMENT OF THE AGREEMENT FOR THE PRINTING OF CERTAIN BROCHURES AND RELATED MATERIALS FOR THE RECREATION DEPARTMENT

**FROM BALLASH PRESS, INC. TO DIGITAL MEDIA,
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 Connole moved, seconded by Councilmember Sullivan, that Ordinance No. 2007-6 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-6 adopted.

**ORDINANCE NO. 2007-7: AN ORDINANCE AUTHORIZING THE MAYOR TO
ENTER INTO A SITE LEASE AGREEMENT WITH T-
MOBILE CENTRAL LLC AND THE CITY OF
CLEVELAND.**

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 Brady, that Ordinance No. 2007-7 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-7 adopted.

Councilmember Brady moved, seconded by Councilmember Baker, that Ordinance No. 2006-166 and Ordinance No. 2007-9 be added to the agenda. Discussion: Ordinance No. 2007-8 would not be added.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Ordinance No. 2006-166 and Ordinance No. 2007-9 added to agenda.

**ORDINANCE NO. 2007-9: AN ORDINANCE AUTHORIZING THE MAYOR TO
SELL SURPLUS VEHICLES AND MISCELLANEOUS
EQUIPMENT OWNED BY THE CITY OF WESTLAKE,
AND DECLARING AN EMERGENCY.**

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 Baker, that Ordinance No. 2007-9 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-9 adopted.

ORDINANCE NO. 2006-166: AN ORDINANCE REPEALING SUBSECTIONS
1223.12(n) AND 1223.02(c)(7) OF THE ZONING CODE.

Council President Killeen set a Public Hearing on Ordinance No. 2006-166 for February 15, 2007, and also referred it to the Planning Commission.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 9:01 p.m.

Susan J. Prehoda, CMC
Clerk of Council

Michael F. Killeen,
President of Council