

**REGULAR SESSION
OF WESTLAKE CITY COUNCIL
MARCH 15, 2007**

The Regular Session of Council was called to order at 8:15 p.m. by President of Council Pro Tem Edward G. Hack.

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

Councilmember O'Donnell moved, seconded by Councilmember Sullivan, that Council President Killeen and Councilmember Brady 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, Assistant Planning Director William Krause, Director of Purchasing Mary Calabrese, Director of Inspections Donald Grayem, Director of Community Services Joyce Schroth, Police Chief Richard Walling, Fire Chief Richard Pietrick, Clerk of Council Susan J. Prehoda.

APPROVAL OF MINUTES:

Councilmember O'Donnell moved, seconded by Councilmember Baker, that the reading of the Minutes of the Regular Session of March 1, 2007, be waived and that they be approved as received.

VOICE VOTE:

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

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Correspondence from Director of Inspections Donald Grayem dated March 7, 2007, stating that Mr. Donald Powers of Powers & Powers, Attorneys and Counselors at Law, representing Kasa, Ltd., is requesting a conditional use permit to lease space to be used for fitness center activities. The building is owned by Kasa, Ltd., and is located at 30205 Clemens Road. This item was referred by the Chair to the Planning/Zoning/Legislative Committee.

Communication from Mayor Clough dated March 5, 2007, requesting that the bid for stone, sand, dirt and gravel requirements be awarded to Erie Materials, Inc.; KMU Trucking & Excavating, Inc.; Kurtz Bros., Inc.; Lafarge North America, and Three Z Inc. as the lowest and best bidders.

Communication from Mayor Clough dated March 5, 2007, requesting that the bid for the requirements for concrete and related materials be awarded to Westview Concrete Corp. as the lowest and best and most responsive bid.

Communication from Mayor Clough dated March 5, 2007, requesting that the bid for asphalt concrete and bituminous cold mix requirements be awarded to Kokosing Materials, Inc., and Unique Paving Materials Corp. as the lowest and best bidders.

Communication from Mayor Clough dated March 8, 2007, requesting authorization to purchase five current year Ford Crown Victoria police cruisers under House Bill 204 from Statewide Ford Lincoln Mercury, Inc., in an amount not to exceed \$116,500.00.

Communication from Mayor Clough dated March 8, 2007, requesting authorization to purchase one 2007 Dodge Charger, police cruiser through state purchasing from Charlie's Dodge, Inc., in an amount not to exceed \$21,875.00.

Communication from Mayor Clough dated March 8, 2007, requesting authorization to purchase three 2007 Ford F-250 pick-up trucks through state purchasing from Mike Bass Ford in an amount not to exceed \$58,602.47.

Communication from Mayor Clough dated March 15, 2007, requesting that a Safety, Utilities, Industrial Development and Welfare Committee meeting be scheduled to discuss recommendations submitted by Police Chief Walling defining bike lanes and regulating their use. This item was referred by the Chair to the Safety Committee.

Communication from Mayor Clough dated March 15, 2007, requesting authorization to go out to bid for the 2007 road projects.

Councilmember Connole moved, seconded by Councilmember O'Donnell, to authorize the administration to go out to bid for the 2007 road projects.

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

Nays: None; motion carried.

PETITIONS FROM THE PUBLIC:

Ms. Carol Corpus, 25539 Hilliard Boulevard, commented on the need for warning sirens for emergency situations for weather and terrorism.

Ms. Cecelia Baker, 2076 Arthur Avenue, commented on the meeting held on March 14, 2007, regarding the Columbia Road widening.

Mr. Vern Long, 1842 Columbia Road, commented on the current and past Columbia Road widening projects as well as petitions submitted in the past, specifically one that was against doing the project.

REPORT OF THE MAYOR:

Mayor Clough read his sixth report of the year.

REPORTS OF STANDING COMMITTEES – COMMITTEE OF THE WHOLE:

President of Council Pro Tem Hack reported on the Committee of the Whole meeting held this date at 7:31 p.m. Present were Councilmembers Baker, Connole, Hack, O'Donnell, Sullivan. Also present were Mayor Clough; Directors Wheeler, Glauner, Kelly, Fritz, Rump, Krause (Assistant Director), Calabrese, Grayem, Schroth, Walling, Pietrick. Agenda items were discussed. Selected correspondence and the planning commission report were each briefly discussed.

Councilmember O'Donnell moved, seconded by Councilmember Sullivan, to adjourn to executive session to discuss issues pertaining to labor negotiations and pending lawsuits, as well as any other matters that may pertain that are listed in Ohio Revised Code, Section 121.22(G)(1), at 7:57 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Also present were Mayor Clough, Law Director Wheeler, Finance Director Fritz (labor negotiations portion only).

Councilmember Sullivan moved, seconded by Councilmember Baker, to adjourn executive session at 8:14 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Meeting immediately adjourned at 8:14 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS - PLANNING COMMISSION:

Councilmember Connole reported on the March 12, 2007, planning commission meeting advising that the commission recommended approval of the **AT&T Above Ground Equipment Cabinet**, ~~26800 Sleepy Hollow~~ 1990 Berkley Drive (corner of Berkley and Sleepy Hollow Drives), permanent parcel number 213-15-002, with the condition to include the buffer plan presented at the meeting; tabled the **AT&T Above Ground Equipment Cabinet**, 1030 Melrose Drive, permanent parcel number 214-21-001, to the next meeting; recommended approval of the **T-Mobile Development Plans co-located antennas**, 1812 Bassett Road, permanent parcel number 211-27-023, with the condition that the 4' arborvitae on the plan be replaced with 8' or higher trees to screen the ground equipment and to meet the buffering requirements of §1130; recommended approval of the **Determination of Similar Use** – video/audio production, 29299 Clemens Road, permanent parcel number 211-22-012, in the Exclusive Industrial District; approved the **St. Paul Lutheran Church Sign Plan**, 27993 Detroit Road, permanent parcel number 212-19-006, with the following conditions and modifications: 1) modification to allow a 4 sq. ft. freestanding instructional sign as part of the 24 sq. ft. of permitted signage; 2) condition that the St. Paul Lutheran Church members and staff agree to comply with §1223.09(a)(3) of the code as related to temporary banners; 3) a .5' height modification for the tip of the cross on the peak of the sign to be 6.5' above grade; 4) condition that if the brick columns are ever needed to be moved due to the widening of Detroit Road, that they will be

moved at the church's expense; tabled the **Prosource Sign Plans**, 29300 Clemens Road, permanent parcel number 211-16-022, to the next meeting; tabled the **True North Renovation Development Plans**, 1145 Crocker Road, permanent parcel number 211-16-018; recommended approval of the **Taco Bell Development Plans**, 1345 Columbia Road, permanent parcel number 213-24-009, with a modification to allow an extra 29.14 sq. ft. (for the menu board extenders) to allow the total sign area to be 138.64 sq. ft; recommended approval of the **Hyland Software Development Plans parking expansion**, 28500 Clemens Road, permanent parcel number 212-07-006, for parking expansion with the condition that the new parking area and islands be curbed. Due to a conflict Mr. Schultz did not participate in discussion or voting for the following items: recommended approval **Ordinance No. 2007-26**, conditional use permit for a skilled nursing facility at 27705 Westchester Parkway, permanent parcel number 212-03-002; recommended approval of **The Oaks Nursing Home Development Plans**, 27705 Westchester Parkway, permanent parcel number 212-03-002 with the condition that the trash dumpster be enclosed; recommended approval of the **Cleveland Door Development Plans**, 29263 Clemens Road, permanent parcel number 211-22-052 to 055, with the following conditions: 1) condition that all the parcels are assembled into one parcel; 2) condition to allow the existing setbacks to remain (-3.9' existing building setback, -4' existing front parking setback, -42' existing corner parking setback); 3) condition to landbank 4 parking spaces on the east side of the building. Meeting adjourned at 9:45 p.m. The next work session meeting is scheduled for Monday, March 26, 2007, and the next regular meeting is scheduled for Monday, April 2, 2007, at the Westlake City Hall Council Chambers.

Councilmember Connole moved, seconded by Councilmember Sullivan, to approve the **AT&T Above Ground Equipment Cabinet**, ~~26800 Sleepy Hollow~~ 1990 Berkley Drive (corner of Berkley and Sleepy Hollow Drives), permanent parcel number 213-15-002, with the condition to include the buffer plan presented at the meeting.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Sullivan, to approve the **Taco Bell Development Plans**, 1345 Columbia Road, permanent parcel number 213-24-009, with a modification to allow an extra 29.14 sq. ft. (for the menu board extenders) to allow the total sign area to be 138.64 sq. ft.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Sullivan, to approve the **Hyland Software Development Plans parking expansion**, 28500 Clemens Road, permanent parcel number 212-07-006, for parking expansion with the condition that the new parking area and islands be curbed.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Sullivan, to approve the **Cleveland Door Development Plans**, 29263 Clemens Road, permanent parcel number 211-22-052 to 055, with the conditions listed in the report of the March 12, 2007, planning commission.

It was noted that a letter received on February 22, 2007, from ADA Architects, 17710 Detroit Avenue, Lakewood, Ohio 44107, to the Clerk of Commissions, would be delivered to the fire chief regarding concerns expressed at the planning commission meeting.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Sullivan, to approve the **T-Mobile Development Plans co-located antennas**, 1812 Bassett Road, permanent parcel number 211-27-023, with the condition that the 4' arborvitae on the plan be replaced with 8' or higher trees to screen the ground equipment and to meet the buffering requirements of §1130.

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

Nays: None; motion carried.

Council President Pro Tem Hack set a public hearing on Ordinance No. 2007-26 for April 5, 2007.

Council President Pro Tem Hack stated that after the public hearing is held on Ordinance No. 2007-26, and if approved on April 5, 2007, then the development plan for The Oaks Nursing Facility will be considered.

LEGISLATION:

ORDINANCE NO. 2007-28:
(SECOND READING)

AN ORDINANCE AUTHORIZING A TRANSFER OF A TAX ABATEMENT AGREEMENT AND AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT FOR TAX INCENTIVES WITH CONTROLCO, INC, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2007-35:
(SECOND READING)

AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE 2006-170 AS TO THE SETTLEMENT OF LITIGATION IN REGARD TO CASE NO. 74304, AND DECLARING AN EMERGENCY.

Councilmember Connole 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 Sullivan moved, seconded by Councilmember O'Donnell, that Ordinance No. 2007-35 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-35 adopted.

ORDINANCE NO. 2007-36: AN ORDINANCE CREATING A JOB CREATION
(SECOND READING) GRANT PROGRAM, AND DECLARING AN
EMERGENCY.

ORDINANCE NO. 2007-37: AN ORDINANCE CONSIDERING A CONDITIONAL
(SECOND READING) USE PERMIT FOR OFFICE AND
FITNESS/RECREATIONAL USE WITHIN AN
INDUSTRIAL DISTRICT FOR YOUTH CHALLENGE,
A NON-PROFIT ORGANIZATION.

ORDINANCE NO. 2007-38: AN ORDINANCE AMENDING APPROPRIATIONS
FOR THE CITY OF WESTLAKE, OHIO.

Councilmember Connole 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 O'Donnell, that Ordinance No. 2007-38 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-38 adopted.

ORDINANCE NO. 2007-39: AN ORDINANCE AUTHORIZING THE DIRECTOR OF
LAW TO EMPLOY ADDITIONAL LEGAL COUNSEL
TO ASSIST IN LEGAL MATTERS, AND DECLARING
AN EMERGENCY.

Councilmember Connole 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 Connole moved, seconded by Councilmember O'Donnell, that Ordinance No. 2007-39 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-39 adopted.

ORDINANCE NO. 2007-40: AN ORDINANCE AUTHORIZING THE MAYOR TO

**PURCHASE FIVE (5) CURRENT YEAR FORD CROWN
VICTORIA POLICE CRUISERS FOR THE POLICE
DEPARTMENT, AND DECLARING AN EMERGENCY.**

Councilmember Connole 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 Baker, that Ordinance No. 2007-40 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-40 adopted.

RESOLUTION NO. 2007-41: **A RESOLUTION ENCOURAGING THE SPECIAL
OLYMPICS BOARD OF TRUSTEES TO SELECT
NORTHEAST OHIO FOR THE 2011 SUMMER WORLD
GAMES.**

Councilmember Connole moved, seconded by Councilmember Sullivan, 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 Connole moved, seconded by Councilmember Sullivan, that Resolution No. 2007-41 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Resolution No. 2007-41 adopted.

ORDINANCE NO. 2007-42: **AN ORDINANCE ACCEPTING VARIOUS BIDS AND
AUTHORIZING THE MAYOR TO ENTER INTO
VARIOUS CONTRACTS FOR THE PURCHASE
OF ASPHALTIC CONCRETE AND BITUMINOUS
COLD MIX FOR REPAIRS TO BE PERFORMED BY
THE SERVICE DEPARTMENT ON VARIOUS
STREETS IN THE CITY OF WESTLAKE.**

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 Sullivan moved, seconded by Councilmember Baker, that Ordinance No. 2007-42 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-42 adopted.

ORDINANCE NO. 2007-43: AN ORDINANCE ACCEPTING A BID AND
AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH WESTVIEW CONCRETE
CORPORATION FOR THE PURCHASE OF
CONCRETE AND RELATED MATERIALS FOR THE
SERVICE DEPARTMENT IN THE CITY OF
WESTLAKE.

Councilmember Connole 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 Baker moved, seconded by Councilmember Sullivan, that Ordinance No. 2007-43 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-43 adopted.

ORDINANCE NO. 2007-44: AN ORDINANCE ACCEPTING VARIOUS BIDS AND
AUTHORIZING THE MAYOR TO ENTER INTO
VARIOUS CONTRACTS FOR THE PURCHASE
OF SAND, STONE, DIRT AND GRAVEL FOR
VARIOUS STREET AND RECREATION PROJECTS TO
BE PERFORMED BY THE SERVICE AND
RECREATION DEPARTMENTS IN THE CITY OF
WESTLAKE.

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 Sullivan moved, seconded by Councilmember Baker, that Ordinance No. 2007-44 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-44 adopted.

ORDINANCE NO. 2007-45: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE 2007 DODGE CHARGER FOR THE POLICE DEPARTMENT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, 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 O'Donnell moved, seconded by Councilmember Sullivan, that Ordinance No. 2007-45 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-45 adopted.

ORDINANCE NO. 2007-46: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE THREE (3) 2007 FORD F-250 PICK-UP TRUCKS FOR THE SERVICE DEPARTMENT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, 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 Sullivan, that Ordinance No. 2007-46 be adopted. Discussion: It was noted that a letter to Mr. Glauner from Mr. Stuhm mistakenly referred to two trucks and it is for three.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-46 adopted.

ADJOURNMENT:

President of Council Pro Tem Hack declared the meeting adjourned at 9:37 p.m.

Susan J. Prehoda, CMC
Clerk of Council

Edward G. Hack,
President of Council Pro Tem