

**PROCEEDINGS OF PUBLIC HEARING AND
REGULAR SESSION
OF WESTLAKE CITY COUNCIL
APRIL 5, 2007**

Public Hearing was called to order by President of Council Michael F. Killeen at 8:02 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the Westlife on March 28, 2007, and April 4, 2007.

ORDINANCE NO. 2007-26: AN ORDINANCE CONSIDERING A CONDITIONAL
USE PERMIT FOR THE ADDITION OF SKILLED
NURSING TO AN ASSISTED LIVING FACILITY.

Planning Director Robert Parry explained this amendment to the Zoning Code.

There being no comments from the audience, Council President Killeen declared the Public Hearing on Ordinance No. 2007-26 closed.

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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, Finance Director Anne Fritz, Recreation Director Michael Rump, Planning Director Robert Parry, Director of Purchasing Mary Calabrese, Director of Inspections Donald Grayem, Assistant Director of Community Services Sue Venick, Police Chief Richard Walling, Fire Chief Richard Pietrick, Clerk of Council Susan J. Prehoda.

APPROVAL OF MINUTES:

Councilmember O'Donnell moved, seconded by Councilmember Connole, that the reading of the Minutes of the Regular Session of March 15, 2007, be waived and that they be approved as received.

VOICE VOTE:

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

Abstentions: Brady.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Mayor Clough dated March 22, 2007, requesting authorization to enter into a professional services contract with Earth Consulting, Ltd., for ground water monitoring and

maintenance and /or replacement of underground wells, and any future services necessary to meet EPA requirements at the closed landfill, in an amount not to exceed \$50,000.00.

Communication from Mayor Clough dated March 26, 2007, requesting authorization to trade in the Ransom mower from the cemetery account towards the purchase of a Hustler Super Z 60” deck mower from Baker Vehicle Systems and if authorized will be under State Term Scheduling.

Communication from Mayor Clough dated March 30, 2007, requesting authorization to enter into a professional services contract with URS Consultants in the amount of \$105,400.00 for the purpose of evaluating and inspecting the main interceptor along with the development of an emergency response plan in the event of a collapse.

PETITIONS FROM THE PUBLIC:

Ms. Katherine Gyar, 2363 Columbia Road, was opposed to widening Columbia Road and asked if there were plans to configure the road and sidewalks south of Center Ridge, and if she would lose any property. She further commented on losing trees.

Ms. Andrea Fayer, 1900 Columbia Road; Ms. Megan Fayer, 1890 Columbia Road; Mr. Jim Morgan, 1967 Columbia Road; Mr. Ziad Shaman, 1981 Columbia Road; Mr. Vern Long, 1842 Columbia Road (submitted a petition signed by 76 residents opposed to widening Columbia Road); and, Mr. Dennis Petti, 2051 Columbia Road, all voiced opposition to the widening of Columbia Road. Comments were in regard to fumes, house values, safety issues, bottlenecks, right turn lanes, possibility of property on Columbia Road involved in the widening becoming commercial, petitions, volume and speed of vehicles, the Ward Councilmember’s position, validity of traffic counts and studies that have been done, noise, and road dust.

Ms. Carol Corpus, 25539 Hilliard Boulevard, asked if anything had been done about her request for safety sirens. She further commented on past ballot issues regarding the widening of Columbia Road, right turn lanes, and donating land.

Ms. Cecelia Baker, 2076 Arthur Avenue, asked when this meeting would be aired on the cable channel. She further commented that residents on Arthur Avenue and Howard Avenue will have difficulties when Columbia Road is widened, and further stated that everyone in the audience should have a right to speak.

Ms. Mary Levtzow, 2454 Dover Center Road, commented on Ordinance No. 2007-48, i.e., status of the bike lanes; Ordinance No. 2007-50, i.e., cost of false alarms; status of Bradley Road property and the school board; and if Columbia Road aprons will be replaced with concrete or asphalt.

REPORT OF THE MAYOR:

Mayor Clough read his seventh report of the year.

REPORTS OF STANDING COMMITTEES – WESTLAKE COMMUNITY IMPROVEMENT CORPORATION (CIC):

Council President Killeen reported on the CIC meeting held on this date at 7:05 p.m.

Council President Killeen stated that the report of the Tax Incentive Review Council (TIRC) held on February 13, 2007, and reported on February 15, 2007, had to be formally accepted by Council.

Councilmember Hack moved, seconded by Councilmember Brady, to accept the report of the TIRC held on February 13, 2007.

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

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, O'Donnell, Sullivan. Also present were Mayor Clough; Directors Wheeler, Glauner, Kelly, Fritz, Rump, Parry, Calabrese, Grayem, Venick (Assistant), Walling, Pietrick. 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 meetings were scheduled: Finance Committee, April 17, 2007, 7:00 p.m.; Planning/Zoning/Legislative Committee, April 17, 2007, 7:45 p.m.; Safety, Utilities, Industrial Development Welfare Committee, April 18, 2007, 7:00 p.m.; Ad Hoc Information Technology Committee, April 18, 2007, 7:30 p.m.; tentative Committee of the Whole, April 24, 2007, 7:45 p.m. – to be confirmed at the next Council meeting on April 19, 2007. (Clerk of Council's note: after the meeting the Safety/Utilities Committee meeting was changed to April 25, 2007, at 7:00 p.m., and the Ad Hoc Information Technology Committee meeting was changed to April 26, 2007, at 7:00 p.m.)

Councilmember Hack moved, seconded by Councilmember Sullivan, to adjourn at 8:00 p.m. Motion passed unanimously. Meeting immediately adjourned at 8:00 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS - PLANNING COMMISSION:

Councilmember Connole reported on the April 2, 2007, planning commission meeting advising that the commission withdrew the **AT&T Above Ground Equipment Cabinet**, 1030 Melrose Drive permanent parcel number 214-21-001, (withdrawn by applicant - working on possible private easement and relocation); approved the **Prosource Sign Plans**, 29300 Clemens Road, permanent parcel number 211-16-022, with the following conditions and modifications: 1) modification to remove the previous condition of approval which required the wall signs to consist of cast aluminum letters; 2) condition that the newly established sign criteria for 29300 and 29260 Clemens Road will consist of individual anodized metal panels not to exceed 16 sq. ft. per 30 linear foot wide tenant space and be a uniform height with white vinyl copy; 3) modification from the criteria to allow one existing sign panel of brushed aluminum with non-white lettering to remain; and 4) condition the criteria does not include any permanent window signage, internally illuminated or otherwise; recommended approval of the **AT&T Above**

Ground Equipment Cabinet Development Plan, 1470 Allen Drive, permanent parcel number 213-24-020, 002; recommended approval of the **AT&T Above Ground Equipment Cabinet, Development Plan**, 30805 Hilliard Boulevard, permanent parcel number 216-02-047, with the condition that the 52B cabinet be swapped with a smaller cabinet (ALP-248) as stated this evening; recommended approval of **Ordinance No. 2007-24**, amendment of the Zone Map by changing the zoning of certain vacant land located north of 680 Dover Center Road and south of the New York, Chicago, and St. Louis Rail Tracks, being permanent parcel number 212-05-037 from R-1F-80 District to Auto Parking District, with the condition that the ordinance is to read: “to rezone the entire Single Family District and General Business District portions of the parcel to Auto Parking District.”; did not recommend approval of **Ordinance No. 2007-23**, amendment of the Zone Map by changing the zoning of certain land located at 24231 Center Ridge Road, being permanent parcel number 214-10-006 from R-MF-24 District to General Business District; recommended approval of **Ordinance No. 2007-37**, conditional use permit for office and fitness/recreational use within an industrial district for Youth Challenge at 800 Sharon Drive; with the following conditions: 1) condition that any and all recreational activities are conducted inside the building; 2) condition that any transportation of children be done by buses except in an emergency situation; and 3) condition that the business must be a 501(c)(3) business; approved the **Williamsburg Square Minor Revision for Puchers Sign**, 25887-25983 Detroit Road, permanent parcel number 213-18-006, with a modification to transfer 2.25’ of the sign length and 4.5 sq. ft. of sign area from the Williamsburg Cleaners tenant space; tabled the **Westhampton Phase II – IV Development Plans**, within Crocker Park, south west of Detroit and Crocker Roads, permanent parcel number 211-25-001, to the next regular meeting on May 7, 2007, **Cold Stone Creamery Storefront and Sign Plan**, 24 Main Street, permanent parcel number 211-25-004 – approved the **Cold Stone Creamery Sign Plan**; recommended approval of the **Cold Stone Creamery Storefront** with the following conditions: 1) condition that all seating and portable signage will be placed in such a way as to maintain an 8’ clear sidewalk in front of this tenant space; 2) condition that the portable menu sign will be placed in the 2’ amenity zone only; 3) condition that the two tables shown next to the entrance be replaced with benches; requested 60-day extension of time for **Ordinance No. 2007-22, amending §1216.09 and §1223.11 of the zoning code regarding flagpoles**. Meeting adjourned at 10:00 p.m. The next work session meeting is scheduled for Monday, April 16, 2007, and the next regular meeting is scheduled for Monday, May 7, 2007, at the Westlake City Hall Council Chambers.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **AT&T Above Ground Equipment Cabinet Development Plan**, 1470 Allen Drive.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **AT&T Above Ground Equipment Cabinet Development Plan**, 30805 Hilliard Boulevard as indicated in the report of the April 2, 2007, planning commission.

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

Nays: None; motion carried.

Council President Killeen set a Public Hearing on Ordinance No. 2007-24 and Ordinance No. 2007-37 for April 19, 2007.

Council President Killeen referred Ordinance No. 2007-23 to the administration to work with the property owner and the planning commission. He further stated that setting a Public Hearing and third reading would be determined after some other meetings are held.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **Cold Stone Creamery Storefront**, 24 Main Street, with the conditions listed in the report of the April 2, 2007, planning commission.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to grant a 60-day extension of time for **Ordinance No. 2007-22, amending §1216.09 and §1223.11 of the zoning code regarding flagpoles.**

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

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2006-178: AN ORDINANCE AUTHORIZING THE MAYOR TO
(THIRD READING) ENTER INTO A TURNAROUND EASEMENT
AGREEMENT WITH GEORGE KHOURI FAMILY
LIMITED PARTNERSHIP.

Councilmember Hack moved, seconded by Councilmember O'Donnell, that Ordinance No. 2006-178 be adopted.

ROLL CALL ON ADOPTION:

Yeas: None.

Nays: Brady, Baker, Killeen, Hack, Connole, Sullivan, O'Donnell; Ordinance No. 2006-178 defeated.

ORDINANCE NO. 2007-26: AN ORDINANCE CONSIDERING A CONDITIONAL
(THIRD READING) USE PERMIT FOR THE ADDITION OF SKILLED
NURSING TO AN ASSISTED LIVING FACILITY.

Councilmember Connole moved, seconded by Councilmember Brady, that Ordinance No. 2007-26 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-26 adopted.

Councilmember Connole moved, seconded by Councilmember Sullivan, to take out of order and approve **The Oaks Nursing Home Development Plans**, 27705 Westchester Parkway with the condition that the trash dumpster be enclosed.

Council President Killeen reiterated that Ordinance No. 2007-23 is being referred to the administration.

ORDINANCE NO. 2007-24: AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE ZONE MAP OF THE CITY OF WESTLAKE, WHICH ZONE MAP IS PART OF THE ZONING CODE OF THE CITY OF WESTLAKE, BY CHANGING THE ZONING OF CERTAIN VACANT LAND LOCATED NORTH OF 680 DOVER CENTER ROAD AND SOUTH OF THE NEW YORK, CHICAGO, AND ST. LOUIS RAIL TRACKS, BEING PERMANENT PARCEL NO. 212-05-037 FROM R-1F-80 DISTRICT TO AP DISTRICT.

Council President Killeen reiterated that there will be a Public Hearing on Ordinance No. 2007-24 on April 19, 2007.

ORDINANCE NO. 2007-47: AN ORDINANCE CONSIDERING A CONDITIONAL USE PERMIT FOR FITNESS CENTER ACTIVITY.

Council President Killeen referred Ordinance No. 2007-47 to the planning commission.

ORDINANCE NO. 2007-48: AN ORDINANCE ENACTING 373.011 AND REPEALING SECTIONS 373.09(a) AND 373.09(c) OF THE TRAFFIC CODE AS TO BIKE LANES, AND DECLARING AN EMERGENCY.

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 Hack, that Ordinance No. 2007-48 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-48 adopted.

ORDINANCE NO. 2007-49: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WALTER H. DRANE COMPANY FOR CODIFICATION SUPPLEMENT, AND DECLARING AN EMERGENCY.

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 Sullivan, that Ordinance No. 2007-49 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-49 adopted.

ORDINANCE NO. 2007-50: AN ORDINANCE AMENDING SECTION 1501.19 OF
THE FIRE PREVENTION CODE AS TO FALSE
ALARMS, AND DECLARING AN EMERGENCY.

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 Baker, that Ordinance No. 2007-50 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-50 adopted.

ORDINANCE NO. 2007-51: AN ORDINANCE ACCEPTING A SANITARY SEWER
AND RUBBISH REMOVAL ACCESS PLAT FOR
CORAL WESTHAMPTON LLC AND CROCKER PARK
LLC WITHIN THE CITY OF WESTLAKE, AND
DECLARING AN EMERGENCY.

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 O'Donnell moved, seconded by Councilmember Brady, that Ordinance No. 2007-51 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-51 adopted.

ORDINANCE NO. 2007-52: AN ORDINANCE CREATING THE TOLEDO PORT AUTHORITY PASS THROUGH ASSESSMENT FUND (#860) WITHIN THE FINANCIAL RECORDS OF THE CITY OF WESTLAKE.

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. 2007-52 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-52 adopted.

ORDINANCE NO. 2007-53: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PERSONAL SERVICES AGREEMENT WITH EARTH CONSULTING, LTD. FOR GROUNDWATER MONITORING, WELL REHABILITATION AND OTHER RELATED SERVICES AT THE WESTLAKE SERVICE FACILITY, AND DECLARING AN EMERGENCY.

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 Baker, that Ordinance No. 2007-53 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-53 adopted.

ORDINANCE NO. 2007-54: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE 60" DECK MOWER FOR THE

**SERVICE DEPARTMENT IN CONJUNCTION WITH A
TRADE-IN, AND DECLARING AN EMERGENCY.**

Councilmember Brady 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 Sullivan, that Ordinance No. 2007-54 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-54 adopted.

**ORDINANCE NO. 2007-55: AN ORDINANCE ACCEPTING A PERMANENT
HIGHWAY EASEMENT FROM LEBO PROPERTIES,
LLC AND VACATING A PERMANENT HIGHWAY
EASEMENT, 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 Connole, that Ordinance No. 2007-55 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-55 adopted.

**ORDINANCE NO. 2007-56: AN ORDINANCE AUTHORIZING THE MAYOR TO
ENTER INTO A PROFESSIONAL SERVICES
CONTRACT WITH URS CONSULTANTS
FOR THE MAIN SEWER INTERCEPTOR PROJECT,
AND DECLARING AN EMERGENCY.**

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 Sullivan moved, seconded by Councilmember O'Donnell, that Ordinance No. 2007-56 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-56 adopted.

**ORDINANCE NO. 2007-57: AN ORDINANCE AMENDING APPROPRIATIONS
FOR THE CITY OF WESTLAKE, OHIO.**

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 Sullivan, that Ordinance No. 2007-57 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-57 adopted.

Councilmember O'Donnell moved, seconded by Councilmember Hack, that Ordinance No. 2007-58 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Ordinance No. 2007-58 added to agenda.

**ORDINANCE NO. 2007-58: AN ORDINANCE AUTHORIZING THE MAYOR TO
ENTER INTO AN AGREEMENT WITH THE
STRATEGIC SYSTEMS, INC. FOR COMPUTER
SYSTEM CONSULTATION NEEDS OF THE CITY OF
WESTLAKE.**

Council President Killeen referred Ordinance No. 2007-58 to the Information Technology Committee.

MISCELLANEOUS:

Mayor Clough announced that the route of the Memorial Day Parade will be along Hilliard Boulevard due to the results of a survey received from approximately 160 residents.

Councilmember Baker stated that regarding landscaping around the AT&T cabinets planning commission should be more diligent in informing property owners that they must, after one year, maintain landscaping, and a tree will need to be replaced at one. She further commented that utility boxes for signals should be landscaped by the City.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 10:05 p.m.

Susan J. Prehoda, CMC
Clerk of Council

Michael F. Killeen,
President of Council