

**REGULAR SESSION
OF WESTLAKE CITY COUNCIL
MAY 17, 2007**

The Regular Session of Council was called to order at 8:08 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, 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 May 3, 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:

Rezoning application from Attorney Zachary T. Paris of Jones Day, 901 Lakeside Avenue, Cleveland, Ohio 44114-1190, received May 14, 2007, to change land near the intersection of Detroit and Crocker Roads from PUD, Office and Retail to PUD was referred by the Chair to the Planning/Zoning/Legislative Committee.

Communication from Mayor Clough dated May 14, 2007, requesting that the bid of North Coast Paving in the amount of \$295,612.55 be accepted as the lowest and most responsive bid for the Tri City Parking Lot Improvements. Mayor Clough asked that the legislation be placed on first reading until concurrence from Fairview Park and Rocky River has been received.

Communication from Mayor Clough dated May 14, 2007, requesting authorization to seek financial assistance from the Northeast Ohio Area Wide Coordinating Agency (NOACA) through the Transportation for Livable Communities Initiative (TLCI) Planning Grant for the transportation studies associated with the City's proposed study of the Columbia Road (SR252) – I-90 Interchange area.

Communication from Mayor Clough dated May 14, 2007, requesting that the bid of AAA Pipe Cleaning Corp., in the amount of \$1,293,307.50 be accepted as the lowest and most responsive bid for the 2007 sewer rehabilitation.

Communication from Mayor Clough dated May 14, 2007, requesting confirmation of the Mayor's recommendation for charges to Medicare/Medicaid and insurance providers, i.e., Basic Life Support \$350.00, Advanced Life Support Level I - \$450.00, Level II - \$500.00, Mileage - \$6.00.

Councilmember Hack moved, seconded by Councilmember O'Donnell, to confirm the Mayor's recommendation for charges to Medicare/Medicaid and insurance providers, i.e., Basic Life Support \$350.00, Advanced Life Support Level I - \$450.00, Level II - \$500.00, Mileage - \$6.00.

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

Nays: Connole; motion carried.

Communication from Mayor Clough dated May 14, 2007, requesting that the bid of Konstruction King in the amount of \$1,804,089.00 be accepted as the lowest and most responsive bid for the 2007 concrete rehabilitation with asphalt overlay.

Notice from Ohio Division of Liquor Control received May 17, 2007, for a new C1, C2 permit for Total Speedy, Inc., DBA Web of Life, 25923 Detroit Road, Westlake, Ohio 44145.

Councilmember Connole moved, seconded by Councilmember Hack, not to object to the request for a new C1, C2 permit for Total Speedy, Inc., DBA Web of Life, 25923 Detroit Road, Westlake, Ohio 44145.

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

Nays: None; motion carried.

Council President Killeen announced that Council will recess during the month of August.

PETITIONS FROM THE PUBLIC:

Mr. Vern Long, 1842 Columbia Road, commented on the Columbia Road widening project, i.e., the number of lanes there will be and the State grant application. He further commented on the public's right to speak.

Ms. Carol Corpus, 25539 Hilliard Boulevard, commented on the following: warning sirens, contracting for lawn mowing services, previous comments made by Councilmember Baker regarding Emergency Medical Services (EMS) at the last Council meeting; the possible increase in insurance rates regarding EMS fees and the State grant for the Columbia Road widening project.

Ms. Megan Foyer, 1890 Columbia Road, commented on the Columbia Road widening project State grant application regarding improvements and the reference of how traffic will improve for I-480.

Ms. Mary Levtzow, 2454 Dover Center Road, commented on the following: Ordinance No. 2007-79, 80, 82, 83 and 84, and signage at a muffler store on Detroit Road.

Mr. Norbert Dennerll, 4765 Bradley Road, commented on the award given to the Westlaker Times, and voiced various positive comments regarding the public's interactions with Council and City officials.

Ms. Cecelia Baker, 2076 Arthur Avenue, commented on EMS fees, the possibility of having town hall meetings, and input from residents on Howard and Arthur Avenues regarding left hand turns off Columbia Road.

Mr. Dennis Petti, 2051 Columbia Road, commented on the Columbia Road widening.

REPORT OF THE MAYOR:

Mayor Clough read his tenth report of the year.

The Mayor asked that Resolution No. 2007-80 be taken out of order.

Councilmember Hack moved, seconded by Councilmember Brady, to take Resolution No. 2007-80 out of order.

Yeas: All.

Nays: None; motion carried.

RESOLUTION NO. 2007-80: A RESOLUTION IN SUPPORT OF AMERICAN MILITARY FORCES ENGAGED IN DEFENDING OR PREPARING TO DEFEND AND SUPPORT AMERICAN INTERESTS AND PRINCIPLES.

Councilmember Connole moved, seconded by Councilmember O'Donnell, that Resolution No. 2007-80 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Resolution No. 2007-80 adopted.

REPORTS OF ADMINISTRATIVE OFFICIALS:

Fire Chief Pietrick invited Council and the Mayor to attend a rescue operation's event on May 21 or 22.

Police Chief Walling stated this weekend there will be a SWAT officers' annual conference and 5K run as part of the event. There will also be the annual auction at the police department on June 1, 2007, for unclaimed items impounded by the police department.

REPORTS OF STANDING COMMITTEES – COMMITTEE OF THE WHOLE:

Council President Killeen reported on the May 15, 2007, Committee of the Whole meeting.

Councilmember Hack moved, seconded by Councilmember Brady, that the report of the May 15, 2007, Committee of the Whole be received and filed.

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

Nays: None; motion carried.

Council President Killeen announced that a letter would be sent to the City of Westlake School Board tomorrow regarding an offer for the Bradley Road property. The offer will be through June 15, 2007.

FINANCE COMMITTEE:

President of Council Killeen reported on the May 15, 2007, Finance Committee meeting.

Councilmember Hack moved, seconded by Councilmember Baker, that the report of the May 15, 2007, Finance Committee be received and filed.

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

Nays: None; motion carried.

COMMITTEE OF THE WHOLE:

President of Council Killeen reported on the Committee of the Whole meeting held this date at 7:37 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, Schroth, 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: Planning/Zoning/Legislative Committee, May 31, 2007, 7:30 p.m.; Ad Hoc Information Technology, May 31, 2007, 8:00 p.m.

Councilmember Hack moved, seconded by Councilmember O'Donnell, to adjourn to executive session to discuss wage negotiations, as well as any other matters that may pertain that are listed in Ohio Revised Code, Section 121.22(G)(1), at 7:50 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Also present were Mayor Clough, Law Director Wheeler, Finance Director Fritz.

Councilmember Hack moved, seconded by Councilmember Brady, to adjourn executive session at 8:04 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Meeting adjourned at 8:04 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS - PLANNING COMMISSION:

Councilmember Connole reported on the May 7, 2007, planning commission meeting advising that the commission took the following actions: did not recommend approval of **Ordinance No. 2007-22**, amending §1216.09 and §1223.11 of the zoning code (flag poles); **Draft ordinances discussed at work session related to:** 1203.06 Buildings and Structures, 1216.09 Supplementary Height Regulations, 1223.03(c) Computations, 1223.04 Maximum Sign Area Permitted, Schedule 1223.04 Maximum Individual Sign Area, 1223.05 Height Regulations, 1223.11 Signs Exempt From Regulation, 1223.12 Signs Prohibited Under This Code - recommend Council consider suggested changes to the code for sections 1203.06 Buildings and Structures, 1216.09 Supplementary Height Regulations, 1223.03(c) Computations, 1223.04 Maximum Sign Area Permitted, Schedule 1223.04 Maximum Individual Sign Area, 1223.05 Height Regulations, 1223.11 Signs Exempt From Regulation, 1223.12 Signs Prohibited Under This Code (suggestions attached to report); tabled the **True North Renovation Development Plans**, 1145 Crocker Road PP# 211-16-018, with the applicant agreeing to waive any time limitation; 04-36 – recommended approval of the **Westhampton Phase II – IV Development Plans**, within Crocker Park, southwest of Detroit and Crocker Roads, PP# 211-25-001; approved the **Conrad's Sign Plan**, 1325 Dover Center Road, PP# 213-03-018; withdrew the **Loco Leprechaun Development Plans, Patio**, 24545 Center Ridge Road, PP# 215-27-009; recommended approval of **Crocker Park Building ENW Revised Development Plans**, Crocker Park Boulevard, PP# 211-24-001, with the following conditions and modifications: 1) modification of 3' to the minimum building setback of 13' to Vine Street; 2) height modification of 8' to the top of the fifth floor; 3) height modification of 20' to the top of the penthouse roof; 4) condition that there be no 2' expansion zone area on Vine Street; 5) condition that there be no outdoor dining area on Vine Street next to this building; recommended approval of the **Crocker Park Boulevard BW Revised Development Plans**, Crocker Park Boulevard., PP# 211-24-001, with the following conditions and modifications: 1) modification of 3' to the minimum building setback of 13' to Vine Street; 2) height modification of 8'8" to the top of the fifth floor; 3) height modification of 20' to the top of the penthouse roof; 4) condition that there be no 2' expansion zone area on Vine Street; 5) condition that there be no outdoor dining area on Vine Street next to this building; **E-mail received April 13, 2007, from Richard Levitz, Stark Enterprises re: Fidelity Investments – lighting** - recommended approval of 34 uplights being 50 to 70 watts on the Fidelity Investment Building; requested a **60-day extension of time for Ordinance No. 2006-144**, conditional use permit for Day Care Center at Bradley and Clemens Roads. Meeting adjourned at 10:00 p.m. The next work session meeting is scheduled for Monday, May 21, 2007, and the next regular meeting is scheduled for Monday, June 4, 2007, at the Westlake City Hall Council Chambers.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **Westhampton Phase II – IV Development Plans**, within Crocker Park, southwest of Detroit and Crocker Roads. Yeas: Brady, Baker, Killeen, Hack, Connole, Sullivan, O'Donnell. Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **Crocker Park Building ENW Revised Development Plans**, Crocker Park Boulevard with the conditions and modifications listed in the report of the May 7, 2007, planning commission as well as the following condition: 6) condition that the western end of the western median park that is west of the north south

crosswalk be completed in accordance to the approved plans on file prior to any occupancy permit being issued for this building.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to approval of the **Crocker Park Boulevard BW Revised Development Plans**, Crocker Park Boulevard, with the conditions and modifications listed in the report of the May 7, 2007, planning commission as well as the following condition: 6) condition that no occupancy permit be granted for this building until the eastern end of the western median park that is east of the north south crosswalk be completed in accordance to the approved plans on file prior and that the turtle fountain be installed on the eastern median.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to approve **34 uplights being 50 to 70 watts on the Fidelity Investment Building**.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to grant a **60-day extension of time for Ordinance No. 2006-144**, conditional use permit for Day Care Center at Bradley and Clemens Roads.

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

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2007-59:
(THIRD READING)

AN ORDINANCE GRANTING A PERPETUAL EXCLUSIVE EASEMENT TO GLOBAL SIGNAL ACQUISITION IV, LLC FOR THE INSTALLATION AND MAINTENANCE OF FACILITIES FOR THE TRANSMISSION OF SIGNALS USED IN THE PROVISION OF COMMUNICATIONS, VIDEO AND/OR INFORMATION SERVICES IN THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Hack moved, seconded by Councilmember O'Donnell, that Ordinance No. 2007-59 be removed from the agenda.

ROLL CALL ON REMOVING FROM AGENDA:

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

Nays: None; Ordinance No. 2007-59 removed from agenda.

Council President Killeen referred Ordinance No. 2007-59 to the Planning/Zoning/Legislative Committee.

ORDINANCE NO. 2007-60:
(THIRD READING)

AN ORDINANCE GRANTING A PERPETUAL EXCLUSIVE EASEMENT TO GLOBAL SIGNAL ACQUISITION IV, LLC FOR THE INSTALLATION AND MAINTENANCE OF FACILITIES FOR THE TRANSMISSION OF SIGNALS USED IN THE PROVISION OF COMMUNICATIONS, VIDEO AND/OR INFORMATION SERVICES IN THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Hack moved, seconded by Councilmember O'Donnell, that Ordinance No. 2007-60 be removed from the agenda.

ROLL CALL ON REMOVING FROM AGENDA:

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

Nays: None; Ordinance No. 2007-60 removed from agenda.

Council President Killeen referred Ordinance No. 2007-60 to the Planning/Zoning/Legislative Committee.

ORDINANCE NO. 2007-71:
(SECOND READING)

AN ORDINANCE AMENDING SECTION 149.03 OF THE ADMINISTRATIVE CODE AS TO THE DEPARTMENT OF BUILDINGS, STRUCTURES, AND INSPECTIONS, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2007-76:
(SECOND READING)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE CITY HALL EMPLOYEES' ASSOCIATION, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2007-77:

AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH AAA PIPE CLEANING CORP. FOR THE 2007 SEWER REHABILITATION PROJECT FOR 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 Connole, that Ordinance No. 2007-77 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-77 adopted.

ORDINANCE NO. 2007-78: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH NORTH COAST PAVING FOR THE TRI CITY PARK PARKING LOT IMPROVEMENTS FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2007-79: A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR FUNDS THROUGH THE TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI) PLANNING GRANT FOR THE TRANSPORTATION STUDIES ASSOCIATED WITH THE CITY OF WESTLAKE'S PROPOSED STUDY OF THE COLUMBIA ROAD (SR 252)/I-90 INTERCHANGE AREA, AND DECLARING AN EMERGENCY.

Councilmember Hack moved, seconded by Councilmember Brady, that Resolution No. 2007-79 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Resolution No. 2007-79 adopted.

ORDINANCE NO. 2007-81: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH KONSTRUCTION KING FOR THE 2007 CONCRETE REHABILITATION PROGRAM WITH ASPHALT OVERLAY FOR 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 Connole moved, seconded by Councilmember Hack, that Ordinance No. 2007-81 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-81 adopted.

ORDINANCE NO. 2007-82: AN ORDINANCE AMENDING SECTION 1216.09 "SUPPLEMENTAL HEIGHT REGULATIONS" OF THE ZONING CODE OF THE WESTLAKE CODIFIED ORDINANCES.

Council President Killeen referred Ordinance No. 2007-82 to the Planning Commission.

ORDINANCE NO. 2007-83: AN ORDINANCE AMENDING SECTIONS 1223.03, 1223.04, 1223.05, 1223.11 AND 1223.12 OF THE ZONING CODE OF THE WESTLAKE CODIFIED ORDINANCES.

Council President Killeen referred Ordinance No. 2007-83 to the Planning Commission.

ORDINANCE NO. 2007-84: AN ORDINANCE AMENDING SECTION 1223.17 "NONCOMMERCIAL MESSAGES OR GRAPHICS" OF THE ZONING CODE OF THE WESTLAKE CODIFIED ORDINANCES.

Council President Killeen referred Ordinance No. 2007-84 to the Planning Commission.

ORDINANCE NO. 2007-85: AN ORDINANCE FIXING THE COMPENSATION OF THE 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. 2007-22: AN ORDINANCE AMENDING SECTIONS 1216.09 AND 1223.11 OF THE ZONING CODE.

Ordinance No. 2007-22 would not be added to the agenda at this time. It would be added after Ordinance Nos. 2007-82, 83 and 84 are acted on by the Planning Commission.

Councilmember O'Donnell moved, seconded by Councilmember Connole, that Ordinance No. 2007-86 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Ordinance No. 2007-86 added to the agenda.

ORDINANCE NO. 2007-86: AN ORDINANCE AMENDING SECTION 141.06 OF THE ADMINISTRATIVE CODE, AND DECLARING AN EMERGENCY.

Council President Killeen referred Ordinance No. 2007-86 to the Ad Hoc Information Technology Committee.

Councilmember O'Donnell moved, seconded by Councilmember Hack, that Ordinance No. 2007-87 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Ordinance No. 2007-87 added to the agenda.

ORDINANCE NO. 2007-87: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES LOCAL 3904, AND DECLARING AN EMERGENCY.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 10:26 p.m.

Susan J. Prehoda, CMC
Clerk of Council

Michael F. Killeen,
President of Council