

**REGULAR SESSION
OF WESTLAKE CITY COUNCIL
JULY 5, 2007**

The Regular Session of Council was called to order at 8:00 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, Assistant Fire Chief Ron Janicek, Clerk of Council Susan J. Prehoda.

APPROVAL OF MINUTES:

Councilmember Brady moved, seconded by Councilmember Hack, that the reading of the Minutes of the Regular Session of June 21, 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 July 2, 2007, requesting authorization to purchase one Concord dump body with hydraulic and snow package through state purchasing from Concord Road Equipment Mfg. in an amount not to exceed \$24,589.39.

Communication from Mayor Clough dated July 2, 2007, requesting that the bid for paint striping of certain streets and highways within the City be awarded to Dura Mark, Inc., in an amount not to exceed \$168,000.00.

Communication from Mayor Clough dated July 2, 2007, requesting that Council approve the purchase of one ODB vacuum leaf loader from The ODB Company through state purchasing in the amount of \$24,470.10.

Communication from Recreation Director Rump dated June 22, 2007, stating that on June 12, 2007, the Recreation Commission met and recommended 2008 membership fees. The increases are approximately 3% rounded to the nearest \$5.00. The new rates are for memberships that expire and are renewed after January 2, 2008.

Councilmember Baker moved, seconded by Councilmember Brady, not to take any action on the recreation commission's recommended 2008 membership fees. (By taking no action the fees are accepted as presented.)

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

Nays: None; motion carried.

Communication from Director of Inspections Grayem dated July 3, 2007, stating that Ms. D. Liliana Petrila, real estate agent, is requesting a conditional use permit for 806 Sharon Drive. The request is for a state-of-the-art showroom for Cattman Co., a nationally recognized flooring expert that will occupy approximately 10,000 square feet of the building. The showroom will display unique and high end natural stone, glass tiles and hand made inserts for flooring and walls. The company's clients are builders, renovators and restorers as well as interior designers who will accompany their clients to the showroom. This item was referred by the Chair to the Planning/Zoning/Legislative Committee.

PETITIONS FROM THE PUBLIC:

Ms. Mary Levtzow, 2454 Dover Center Road, commented on the following: July 4th parade, Bradley Road school property and zoning of same, ballot issue - Ordinance No. 2007-98, possibility of moving item "V. Petitions from the Public" on the agenda to follow item "IX. Reports of Other Boards and Commissions", typos and wording regarding legislation, status of lawsuits, Ordinance Nos. 2007-112, 113, 115, 116, 121 and 122.

Ms. Cecelia Baker, 2076 Arthur Avenue, commented on the following: fireworks' display, Mr. Glauner making temporary repairs to the wood deck by the pond, possible future clean up of Clague Park pond, and the Bradley Road school property.

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, 2007, Finance Committee meeting.

Councilmember Hack moved, seconded by Councilmember Brady, that the report of the June 28, 2007, Finance Committee be received and filed.

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

Nays: None; motion carried.

RECREATION COMMITTEE:

Councilmember Baker reported on the July 2, 2007, Recreation Committee meeting.

Councilmember Baker moved, seconded by Councilmember Brady, that the report of the July 2, 2007, Recreation Committee be received and filed.

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

Nays: None; motion carried.

PLANNING/ZONING/LEGISLATIVE COMMITTEE:

Councilmember Hack reported on the July 2, 2007, Planning/Zoning/Legislative Committee.

Councilmember Hack moved, seconded by Councilmember Connole, that the report of the July 2, 2007, Planning/Zoning/Legislative Committee be received and filed.

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

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, Schroth, Walling, Janicek (acting fire chief). Agenda items were discussed. Selected correspondence, the planning commission report, and proposed legislation to be added to the agenda were each briefly discussed. The Mayor also noted that the City received notification regarding formal documentation regarding the Columbia Road grant, which will be acted on during the July 19, 2007, council meeting.

REPORTS OF OTHER BOARDS AND COMMISSIONS - PLANNING COMMISSION:

Councilmember Connole reported on the July 2, 2007, planning commission meeting advising that the commission took the following actions: recommended approval of the **True North Renovation Development Plans**, 1145 Crocker Road, PP# 211-16-018, with the following condition and modifications: 1) condition that there are no outdoor sales; 2) modification of 230 square feet of additional sales floor; 3) a 5' setback modification for the side yard parking setback; 4) a 10' setback modification for the existing monument sign; 5) a modification to allow both a monument sign and freestanding canopy at one time; approved the True North Sign Plan with the following condition and modifications: 1) condition if the road is widened in the future that the monument sign be moved at the owner's expense; 2) modification for 145.43 sq. ft. of monument/canopy signage; 3) modification for 5 sq. ft. of sign area per pump and 53 sq. ft. of extra pump island signage; recommended approval of the **Montessori Children's School Development Plan**, 28370 Bassett Road, PP# 212-28-007; recommended approval of **Ordinance No. 2007-47**, conditional use permit for fitness activity, KASA Ltd., 30205 Clemens Road, PP# 211-20-008, with the condition that five additional parking spaces are to be land banked; recommended approval of the **Hilliard Boulevard road widening plans, Hilliard Boulevard** (from Dover Center Road to Devonshire Oval, within existing right-of-way), road widening plans with the following conditions: 1) the four lane road option (three through lanes and a left turning lane) west of the Crocker intersection is being approved; 2) condition the city engineering department meet with the city forester to install trees on the tree lawns; recommended approval of the **AT&T Equipment Cabinet Development Plan**, 4000 Crocker

Road, PP# 217-10-004, recommended approval of the **AT&T Equipment Cabinet Development Plan**, 4260 Magnolia Parkway (in the in ROW on Center Ridge Road), PP# 217-24-839; **Agave Tequileria and Grill Storefront & Sign Plan**, 20 Main Street, PP#211-25-012 - recommended approval of the Agave Tequileria and Grill Storefront with the following conditions: 1) condition that revised site plans are submitted as drawn at the meeting showing a 10' clearance from the curb to the patio edge; 2) condition that revised plans are submitted prior to the July 5, 2007, council meeting; 3) condition that the dead trees in this area along Main Street are replaced with new trees before an occupancy permit is issued; 4) condition that the menu sign board is placed next to the entrance door along the façade of the building - approved the Agave Tequileria and Grill Sign Plan with the following condition and modification: 1) condition that the menu sign board is placed next to the entrance door along the façade of the building and this be the permanent location for this sign; 2) modification of 2' to allow the menu board to be located in front of the façade; recommended approval of the **Crocker Park Building GEW Development Plans**, Market Street, PP# 211-26-001, with the following conditions: 1) condition that approval of the GEW building does not indicate the city is in any way approving an extension of Main Street at this time; 2) approval is based on plans being shown tonight with a 2' expansion and that a submittal of the revised plans be provided before the July 5, 2007, council meeting; 3) condition that the planning commission accepts either building option with or without the balcony at the developer's request. Meeting adjourned at 9:30 p.m. with a work session meeting following the regular meeting. The work session adjourned at 11:00 p.m. The next work meeting is scheduled for Tuesday, July 10, 2007, and the next regular meeting is scheduled for Monday, July 16, 2007, in the Westlake City Hall Council Chambers.

Councilmember Connole moved, seconded by Councilmember Hack, to recommend approval of the **True North Renovation Development Plans**, 1145 Crocker Road, PP# 211-16-018, with the condition and modifications listed in the report of the July 2, 2007, planning commission.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember O'Donnell, to recommend approval of the **Montessori Children's School Development Plan**, 28370 Bassett Road, as submitted.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to recommend approval of the **AT&T Equipment Cabinet Development Plan**, 4000 Crocker Road.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to recommend approval of the **AT&T Equipment Cabinet Development Plan**, 4260 Magnolia Parkway (in the ROW on Center Ridge Road), as submitted.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to recommend approval of the **Agave Tequileria and Grill Storefront** with the conditions listed in the report of the July 2, 2007, planning commission.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to recommend approval of the **Crocker Park Building GEW Development Plans**, Market Street, with the conditions listed in the report of the July 2, 2007, planning commission.

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

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2007-2:
(THIRD 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.

Councilmember Sullivan moved, seconded by Councilmember Connole, that Ordinance No. 2007-2 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Nay: None; motion carried.

Councilmember Hack moved, seconded by Councilmember Connole, that Ordinance No. 2007-2 be adopted.

ROLL CALL ON ADOPTION:

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

Abstentions: Brady.

Nays: None; Ordinance No. 2007-2 adopted.

ORDINANCE NO. 2007-71:
(THIRD READING) AN ORDINANCE AMENDING SECTION 149.03 OF THE ADMINISTRATIVE CODE AS TO THE DEPARTMENT OF BUILDINGS, STRUCTURES, AND INSPECTIONS, AND DECLARING AN EMERGENCY.

Councilmember Connole moved, seconded by Councilmember Baker, that Ordinance No. 2007-71 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-71 adopted.

ORDINANCE NO. 2007-88: AN ORDINANCE AMENDING AND
(THIRD READING) SUPPLEMENTING SECTION 169.03 OF THE
ADMINISTRATIVE CODE AS TO EMPLOYEES IN
THE DEPARTMENT OF SENIOR AND COMMUNITY
SERVICES, AND DECLARING AN EMERGENCY.

Councilmember Hack moved, seconded by Councilmember Brady, that Ordinance No. 2007-88 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-88 adopted.

ORDINANCE NO. 2007-90: AN ORDINANCE TO AWARD A CONTRACT FOR
(THIRD READING) THE FURNISHING OF SOLID WASTE,
RECYCLABLES AND YARD WASTE COLLECTION,
TRANSPORT AND DISPOSAL SERVICES FOR THE
CITY OF WESTLAKE, AND DECLARING AN
EMERGENCY.

Councilmember Hack moved, seconded by Councilmember Connole, that Ordinance No. 2007-90 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-90 adopted.

ORDINANCE NO. 2007-98: AN ORDINANCE AUTHORIZING AND DIRECTING A
(THIRD READING) PROPOSED AMENDMENT OF THE ZONING MAP OF
THE CITY OF WESTLAKE CHANGING THE ZONING
OF CERTAIN LAND LOCATED ON THE EAST SIDE
OF BRADLEY ROAD, BEING PERMANENT PARCEL
NOS. 217-09-009 AND 217-09-013, FROM SINGLE
FAMILY RESIDENTIAL DISTRICT TO PUBLIC
RECREATION DISTRICT, TO BE SUBMITTED TO
THE ELECTORS AT A REGULAR MUNICIPAL
ELECTION FOR ADVISORY PURPOSES ONLY AND
DECLARING AN EMERGENCY.

Councilmember Brady moved, seconded by Councilmember Baker, that Ordinance No. 2007-98 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-98 adopted.

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

TO ASSIST IN LEGAL MATTERS, 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 Brady, that Ordinance No. 2007-112 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-112 adopted.

ORDINANCE NO. 2007-113: AN ORDINANCE AMENDING CHAPTER 183 OF THE ADMINISTRATIVE CODE BY ENACTING NEW SECTION 183.07 AS TO REWARD POINTS, 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 Connole, that Ordinance No. 2007-113 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-113 adopted.

ORDINANCE NO. 2007-114: AN ORDINANCE AMENDING A CONDITIONAL USE PERMIT GRANTED BY ORDINANCE NO. 1986-246 TO WESTLAKE ANIMAL HOSPITAL FOR PARCEL NO. 212-30-011.

ORDINANCE NO. 2007-115: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT WITH IMPACT GROUP FOR THE MARKETING COMMUNICATION NEEDS OF 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 Brady, that Ordinance No. 2007-115 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-115 adopted.

ORDINANCE NO. 2007-116: AN ORDINANCE TO AWARD A CONTRACT FOR THE PAINT STRIPING OF CERTAIN STREETS AND HIGHWAYS WITHIN THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Brady 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. 2007-116 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-116 adopted.

ORDINANCE NO. 2007-117: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) CONCORD DUMP BODY WITH HYDRAULIC AND SNOW PACKAGE, FOR THE SERVICE DEPARTMENT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, 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. 2007-117 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-117 adopted.

ORDINANCE NO. 2007-118: **AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) ODB VACUUM LEAF LOADER, MODEL LTC6000, FOR THE SERVICE DEPARTMENT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.**

Councilmember Brady 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. 2007-118 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-118 adopted.

ORDINANCE NO. 2007-119: **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PERSONAL SERVICES CONTRACT WITH LARSEN ARCHITECTS FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR THE PETERSON POOL FEASIBILITY STUDY, AND DECLARING AN EMERGENCY.**

Councilmember Sullivan 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 Sullivan moved, seconded by Councilmember Hack, that Ordinance No. 2007-119 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-119 adopted.

ORDINANCE NO. 2007-120: AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE BUILDING CODE AS TO FEES FOR BUILDING CONSTRUCTION, ADDITION AND ALTERATION, 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 Brady, that Ordinance No. 2007-120 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-120 adopted.

ORDINANCE NO. 2007-121: AN ORDINANCE AMENDING CHAPTER 141 OF THE ADMINISTRATIVE CODE BY CREATING THE HUMAN RESOURCE MANAGER POSITION AND DECLARING AN EMERGENCY.

Council President Killeen referred Ordinance No. 2007-121 to the Finance Committee.

ORDINANCE NO. 2007-122: AN ORDINANCE AMENDING CHAPTER 141 OF THE ADMINISTRATIVE CODE BY CREATING THE PUBLIC RELATIONS ASSISTANT POSITION AND DECLARING AN EMERGENCY.

Council President Killeen referred Ordinance No. 2007-122 to the Finance Committee.

Councilmember Hack moved, seconded by Councilmember Connole, that Ordinance No. 2007-123 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Ordinance No. 2007-123 added to agenda.

ORDINANCE NO. 2007-123: AN ORDINANCE CONSIDERING AN APPLICATION FOR A CONDITIONAL USE PERMIT BY RAW FITNESS, LLC FOR A PRIVATE FITNESS FACILITY WITHIN AN INDUSTRIAL DISTRICT.

Council President Killeen referred Ordinance No. 2007-123 to the Planning Commission.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 9:36 p.m.

Susan J. Prehoda, CMC
Clerk of Council

Michael F. Killeen,
President of Council