

**PROCEEDINGS OF PUBLIC HEARING AND
REGULAR SESSION OF WESTLAKE CITY COUNCIL
DECEMBER 6, 2007**

Public Hearing was called to order by President of Council Michael F. Killeen at 8:08 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the Westlife on October 24, 2007, and October 31, 2007, regarding the following legislation:

ORDINANCE NO. 2007-141: AN ORDINANCE SUPPLEMENTING SECTIONS
1203.03 AND 1211.28 OF THE ZONING CODE OF THE
CITY OF WESTLAKE AS TO CONDITIONAL USES.

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. 2007-141 closed.

Public Hearing was called to order by President of Council Michael F. Killeen at 8:10 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the Westlife on November 21, 2007, and November 28, 2007, regarding the following legislation:

ORDINANCE NO. 2007-167: AN ORDINANCE CONSIDERING AN APPLICATION
FOR A CONDITIONAL USE PERMIT FOR AN
ANIMAL BOARDING AND DOG DAY CARE
CENTER.

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. 2007-167 closed.

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The Regular Session of Council was called to order at 8:12 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, Acting Fire Chief Ron Janicek, Clerk of Council Susan J. Prehoda.

APPROVAL OF MINUTES:

Councilmember Hack moved, seconded by Councilmember Connole, that the reading of the Minutes of the Regular Session of November 15, 2007, be waived and that they be approved as received.

ROLL CALL:

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

Abstentions: Killeen, Brady.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Notice from Ohio Division of Liquor Control received November 26, 2007, for a new D5J permit for 87 West Crocker Park, LLC, DBA 87 West, 287 Crocker Park Boulevard, Westlake, Ohio 44145.

Councilmember Connole moved, seconded by Councilmember Sullivan, not to object to the request for a new D5J permit for 87 West Crocker Park, LLC, DBA 87 West, 287 Crocker Park Boulevard, Westlake, Ohio 44145.

Yeas: All.

Nays: None; motion carried.

Notice from Ohio Division of Liquor Control received December 3, 2007, for a new C1, C2 permit for Issa Zaboura, DBA Shortstop Beverage and Deli, 2068-2076 Clague Road, Westlake, Ohio 44145.

Councilmember Hack moved, seconded by Councilmember Connole, not to object to the request for a new C1, C2 permit for Issa Zaboura, DBA Shortstop Beverage and Deli, 2068-2076 Clague Road, Westlake, Ohio 44145.

Yeas: All.

Nays: None; motion carried.

Notice from Ohio Division of Liquor Control received December 3, 2007, for transfer of a D1, D2, D3, D3A, D6 permit from G & P Chateau, Inc., DBA Pantheon, 23800 Detroit Road and Patio, Westlake, Ohio 44145, to Maria Restaurant Corp., DBA M. Bistro, 23800 Detroit Road and Patio, Westlake, Ohio 44145.

Councilmember Sullivan moved, seconded by Councilmember Baker, not to object to the transfer of a D1, D2, D3, D3A, D6 permit from G & P Chateau, Inc., DBA Pantheon, 23800 Detroit Road and Patio, Westlake, Ohio 44145, to Maria Restaurant Corp., DBA M. Bistro, 23800 Detroit Road and Patio, Westlake, Ohio 44145.

Yeas: All.

Nays: None; motion carried.

Two rezoning applications from Mr. John J. Carney, Twin Towers, Ltd., 420 Gemini Tower II, Cleveland, to amend the zoning code and/or map: 1) from single family R-1F-80 to office for parcels located at the south end of Tri-Archy Limited Parcel (Belvedere); east of south part of Gemini Tower II; 2) from executive office park to office for the parcel located on the southeast corner of Detroit and

Crocker Roads, known as Gemini Towers. These applications were referred by the Chair to the Planning/Zoning/Legislative Committee.

Communication from Mayor Clough dated December 4, 2007, requesting authorization to enter into a contract with URS for engineering services relating to Sewer Investigation Work Phase II for the total amount of \$98,300.00.

PETITIONS FROM THE PUBLIC:

Mr. Jerry Wong, 3410 Excalibur Drive and senior at Westlake High School, commented on Ordinance No. 2007-141.

REPORT OF THE MAYOR:

Mayor Clough read his twenty-first report of the year.

REPORTS OF ADMINISTRATIVE OFFICIALS:

Police Chief Walling stated that he and the Mayor attended a DARE graduation today at St. Paul Lutheran School. Twenty-eight fifth graders graduated from the program. He congratulated them and thanked the Mayor for his strong support of the DARE program.

REPORTS OF STANDING COMMITTEES - AD HOC INSPECTION OF RENTAL/ABANDONED HOMES COMMITTEE:

Councilmember Baker reported on the November 14, 2007, Ad Hoc Inspection of Rental/Abandoned Homes Committee meeting.

Councilmember Baker moved, seconded by Councilmember O'Donnell, that the minutes of the November 14, 2007, Ad Hoc Inspection of Rental/Abandoned Homes Committee be received and filed.

Yeas: All.

Nays: None; motion carried.

PUBLIC GROUNDS & BUILDINGS COMMITTEE:

Councilmember Baker reported on the November 14, 2007, Public Grounds & Buildings Committee meeting.

Councilmember Baker moved, seconded by Councilmember O'Donnell, that the minutes of the November 14, 2007, Public Grounds & Buildings Committee be received and filed.

Yeas: All.

Nays: None; motion carried.

COMMITTEE OF THE WHOLE:

Councilmember Hack moved, seconded by Councilmember Sullivan, that Ordinance No. 2007-167 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Nays: None; Ordinance No. 2007-167 amended by substitution.

Councilmember Hack moved, seconded by Councilmember Sullivan, that Ordinance No. 2007-167 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-167 adopted.

ORDINANCE NO. 2007-175: AN ORDINANCE AMENDING SECTION 3 OF
(THIRD READING) ORDINANCE NO. 2007-168 AS TO THE CONSENT
FOR THE ROUTINE MAINTENANCE OF CERTAIN
BRIDGES BY THE BOARD OF COUNTY
COMMISSIONERS OF CUYAHOGA COUNTY,
OHIO.

Councilmember Hack moved, seconded by Councilmember Sullivan, that Ordinance No. 2007-175 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-175 adopted.

ORDINANCE NO. 2007-176: AN ORDINANCE AUTHORIZING THE MAYOR TO
(THIRD READING) PURCHASE FROM KOVATCH MOBILE EQUIPMENT
TWO (2) 2007 KME CUSTOM RESCUE PUMPERS FOR
THE FIRE DEPARTMENT, AND DECLARING AN
EMERGENCY.

Councilmember Hack moved, seconded by Councilmember Sullivan, that Ordinance No. 2007-176 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Nays: None; Ordinance No. 2007-176 amended by substitution.

Councilmember Hack moved, seconded by Councilmember Baker, that Ordinance No. 2007-176 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-176 adopted.

ORDINANCE NO. 2007-178: AN ORDINANCE AMENDING SECTION 139.01 OF

(SECOND READING) THE CODIFIED ORDINANCES AS TO THE MINIMUM REQUIREMENTS FOR THE ENTRY LEVEL FIREFIGHTER POSITION.

Councilmember Connole moved, seconded by Councilmember Hack, 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 Baker, that Ordinance No. 2007-178 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-178 adopted.

ORDINANCE NO. 2007-180: AN ORDINANCE ACCEPTING REIMBURSEMENT AGREEMENT FROM BRETTON WOODS, INC., AND DECLARING AN EMERGENCY.
(SECOND READING)

ORDINANCE NO. 2007-181: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROJECT AGREEMENT WITH THE NORTHEAST OHIO AREA WIDE COORDINATING AGENCY AND ACCEPTING THE TLCI GRANT PROVIDING FINANCIAL ASSISTANCE FOR THE COLUMBIA ROAD (S.R. 252) CORRIDOR STUDY, 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. 2007-181 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-181 adopted.

ORDINANCE NO. 2007-182: 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.**

Council President Killeen referred Ordinance No. 2007-182 to the Finance Committee.

**ORDINANCE NO. 2007-183: AN ORDINANCE AMENDING APPROPRIATIONS
FOR THE CITY OF WESTLAKE, OHIO.**

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 Hack moved, seconded by Councilmember Sullivan, that Ordinance No. 2007-183 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-183 adopted.

Councilmember Hack moved, seconded by Councilmember Connole, to add Ordinance No. 2007-184 to the agenda.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Ordinance No. 2007-184 added to agenda.

**ORDINANCE NO. 2007-184: AN ORDINANCE AUTHORIZING THE MAYOR TO
ENTER INTO A PROFESSIONAL SERVICES
CONTRACT WITH URS CONSULTANTS FOR SEWER
INVESTIGATION WORK PHASE II, 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. 2007-184 be adopted.

ROLL CALL ON ADOPTION:

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

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Nays: None; Ordinance No. 2007-184 adopted.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 8:53 p.m.

Susan J. Prehoda, CMC
Clerk of Council

Michael F. Killeen,
President of Council