

**PROCEEDINGS OF REGULAR SESSION
OF WESTLAKE CITY COUNCIL
DECEMBER 20, 2007**

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, Dennis J. Sullivan.

Councilmember Connole moved, seconded by Councilmember Hack, that Councilmember O'Donnell 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, 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 Connole moved, seconded by Councilmember Baker, that the reading of the Minutes of the Regular Session of December 6, 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 December 12, 2007, requesting authorization to enter into a contract with HNTB Associates for engineering services for the Columbia Road Corridor Study – Detroit Road to First Street.

Communication from Mayor Clough dated December 12, 2007, requesting confirmation of the reappointment of Mr. Jeff Neverman to the Board of Zoning Appeals. Mr. Neverman's current term ends on December 31, 2007. If reappointed he will serve an additional 4 year term ending on December 31, 2011.

Councilmember Connole moved, seconded by Councilmember Sullivan, to confirm the reappointment of Mr. Jeff Neverman to the Board of Zoning Appeals to serve an additional 4 year term ending on December 31, 2011.

Yeas: All.

Nays: None; motion carried.

Communication from Mayor Clough dated December 12, 2007, requesting confirmation of the reappointment of Mr. Nathaniel Cross to the Westlake Planning Commission. Mr. Cross is currently serving the unexpired term of Mr. Richard Lancashire which ends on December 31, 2007. If reappointed Mr. Cross will serve a 4 year term ending on December 31, 2011.

Councilmember Hack moved, seconded by Councilmember Connole, to confirm the reappointment of Mr. Nathaniel Cross to the Westlake Planning Commission to serve a 4 year term ending on December 31, 2011.

Yeas: All.

Nays: None; motion carried.

Communication from Mayor Clough dated December 18, 2007, requesting authorization to issue a change order in the amount of \$91,875.00 to Burton Scot for the Bradley & Schwartz Intersection Turn Lane Improvements.

Communication from Mayor Clough dated December 19, 2007, requesting confirmation of the appointment of Mr. Dale Smith to the Recreation Commission to serve a 2 year term ending on December 31, 2009.

Councilmember Hack moved, seconded by Councilmember Connole, to confirm the appointment of Mr. Dale Smith to the Recreation Commission to serve a 2 year term ending on December 31, 2009.

Yeas: All.

Nays: None; motion carried.

Communication from Mayor Clough dated December 19, 2007, requesting confirmation of the reappointment of Mr. Tom Fattlar to the Recreation Commission to serve an additional 2 year term ending on December 31, 2009.

Councilmember Sullivan moved, seconded by Councilmember Brady, to confirm the reappointment of Mr. Tom Fattlar to the Recreation Commission to serve an additional 2 year term ending on December 31, 2009.

Yeas: All.

Nays: None; motion carried.

Communication from Mayor Clough dated December 19, 2007, requesting confirmation of the reappointment of Mr. Tony Jones to the Recreation Commission to serve an additional 2 year term ending on December 31, 2009.

Councilmember Hack moved, seconded by Councilmember Brady, to confirm the reappointment of Mr. Tony Jones to the Recreation Commission to serve an additional 2 year term ending on December 31, 2009.

Yeas: All.

Nays: None; motion carried.

PETITIONS FROM THE PUBLIC:

Mr. Tim James, 3290 Walter Road, newly elected president of the Westlake Baseball League, thanked Council and the recreation department for their continued support. He further commented on upcoming events, the City's efforts to continue facility improvements, maintenance of school fields, and the hope that the City will resume maintenance of those fields. He further commented that the league would rather not use school fields and use City fields because of the maintenance issue.

Ms. Mary Levtzow, 2454 Dover Center Road, thanked the City and Kiwanis for providing an opportunity for citizens to thank the military for their services in protecting our freedoms, and read a thank you letter from Staff Sergeant Delgado. She further commented on money raised for a hunger drive. She then commented on Ordinance Nos. 2007-185, 191, 187 and 190.

REPORT OF THE MAYOR:

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

REPORTS OF ADMINISTRATIVE OFFICIALS:

Police Chief Richard Walling reported that the 2007 Coats for Kids Campaign was highly successful through a partnership with the community, Mayor Clough's office, recreation center, senior and community services center, schools and members of the police department. He thanked the community for their support and stated that all past collection records were broken.

REPORTS OF STANDING COMMITTEES – FINANCE COMMITTEE:

Council President Killeen reported on the December 8, 2007, Finance Committee meeting.

Councilmember Hack moved, seconded by Councilmember Brady, that the report of the December 8, 2007, Finance Committee meeting be received and filed.

Yeas: All.

Nays: None; motion carried.

PLANNING/ZONING/LEGISLATIVE COMMITTEE:

Councilmember Hack reported on the December 18, 2007, Planning/Zoning/Legislative Committee meeting.

Councilmember Hack moved, seconded by Councilmember Connole, to request the law director to draft legislation as indicated in the report of the December 18, 2007, Planning/Zoning/Legislative Committee regarding the current conditional use provisions for a bank in the executive office park district.

Yeas: All.

Nays: None; motion carried.

Councilmember Hack moved, seconded by Councilmember Connole, to request the law director to draft legislation as indicated in the report of the December 18, 2007, Planning/Zoning/Legislative Committee regarding modification of code section 707.06.

Yeas: All.

Nays: None; motion carried.

Councilmember Hack moved, seconded by Councilmember Connole, that the report of the December 18, 2007, Planning/Zoning/Legislative Committee meeting be received and filed.

Yeas: All.

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, 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. Engineer Kelly provided an update regarding the 2007 construction projects. No meetings were scheduled.

Councilmember Sullivan moved, seconded by Councilmember Baker, 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 December 10, 2007, planning commission meeting advising that the commission approved the **Seeley, Savidge, Ebert & Gourash Sign Plan**, 26600 Detroit Road, PP# 213-05-011, 023, 025, with the following modification and condition: 1) modification of 19.5' for the sign to be mounted on an architectural element 39.5' above grade; 2) condition that there be no additional signage on the building; regarding letter from G. Moore of Millions Moore, LLC, requested an extension of time for the **Cavano Kennel Building Development Plan**, at Bradley Road, PP# 211-13-009 and part of 211-13-003, to 6/30/08; tabled the **Lusardo Lot Split** at corner of Hilliard Boulevard and Bassett Road, PP# 216-31-038, to the 1/7/08 meeting; recommended approval of the **AT&T Above Ground Cabinet Development Plan**, 24525 Hilliard Boulevard, PP# 213-28-004; tabled the **Marc's Pharmacy Sign Plan**, 30050 Detroit Road, PP# 211-19-015, to the 1/7/08 meeting – applicant not present; recommended approval of **Ordinance No. 2007-174**, amending §1218.03 to permit office use as conditional use permit in industrial north of I-90 from Clague Road to Columbia Road, referred by council 11/01/07; tabled the **ENA Enterprises Addition Development Plan**, 29103 Center Ridge Road, PP# 216-20-001, to the 1/7/08 meeting; recommended approval of **Ordinance No. 2006-172**, vacating Avon Road and Avon Road vacation plat, vacating Avon Road from the Cuyahoga County line to just west of PP# 211-06-009, and that when the residence on that parcel is vacated, to vacate the remainder of the road to Bradley Road; regarding the **Sunglass Hut Storefront & Sign Plan**, 279 Crocker Park Boulevard, PP# 211-24-

001: recommended approval of the **Sunglass Hut Storefront** - approved the **Sunglass Hut Sign Plan**; withdrew the **Apple Store Storefront & Sign Plan**, 267 Crocker Park Boulevard, PP# 211-24-001; requested extension of time for **Ordinance No. 2007-169**, conditional use permit for architectural offices (referred by council 10/18/07), to 4/1/08; Draft Code Amendments re: Office Signage.

Councilmember Connole moved, seconded by Councilmember Sullivan, to grant an extension of time for the **Cavano Kennel Building Development Plan**, at Bradley Road, PP# 211-13-009 and part of 211-13-003, to 6/30/08.

Yeas: Connole, Sullivan, Brady, Baker, Killeen, Hack.

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Sullivan, to approve the **AT&T Above Ground Cabinet Development Plan**, 24525 Hilliard Boulevard, PP# 213-28-004 as submitted.

Yeas: Sullivan, Brady, Baker, Killeen, Hack, Connole.

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **Sunglass Hut Storefront**, 279 Crocker Park Boulevard, PP# 211-24-001 as submitted.

Yeas: Brady, Baker, Killeen, Hack, Connole, Sullivan.

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Hack, to grant an extension of time for **Ordinance No. 2007-169**, conditional use permit for architectural offices, to 4/1/08.

Yeas: All.

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2007-174: AN ORDINANCE AMENDING FOOTNOTE (c) OF SECTION
(SECOND READING) 1218.03 OF THE ZONING CODE IN ORDER TO PERMIT
OFFICE USE BY CONDITIONAL USE PERMIT IN THE
INDUSTRIAL ZONED AREAS NORTH OF I-90 FROM
CLAGUE ROAD TO COLUMBIA ROAD BETWEEN
SPERRY ROAD AND THE NORTH CORPORATE LINE.

Council President Killeen set a public hearing on Ordinance No. 2007-174 for January 3, 2008.

ORDINANCE NO. 2007-182: AN ORDINANCE FIXING THE COMPENSATION OF
(SECOND READING) 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. 2007-185: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.

Councilmember Connole 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 Brady moved, seconded by Councilmember Sullivan, that Ordinance No. 2007-185 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Baker, Killeen, Hack, Connole, Sullivan, Brady.

Nays: None; Ordinance No. 2007-185 adopted.

ORDINANCE NO. 2007-186: AN ORDINANCE MAKING TEMPORARY 2008 APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO FOR CURRENT EXPENSES AND OTHER EXPENDITURES, PENDING RECEIPT OF THE AMENDED OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES DURING PART OF THE FISCAL YEAR ENDING DECEMBER 31, 2008, 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 Hack moved, seconded by Councilmember Connole, that Ordinance No. 2007-186 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Killeen, Hack, Connole, Sullivan, Brady, Baker.

Nays: None; Ordinance No. 2007-186 adopted.

ORDINANCE NO. 2007-187: AN ORDINANCE AMENDING SECTIONS 1 AND 2 OF ORDINANCE NO. 2007-136 AS TO THE PURCHASE OF TEMPORARY LABORER SERVICES FOR THE SERVICE DEPARTMENT AND OTHER DEPARTMENTS WITHIN THE CITY OF WESTLAKE.

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 Sullivan, that Ordinance No. 2007-187 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Hack, Connole, Sullivan, Brady, Baker, Killeen.

Nays: None; Ordinance No. 2007-187 adopted.

ORDINANCE NO. 2007-188: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH HNTB CORPORATION FOR PROFESSIONAL ENGINEERING SERVICES, 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. 2007-188 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Connole, Sullivan, Brady, Baker, Killeen, Hack.

Nays: None; Ordinance No. 2007-188 adopted.

ORDINANCE NO. 2007-189: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT WITH BURTON SCOT FOR THE BRADLEY/SCHWARTZ ROADS INTERSECTION IMPROVEMENT PROJECT IN 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 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 Sullivan moved, seconded by Councilmember Brady, that Ordinance No. 2007-190 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Killeen, Hack, Connole, Sullivan, Brady, Baker.

Nays: None; Ordinance No. 2007-190 adopted.

ORDINANCE NO. 2007-191: AN ORDINANCE AMENDING SECTION 2 OF
ORDINANCE NO. 2007-152 AS TO THE
EMPLOYMENT OF ADDITIONAL LEGAL COUNSEL
TO ASSIST WITH LABOR NEGOTIATIONS, 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 Brady moved, seconded by Councilmember Baker, that Ordinance No. 2007-191 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Hack, Connole, Sullivan, Brady, Baker, Killeen.

Nays: None; Ordinance No. 2007-191 adopted.

ORDINANCE NO. 2007-192: AN ORDINANCE ESTABLISHING A VIDEO SERVICE
PROVIDER FEE TO BE PAID BY ANY VIDEO
SERVICE PROVIDER OFFERING VIDEO SERVICE IN
THE CITY; AUTHORIZING THE MAYOR TO GIVE
NOTICE TO THE VIDEO SERVICE PROVIDER OF
THE VIDEO SERVICE PROVIDER FEE, 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 Brady moved, seconded by Councilmember Baker, that Ordinance No. 2007-192 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Connole, Sullivan, Brady, Baker, Killeen, Hack.

Nays: None; Ordinance No. 2007-192 adopted.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 9:01 p.m.

Susan J. Prehoda, CMC
Clerk of Council

Michael F. Killeen,
President of Council