

**PROCEEDINGS OF PUBLIC HEARING AND
REGULAR SESSION
OF WESTLAKE CITY COUNCIL
FEBRUARY 7, 2008**

Public hearing was called to order by President of Council Michael F. Killeen at 8:11 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the Westlife on January 30, 2008, and February 6, 2008, regarding the following legislation:

**ORDINANCE NO. 2007-169: AN ORDINANCE CONSIDERING A CONDITIONAL
USE PERMIT FOR ARCHITECTURAL OFFICES.**

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. 2007-169 closed.

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The regular session of council was called to order at 8:15 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, 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 O'Donnell, that the reading of the minutes of the regular session of January 17, 2008, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Mayor Clough dated January 29, 2008, requesting authorization to go out to bid for replacement of the HVAC unit in the recreation center locker room.

Councilmember Sullivan moved, seconded by Councilmember Connole, to authorize the administration to go out to bid for replacement of the HVAC unit in the recreation center locker room.

Yeas: All.

Nays: None; motion carried.

Notice from Ohio Division of Liquor Control received January 30, 2008, for transfer of a D1, D2, D3, D3A, D6 permit from G & P Chateau, Inc., DBA Pantheon, 23800 Detroit Road & Patio, Westlake, Ohio 44145, to Maria Restaurant Corp., DBA Maria Restaurant, 23800 Detroit Road & Patio, Westlake, Ohio 44145.

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

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

Nays: None, motion carried.

Communication from Mayor Clough dated January 29, 2008, requesting authorization to purchase five Visionhawk digital video evidence systems and related equipment through the GSA Advantage from International Police Technologies in an amount not to exceed \$37,100.00.

Communication from Mayor Clough dated January 29, 2008, requesting authorization to purchase Selectorized Fitness Equipment for the fitness room at the recreation center from Life Fitness/Hammer Strength, less a trade in allowance for the old and obsolete equipment in an amount not to exceed \$14,847.50.

Communication from Director of Inspections Grayem dated February 5, 2008, stating that Mr. William V. Griffith, A.I.A. from Harris/Day Architecture, 3722 Whipple Avenue, NW, Canton, Ohio 44718, is requesting a conditional use permit for Paramount West Tennis Club @ Beacon West Corporation Center on behalf of the proposed owner of Paramount West Tennis Club. The request is for recreational use as an indoor tennis facility. The proposed facility would have eight indoor tennis courts with associated support facilities. This item was referred by the Chair to the Planning/Zoning/Legislative Committee.

Request from Planning Director Parry dated February 7, 2008, stating that on February 5, 2008, he submitted to council the meeting summary report of the Crocker Park Ad Hoc Civic Space Committee. The report is of the committee's January 23, 2008, meeting and includes recommendations of the committee to the city. The report was submitted to the administration and the planning commission as well.

PETITIONS FROM THE PUBLIC:

Mr. Andrew Mangels, 1303 W. Melrose Drive, Director of the Westlake Porter Public Library, commented on the upcoming proposed library levy (Issue 14) that will be on the March 4, 2008, ballot.

Mr. David DelRegno, 811 Richmar Drive, commented on flooding due to recent rain, water in his basement and problems with sanitary lines and storm sewers.

Mr. Daniel White, 24756 Detroit Road, commented on a proposed ordinance addressing ATV's.

REPORT OF THE MAYOR:

Mayor Clough read his third report of the year.

REPORTS OF STANDING COMMITTEES – PLANNING/ZONING/LEGISLATIVE COMMITTEE:

Councilmember Hack reported on the January 29, 2008, Planning/Zoning/Legislative Committee meeting.

Councilmember Hack moved, seconded by Councilmember Connole, that the report of the January 29, 2008, Planning/Zoning/Legislative Committee 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 7:33 p.m. Present were Councilmembers Killeen, Baker, Brady, Connole, Hack, O'Donnell, Sullivan. Also present were Mayor Clough; Directors Wheeler, Glauner, 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 following committee meetings were scheduled: Finance, 2/11/08, 7:00 p.m.; Sanitation, 2/12/08, 7:00 p.m.; Planning/Zoning/Legislative, 2/12/08, 7:30 p.m.

Council President Killeen removed the request from Valore Builders, 23550 Center Ridge Road, for Mercedes-Benz of Westlake, regarding use of the retention basin at I-90 from the Planning/Zoning/Legislative Committee pursuant to a letter dated January 23, 2008, from Mr. Bernie Moreno stating the facility will stay in North Olmsted.

Councilmember Hack moved, seconded by Councilmember Sullivan, to adjourn to executive session to discuss wage negotiations and personnel/appointments, as well as, any other matters that may pertain that are listed in Ohio Revised Code, Section 121.22(G)(1), at 7:45 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Also present were Mayor Clough and Law Director Wheeler.

Councilmember Hack moved, seconded by Councilmember O'Donnell, to adjourn executive session at p.m. 8:02 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Meeting adjourned at 8:03 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS - PLANNING COMMISSION:

Councilmember Connole reported on the February 4, 2008, planning commission meeting advising that the commission took the following actions: Mr. William Huffman administered the oath of office to Mr. Nate Cross; recommended approval of the **AT&T Above Ground Cabinet Development Plan**, 1643 Settler's Reserve Way, PP# 212-17-006; recommended approval of the **AT&T Above Ground Cabinet Development Plan**, 30327 Detroit Rd., PP# 211-25-002, 003, 006 to 010, approved the **McGee/Campbell Lot Assembly**, 28900 Hilliard Blvd. and 28849 Bassett Rd., PP# 216-31-011 and 216-31-015, with the condition that the existing house located on PP# 216-31-015 be torn down so there are not two houses on one parcel; recommended approval of the **Westlake Commons Minor Revision – trash enclosures**, 26429-26583 Center Ridge Rd., PP# 215-01-008 and 215-01-009, with the following conditions and modifications: 1) condition that dumpster enclosures are to be constructed and utilized no later than May 1, 2008; 2) condition that all dumpsters and waste receptacles are to be placed and maintained inside the enclosures with no dumpsters being placed outside the enclosures; 3) condition that all existing pads in side yards are to be removed and the areas re-landscaped; including the pad on the east property line that is not yet indicated (on the drawing) to be removed, but will be; 4) condition that the enclosures to be landscaped on the residential facing sides (south side on both enclosures and east side of the southeast enclosure); 5) Provide 4' modification from the rear lot line and 10' from the east lot line with added landscaping for the southeast enclosure; 6) condition that no dumpster or waste container will be used on the site that is greater than 6' in height; approved the **Westchester Townhomes Sign Plan**, 27652 Westchester Pkwy., PP# 212-03-004; with the condition of approval that they cease flying banners/flags from the existing joint monument sign at the corner of Westchester and Cahoon or anywhere on the Westchester Townhomes site; approved the **Party Station Sign Plan**, 25027 Center Ridge Rd., PP# 215-26-006, with the following conditions: 1) condition that the proposed sign match Acrylic Red #2283; 2) condition that a flashing strobe light not be used in the front window as an attention getting device; approved the **Amtrust Sign Plan**, 30210 Detroit Rd., PP# 211-19-002, with the condition that the temporary banner be removed with the installation of the sign; tabled the **Key Bank Development Plan**, Columbia Rd., PP# 213-24-027 and 213-25-039; recommended approval of the **Crocker Park Building BW Vertical Phasing**, Crocker Park Blvd., PP# 211-

24-001, with the following conditions: 1) condition that only Phase I residential square footage calculations be used for the calculation matrix to meet residential percentages; 2) condition that Phase I be designed and constructed so Phase II can be completed in the future; recommended approval of the **Crocker Park Building ENW Vertical Phasing**, Crocker Park Blvd., PP# 211-24-001, with the following conditions: 1) condition that only Phase I residential square footage calculations be used for the calculation matrix to meet residential percentages; 2) condition that Phase I be designed and constructed so Phase II can be completed in the future; requested a **120-day extension of time for Ordinance No. 2007-110** (ref. 6/21/07, 90-day ext on 7/16/07, 120-day ext on 10/15/07) dealing with creating a new public recreation zoning district; requested to **re-approve parking lot addition at Concord Commerce One, a.k.a. PPG building, 801 Canterbury Rd.**, (previously approved 6-5-2000) - recommend re-approve a parking lot addition for Concord Commerce One, a.k.a. PPG, building with a modification to allow an additional curb cut onto First Street. Meeting adjourned at 9:24 p.m. The next regular meeting is scheduled for Monday, March 3, 2008, in the Westlake City Hall Council Chambers.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **AT&T Above Ground Cabinet Development Plan**, 1643 Settler's Reserve Way.
Yeas: Sullivan, O'Donnell, Brady, Baker, Killeen, Hack, Connole.
Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Sullivan, to approve the **AT&T Above Ground Cabinet Development Plan**, 30327 Detroit Rd.
Yeas: O'Donnell, Brady, Baker, Killeen, Hack, Connole, Sullivan.
Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Sullivan, to approve the **Westlake Commons Minor Revision – trash enclosures**, 26429-26583 Center Ridge Rd., with the conditions and modifications listed in the report of the February 4, 2008, planning commission.
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 BW Vertical Phasing**, Crocker Park Blvd., with the conditions listed in the report of the February 4, 2008, planning commission.
Yeas: Baker, Killeen, Hack, Connole, Sullivan, O'Donnell, Brady.
Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Sullivan, to approve the **Crocker Park Building ENW Vertical Phasing**, Crocker Park Blvd., with the conditions listed in the report of the February 4, 2008, planning commission.
Yeas: Killeen, Hack, Connole, Sullivan, O'Donnell, Brady, Baker.
Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Sullivan, to grant planning commission a **120-day extension of time for Ordinance No. 2007-110**, dealing with creating a new public recreation zoning district.

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

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Sullivan, to **re-approve parking lot addition at Concord Commerce One, a.k.a. PPG building, 801 Canterbury Rd.**, (previously approved 6-5-2000) with a modification to allow an additional curb cut onto First Street.

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

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2007-169: AN ORDINANCE CONSIDERING A CONDITIONAL
(THIRD READING) USE PERMIT FOR ARCHITECTURAL OFFICES.

Councilmember Brady moved, seconded by Councilmember Baker, that Ordinance No. 2007-169 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2007-169 adopted.

Councilmember Connole moved, seconded by Councilmember Hack, to approve the **23850 Sperry Drive (Architectural Vision Group) Development Plans**, with the conditions and modifications listed in the report of the January 7, 2008, planning commission.

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

Nays: None; motion carried.

ORDINANCE NO. 2008-17: AN ORDINANCE AUTHORIZING THE MAYOR TO
(SECOND READING) ENTER INTO A PERSONAL SERVICES CONTRACT
WITH SUNGUARD PENTAMATION, INC. FOR
MAINTENANCE OF THE FINANCIAL,
ADMINISTRATIVE, AND LAND MANAGEMENT
SYSTEM SOFTWARE FOR THE CITY OF WESTLAKE,
AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2008-18: AN ORDINANCE TO REVISE THE CODIFIED
ORDINANCES BY ADOPTING CURRENT
REPLACEMENT PAGES.

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 Sullivan moved, seconded by Councilmember Hack, that Ordinance No. 2008-18 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2008-18 adopted.

ORDINANCE NO. 2008-19: AN ORDINANCE AMENDING APPROPRIATIONS
FOR THE CITY OF WESTLAKE, OHIO.

Councilmember Sullivan 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 Sullivan moved, seconded by Councilmember Brady, that Ordinance No. 2008-19 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2008-19 adopted.

ORDINANCE NO. 2008-20: AN ORDINANCE AUTHORIZING THE MAYOR TO
PURCHASE FIVE (5) VISION HAWK IN-CAR
DIGITAL CAMERA SYSTEMS AND RELATED
EQUIPMENT THROUGH THE GSA FEDERAL
SUPPLY SCHEDULE ADVANTAGE PROGRAM, 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 O'Donnell moved, seconded by Councilmember Brady, that Ordinance No. 2008-20 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2008-20 adopted.

ORDINANCE NO. 2008-21: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE VARIOUS PIECES OF SELECTORIZED STRENGTHENING EQUIPMENT FOR THE CITY OF WESTLAKE'S RECREATION CENTER THROUGH THE STATE OF OHIO'S COOPERATIVE PURCHASE ACT.

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 Sullivan moved, seconded by Councilmember Baker, that Ordinance No. 2008-21 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2008-21 adopted.

ORDINANCE NO. 2008-22: 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 PORTIONS OF CERTAIN PARCELS ON THE NORTH SIDE OF CENTER RIDGE ROAD APPROXIMATELY 1000' WEST OF CLAGUE ROAD FROM SINGLE FAMILY R-1F-80 DISTRICT TO SINGLE FAMILY CLUSTER R-IF CLUSTER DISTRICT.

Council President Killeen referred Ordinance No. 2008-22 to the planning commission.

ORDINANCE NO. 2008-23: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PERSONAL SERVICES AGREEMENT WITH EARTH CONSULTING, LTD. FOR THE IMPLEMENTATION OF THE EXPLOSIVE GAS MONITORING PLAN FOR THE FORMER WESTLAKE SANITARY LANDFILL AND OTHER RELATED ACTIVITIES, 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 Sullivan, that Ordinance No. 2008-23 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2008-23 adopted.

ORDINANCE NO. 2008-24: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2008-25: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 1814, AFL-CIO, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2008-26: AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY CARGILL INC. DEICING TECHNOLOGY AS TO THE PURCHASE OF SODIUM CHLORIDE, 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 Sullivan moved, seconded by Councilmember Baker, that Ordinance No. 2008-26 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2008-26 adopted.

Councilmember Sullivan moved, seconded by Councilmember Brady, that Ordinance No. 2008-27 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Ordinance No. 2008-27 added to agenda.

ORDINANCE NO. 2008-27: AN ORDINANCE AMENDING SECTION 707.06 OF
THE BUSINESS REGULATION CODE AS TO NOISE
CONTROL OF OUTDOOR DINING FACILITIES.

Council President Killeen referred Ordinance No. 2008-27 to the Planning/Zoning/Legislative
Committee.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 9:19 p.m.

Susan J. Prehoda, CMC
Clerk of Council

Michael F. Killeen,
President of Council