



**OFFICE OF THE CITY COUNCIL**

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**PROCEEDINGS OF A REGULAR SESSION  
OF WESTLAKE CITY COUNCIL  
JANUARY 19, 2012**

The regular session of Council was called to order at 8:04 p.m. by President of Council Michael F. Killeen.

Present: President of Council Michael F. Killeen; Councilmembers Kenneth R. Brady, James P. Connole, Mark R. Getsay, Michael F. O'Donnell, Dennis J. Sullivan.

Councilmember Connole moved, seconded by Councilmember Sullivan, that Councilmember Hack be excused for cause.

Yeas: All.

Nays: None; motion carried.

Also present: Mayor Dennis Clough, Law Director John Wheeler, Service Director Paul Quinn, Director of Engineering Robert Kelly, Finance Director Prashant Shah, Recreation Director Michael Rump, Planning Director Robert Parry, Director of Purchasing Mary Calabrese, Assistant Director of Purchasing Larry Surber, Director of Inspections Donald Grayem, Assistant Director of Community Services Sue Venick, Police Chief Richard Walling, Assistant Fire Chief Jim Hughes, Clerk of Council Denise L. Rosenbaum.

**APPROVAL OF MINUTES:**

Councilmember O'Donnell moved, seconded by Councilmember Brady, that the reading of the minutes of the regular session of January 5, 2012, 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 17, 2012, requesting a meeting of the Sanitation committee to discuss the 1196 Creekwood Lane project.

Communication from Mayor Clough dated January 18, 2012, requesting Council to award the request for proposal for EMS billing services provider to Intermedix in accordance with their fee schedule, as the lowest, best and most responsive bidder. (Ordinance No. 2012-16)

Councilmember Brady moved, seconded by Councilmember O'Donnell, to approve the emergency medical services transport fee schedule as recommended by the Mayor and Assistant Fire Chief and include a loaded mileage charge of \$10/loaded mile.

**ROLL CALL:**

Yeas: Killeen, Connole, Sullivan, O'Donnell, Brady, Getsay.

Nays: None; motion carried.

**PETITIONS FROM THE PUBLIC:**

Mr. Andrew Royster, representative for the Gardens at Westlake, stated he was present if there were any questions related to the development plan on the planning commission report.

**REPORT OF THE MAYOR:**

Mayor Clough read his second report of the year.

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

Councilmember Connole reported on the January 11, 2012, Planning/Zoning/Legislative committee meeting.

Councilmember Connole moved, seconded by Councilmember Sullivan, that the report of the January 11, 2012, 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 7:33 p.m. Present were Councilmembers Killeen, Brady, Connole, Getsay, O'Donnell, Sullivan. Also present were Mayor Clough; Directors Wheeler, Quinn, Kelly, Shah, Rump, Parry, Calabrese, Surber (Assistant), Grayem, Venick (Assistant), Walling, Hughes (Assistant). Agenda items were discussed as well as selected correspondence, the planning commission report and proposed legislation to be added to the agenda. The following meetings were scheduled: The Ad Hoc IT committee, originally scheduled for January 24 at 7 p.m., was re-scheduled to February 15 at 7 p.m.; Sanitation committee, February 7 at 7 p.m. followed by Finance committee at 7:30 p.m.

Councilmember Connole moved, seconded by Councilmember Sullivan, to adjourn at 8:00 p.m.

Yeas: All.

Nays: None; motion carried.

Meeting immediately adjourned at 8:00 p.m.

**REPORTS OF OTHER BOARDS AND COMMISSIONS – PLANNING COMMISSION:**

Councilmember Sullivan reported on the January 9, 2012, planning commission meeting advising that the commission approved the Gardens at Westlake Assembly Plat dated 1/6/2012; recommended approval of the **Gardens at Westlake Development Plan**, 27569 Detroit Rd., PP#212-21-004 to 006, with the following conditions and modifications: 1. Condition that the location and size of the storm connection to be addressed on final improvement plans; 2. Condition that updated retention calculations to be addressed with final improvement plans; 3. a 4.4' modification for the average separation between main wall of buildings; 4. a .4' modification for the average separation between the north wall of the protrusion and the new building; 5. a 6.9' side yard setback modification for the memory garden porch roof; 6. 1' height modification for the wall around the memory garden; 7. Condition that the new light pole fixtures are high pressure sodium and that no wall-packs are approved for the new building; 8. Condition the ten additional spaces shown as "optional" are approved as land-banked parking; 9. Condition that a materials board is submitted no later than for the City Council meeting;

approved the Westlake United Methodist Church Assembly Plat dated 1/9/12; recommended approval of the **Westlake United Methodist Church Development Plan**, parking lot addition, 27650 Center Ridge Rd., PP#212-30-004, with the condition that the existing house be removed; recommended approval of the **Church on the Rise Development Plan (patio)**, 3550 Crocker Rd., PP# 216-10-021 & 023, with the following conditions and modification: 1. Condition that the fireplace not be used after 11:00 p.m. on weekdays and after midnight on weekends; 2. Condition the fireplace unit does include screening for sparks and embers; 3. Condition of fire department approval for the location of the fireplace and it could be moved if required by fire code 4 ½' further to the south so it is 25' away from the building; 4. Modification of 9" for the maximum width of the fireplace above 5'; recommended approval of **Ordinance 2011-157** amending and supplementing §1211.29 entitled "Nursing Home; Assisted Living Facility in Single-Family Districts" with the following amendments: 1. That the amendment to subsection (h) shown on the redlined version of the ordinance as "and outside any side or rear yard setbacks" be amended to read: and a minimum of 30' from side or rear property lines when abutting a single family residential district or use; 2. That the amendment to subsection (k) shown on the redlined version of the ordinance as "Shall provide buffering as would be required for residential uses and multi-family districts" be revised to read: Shall provide buffering when abutting a single family residential district or use and shall be a minimum of 10' in width and meet the opacity requirements of Chapter 1130.; recommended approval of **Ordinance 2011-156**, amending §1130.05(a) entitled "Applicability" with the following amendments: 1. That the amendment to subsection (a) shown on the redlined version of the ordinance as "and between residential uses and non-residential uses within any residential district" be amended to read: and a minimum of 10' buffer between non-residential uses and residential uses within any residential district.; recommended approval of **Ordinance 2011-169**, conditional use permit for a fitness center at 29201 Center Ridge, with the following amendments: In Section 1 to delete "of Meg Sullivan" and to remove "women's circuit training" and insert "training" after fitness so Section 1 will read: *That this Council does hereby approve the application of Meg Sullivan for a Conditional Use Permit for the operation of a ~~women's circuit training~~ fitness training center at 29201 Center Ridge Road in the City of Westlake, Ohio, which said Use is to be conditioned only within the areas located within the address described in this Ordinance.* No action was taken on a letter dated received 12/20/11 from Russell Realty located at 27121 Center Ridge requesting clear cutting trees on property. Meeting adjourned at 8:36 p.m. A work session is scheduled for Monday, January 23, 2012, and the next regular meeting is scheduled for Monday, February 6, 2012, in the Westlake City Hall Council Chambers.

Councilmember Sullivan moved, seconded by Councilmember Connole, to approve the **Gardens at Westlake Development Plan** with the conditions and modifications listed in the report of the January 9, 2012, planning commission.

Yeas: Connole, Sullivan, O'Donnell, Brady, Getsay, Killeen.

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Connole, to approve the **Westlake United Methodist Church Development Plan**, parking lot addition, with the condition listed in the report of the January 9, 2012, planning commission.

Yeas: Sullivan, O'Donnell, Brady, Getsay, Killeen, Connole.

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember O'Donnell, to approve the **Church on the Rise Development Plan (patio)**, with the conditions and modification listed in the report of the January 9, 2012, planning commission.

Yeas: O'Donnell, Brady, Getsay, Killeen, Connole, Sullivan.

Nays: None; motion carried.

**LEGISLATION:**

ORDINANCE NO. 2011-156: AN ORDINANCE AMENDING SUBSECTION (a) OF SECTION 1130.05 ENTITLED "APPLICABILITY" OF THE CODIFIED ORDINANCES OF THE CITY OF WESTLAKE. (First reading and referred to planning commission 12/1/11, planning commission recommended approval with amendments 1/9/12.)

Councilmember Connole moved, seconded by Councilmember Sullivan, that Ordinance No. 2011-156 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

Yeas: Brady, Getsay, Killeen, Connole, Sullivan, O'Donnell.

Nays: None; Ordinance No. 2011-156 amended by substitution.

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 O'Donnell moved, seconded by Councilmember Getsay, that Ordinance No. 2011-156 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Brady, Getsay, Killeen, Connole, Sullivan, O'Donnell.

Nays: None; Ordinance No. 2011-156 amended, adopted.

ORDINANCE NO. 2011-157: AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 1211.29 ENTITLED "NURSING HOME; ASSISTED LIVING FACILITY IN SINGLE-FAMILY

DISTRICTS” OF THE CODIFIED ORDINANCES OF THE CITY OF WESTLAKE. (First reading and referred to planning commission 12/1/11, planning commission recommended approval with amendments 1/9/12.)

Councilmember Brady moved, seconded by Councilmember O’Donnell, that Ordinance No. 2011-157 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

Yeas: Getsay, Killeen, Connole, Sullivan, O’Donnell, Brady.

Nays: None; Ordinance No. 2011-157 amended by substitution.

Council President Killeen set a public hearing on Ordinance No. 2011-157 for February 2, 2012.

ORDINANCE NO. 2011-169: AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE 2004-119 AS TO A CONDITIONAL USE PERMIT FOR A FITNESS TRAINING CENTER. (First reading and referred to planning commission 12/15/11, planning commission recommended approval with amendments 1/9/12.)

Councilmember O’Donnell moved, seconded by Councilmember Connole, that Ordinance No. 2011-169 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

Yeas: Getsay, Killeen, Connole, Sullivan, O’Donnell, Brady.

Nays: None; Ordinance No. 2011-169 amended by substitution.

Council President Killeen set a public hearing on Ordinance No. 2011-169 for February 2, 2012.

ORDINANCE NO. 2012-8: AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 1315 “FEES FOR PERMITS AND INSPECTIONS” OF THE BUILDING CODE.

Council President Killeen referred Ordinance No. 2012-8 to the Finance committee.

ORDINANCE NO. 2012-9: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.

Councilmember Getsay 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 Brady moved, seconded by Councilmember Sullivan, that Ordinance No. 2012-9 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Connole, Sullivan, O’Donnell, Brady, Getsay, Killeen.

Nays: None; Ordinance No. 2012-9 adopted.

ORDINANCE NO. 2012-10: 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 CERTAIN LAND LOCATED ON CLEMENS ROAD, BEING PERMANENT PARCEL NO. 211-20-003, FROM EXCLUSIVE INDUSTRIAL DISTRICT TO INTERCHANGE SERVICES DISTRICT.

Council President Killeen referred Ordinance No. 2012-10 to the planning commission.

ORDINANCE NO. 2012-11: AN ORDINANCE ACCEPTING A QUIT CLAIM DEED FROM HUNTINGTON WOODS BUILDING COMPANY FOR A 1 FOOT STRIP OF LAND ALONG LAURA LANE IN THE KERRINGTON ESTATES SUBDIVISION.

Councilmember Connole 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 Getsay, that Ordinance No. 2012-11 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Connole, Sullivan, O'Donnell, Brady, Getsay, Killeen.

Nays: None; Ordinance No. 2012-11 adopted.

ORDINANCE NO. 2012-12: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE WESTLAKE SWIM CLUB TO UTILIZE SPACE WITHIN THE WESTLAKE RECREATION CENTER.

Councilmember Brady 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 Getsay moved, seconded by Councilmember Brady, that Ordinance No. 2012-12 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Sullivan, O'Donnell, Brady, Getsay, Killeen, Connole.

Nays: None; Ordinance No. 2012-12 adopted.

ORDINANCE NO. 2012-13: AN ORDINANCE AUTHORIZING THE MAYOR TO

ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH TMS ENGINEERS INC. FOR THE CITYWIDE TRAFFIC SIGNALIZATION UPGRADE PROJECT, AND DECLARING AN EMERGENCY.

Councilmember Connole 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 Getsay, that Ordinance No. 2012-13 be adopted.

ROLL CALL ON ADOPTION:

Yeas: O'Donnell, Brady, Getsay, Killeen, Connole, Sullivan.

Nays: None; Ordinance No. 2012-13 adopted.

ORDINANCE NO. 2012-14: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ADS ENVIRONMENTAL SERVICES FOR THE 2012 SANITARY SEWER FLOW METERING PROJECT, AND DECLARING AN EMERGENCY.

Councilmember Connole 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 Getsay moved, seconded by Councilmember Brady, that Ordinance No. 2012-14 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Brady, Getsay, Killeen, Connole, Sullivan, O'Donnell.

Nays: None; Ordinance No. 2012-14 adopted.

Councilmember Brady moved, seconded by Councilmember Connole, that Ordinance Nos. 2012-15, 16 and 17 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

Yeas: Getsay, Killeen, Connole, Sullivan, Brady.

Abstentions: O'Donnell.

Nays: None; Ordinance Nos. 2012-15, 16 and 17 added to agenda.

ORDINANCE NO. 2012-15: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT AND RELEASE WITH NANCY RALLS.

Councilmember Getsay 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 Sullivan moved, seconded by Councilmember Brady, that Ordinance No. 2012-15 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Killeen, Connole, Sullivan, O'Donnell, Brady, Getsay.

Nays: None; Ordinance No. 2012-15 adopted.

ORDINANCE NO. 2012-16: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EMS BILLING SERVICES FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Connole 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. 2012-16 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Connole, Sullivan, O'Donnell, Brady, Getsay, Killeen.

Nays: None; Ordinance No. 2012-16 adopted.

ORDINANCE NO. 2012-17: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONSTRUCTION AGENCY AGREEMENT AMONG THE CITY OF WESTLAKE, AMERICAN GREETINGS CORPORATION, CROCKER PARK, LLC AND THE HUNTINGTON NATIONAL BANK, AND DECLARING AN EMERGENCY.

**ADJOURNMENT:**

President of Council Killeen declared the meeting adjourned at 8:40 p.m.

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Denise L. Rosenbaum  
Clerk of Council

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Michael F. Killeen  
President of Council