



**WESTLAKE CITY COUNCIL MEETING
PROCEEDINGS OF A REGULAR SESSION
MAY 7, 2020**

The regular session of Council was called to order at 8:05 p.m. by President of Council Pro Tem Kenneth R. Brady. Due to technical difficulties, President of Council Michael F. Killeen was not able to connect until 8:11 p.m.

Present: President of Council Michael F. Killeen (connected at 8:11 p.m.);
Councilmembers Lynda M. Appel, Nick C. Nunnari, Dennis J. Sullivan, Michael F. O'Donnell, Kenneth R. Brady, Mark R. Getsay.

Councilmember Sullivan moved, seconded by Councilmember Getsay, that Council President Killeen be temporarily excused due to technical difficulties.

Yeas: All.

Nays: None; motion carried.

Also present: Mayor Dennis Clough, Law Director Michael Maloney, Service Director Paul Quinn, Director of Engineering Robert Kelly, Finance Director Prashant Shah, Recreation Director Bob DeMinico, Planning Director James Bedell, Director of Purchasing Larry Surber, IT Infrastructure Manager Mike Stybel, Director of Inspections Donald Grayem, Director of Community Services Lydia Gadd, Police Chief Kevin Bielozer, Fire Chief Jim Hughes, Clerk of Council Denise L. Rosenbaum.

This meeting was a live-streamed teleconference in accordance with recent amendments to Ohio Revised Code Section 121.22 in light of the current COVID-19 declared emergency.

APPROVAL OF MINUTES:

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that the reading of the minutes of the regular session of April 16, 2020, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All (Appel, Nunnari, Sullivan, O'Donnell, Brady, Getsay).

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

None.

PETITIONS FROM THE PUBLIC:

Under the current circumstances, public input was requested to be submitted to the Clerk in advance of the meeting. None was received.

REPORT OF THE MAYOR:

Mayor Clough read his eighth report of the year.

REPORTS OF STANDING COMMITTEES – COMMITTEE OF THE WHOLE:

The Committee of the Whole meeting normally held prior to the Council meeting was not held. The following committee meeting was scheduled: Planning, Zoning, Legislative committee, May 11 at 6:30 p.m. via live-streamed teleconference.

REPORTS OF OTHER BOARDS AND COMMISSIONS – PLANNING COMMISSION:

Councilmember Appel reported on the May 4, 2020, planning commission meeting advising that the commission took the following actions: **Mulloy Lot Assembly, 2160 Silver Ridge Trial, PP#211-10-028 & 034:** Findings of Fact: 1. The purpose of this lot assembly is to allow the applicants to fence property that they own adjacent to their home and incorporate it into their yard. 2. No new non-conformities are created. **Motion:** Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the Mulloy lot assembly involving permanent parcel numbers 211-10-028 & 034 with the following condition: 1. Approval is subject to comments in Part III of the 4/29/2020 staff report and approval of the plat by the Engineering Department in compliance with the code and the ordinances of the City of Westlake; and, in the development process, should there be any changes necessitated by engineering requirements that visually alter the appearance of the development approved by the Planning Commission, the plan shall be re-submitted to the Planning Commission; **Ordinance 2020-35 Conditional Use Permit for a fitness use (Barre Code), 26480 Detroit Rd., PP#213-05-005:** Findings of Fact: 1. The proposal is a permitted use in the General Business District. 2. The only potential issues are sound and parking and both have been addressed by the applicant. **Motion:** Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to recommend approval of Ordinance 2020-35; **Ordinance 2020-36 Conditional Use Permit for a restaurant (Sibling Revelry), 29305 Clemens Rd., PP#211-22-056:** Findings of Fact: 1. Ordinance 2017-121 was adopted in 2018 to permit Sibling Revelry to operate a distillery and have the ability to apply for a CUP for a standard restaurant in order to serve spirits. 2. No zoning code modifications are required for this request. **Motion:** Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to recommend approval of the Ordinance 2020-36 with the following conditions: 1. A detailed dumpster enclosure design will be submitted for administrative approval. 2. Three parking spaces adjacent to the dumpster as indicated in the 4/29/2020 staff report will be signed for “Employee Parking Only”; **CB Auto Detailing Sign Plan, 30791 Center Ridge Rd., PP#217-16-027:** Findings of Fact: 1. Proposed 30.16 sq. ft. sign complies with the code. 2. The sign representative has stated that because there is duo-film on the white sign faces to make it appear black during the day, the sign is 60% dimmer than it would appear without the duo-film. 3. The fire department is requiring that address numbers and a knox box are installed as required by code. **Motion:** Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to approve CB Auto Detailing sign as submitted with a condition that the applicant comply with the fire department

requirements for address numbers and a Knox box; **Jefferson Square Sign Plan, 26179 Detroit Rd., PP#213-18-028**: Findings of Fact: 1. Proposal is to replace the existing monument sign and replace it with a new monument sign setback 10' from the existing/planned ROW. 2. The drawings show the existing/proposed ROW as located at the southern edge of the sidewalk and scales the placement of the sign at 9.67' from this line. 3. The owner has submitted a letter dated 3/6/20 which states that as owner: "I will not operate the changeable copy electronic sign as an animated sign. This shall include any scrolling, flashing or changing of the sign more than once every 24 hours." 4. Because the property is over 3 acres and the building over 30,000 sq. ft. the sign face is permitted to be 40 sq. ft. per side. 5. The 39.83 sq. ft. sign face is permitted a maximum of 13.28 sq. ft. (33%) of changeable copy, 15 sq. ft. (37.66%) is proposed. 6. The maximum height permitted is 8' above the grade beneath the sign. The maximum height of the proposed sign face is 6.25' above grade and the sign structure 6.33' above grade with the light mounted on it 9.1' above grade. 7. Digital sign background is specified as black non-illuminated with single color copy. 8. The color rendering depicts the changeable copy electric sign as grey and has a note describing it as non-illuminated black with only the copy on it a single color. 9. Code requires that 75% of a monument sign face must be opaque, this precludes operating the electric sign with the background of it illuminated. 10. The sign cannot exceed 10 lumens when measured from the center of the sign face. The color elevation includes a note to that effect. 11. The one carriage type light fixture is proposed to have 3-5 watt LED candelabra bulbs which are equivalent to three 40 watt incandescent bulbs. 12. The sign is placed within a raised bed and surrounded by landscaping. **Motion:** Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the Jefferson Square sign plan with the following modifications and conditions: 1. Condition that the location of the ROW in relation to the sidewalk needs to be verified and the location of the leading edge of the sign placed 10' back from the existing/proposed ROW. 2. Condition that the changeable copy electronic sign is not to be operated as an animated sign, including no scrolling, flashing or changing of the sign more than once every 24 hours. 3. Condition that the Digital sign background remains black and non-illuminated with only a single color of copy displayed and illuminated. 4. Condition that if the sign is cited for being operated as an animated sign more than one time the digital portion of the sign will be replaced with a non-digital sign face. 5. A modification to allow an extra 1.72 sq. ft. (a total of 37.66%) of the sign face to be changeable copy. 6. A condition that the electric sign is dimmed after dusk so that it does not exceed 10 lumens when measured 3' from the sign face. 7. A 1'1" height modification to allow the one light fixture mounted to the sign structure to be 9'1" above the grade beneath it. 8. The light fixture mounted on the sign structure must not glare into the eyes of drivers or pedestrians; **Convergent Sign Plan, 2 Equity Way, PP# 211-20-001, 003, 005 to 007, 010**: Findings of Fact: 1. The proposed signage complies with code except for one clarification needed. 2. The Engineering Department commented that the signs must be set back 10' from the planned right-of-way. 3. Clemens Road planned and existing right-of-way are the same so the Sign #2 location is OK. 4. Sign #1 is shown as 11' from the existing right-of-way, which may or may not be the same as the planned right-of-way based on the Engineering Department comment. 5. Sign illumination should not exceed 10 lumens when measured 3' from the sign face. **Motion:** Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the Convergent sign plan as submitted with the following conditions: 1. Condition that the proposed location for Sign #1 is approved or changed as per the Engineering Department to ensure that it is 10' from the planned right-of-way before construction of the sign begins. 2. Condition that the "Convergent" push through letters on the monument signs are lamped or on dimmers so that the signs do not exceed 10 lumens at 3' from the sign face. 3. Condition that only three main tenants will have signage on Sign #1 and two main tenants will have signage on Sign #2; tabled the **Corporate Circle Master Sign Criteria**,

Corporate Circle, PP#211-26-067 & 068, 211-29-009 to May 18th; Ordinance 2019-127 code amendments to the sign code, 1223.14(a) and 1223.18(c): Motion: Mrs. Falcone moved, seconded by Mr. DiCarlo to recommend that Council adopt Ordinance 2019-127 as amended. Meeting adjourned at 9:55 p.m. The next meeting is scheduled for Monday, May 18, 2020.

President of Council Killeen connected to the meeting at this point and assumed the Chair from President of Council Pro Tem Brady for the rest of the meeting.

Council President Killeen set a public hearing on **Ordinance No. 2020-6** for May 21, 2020. (Clerk's note: The public hearing on Ordinance No. 2020-6 had been scheduled for the March 19, 2020, Council meeting which was canceled due to the COVID-19 declared emergency.)

LEGISLATION:

ORDINANCE NO. 2019-127: AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE ZONING CODE AS TO SIGN REGULATIONS WITHIN THE CITY OF WESTLAKE. (First reading and referred to planning commission 10/17/19, planning commission recommended approval with changes 5/4/20)
(SECOND READING)

Councilmember Appel moved, seconded by Councilmember Brady, that Ordinance No. 2019-127 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

Yeas: Killeen, Appel, Nunnari, Sullivan, O'Donnell, Brady, Getsay.

Nays: None; Ordinance No. 2019-127 amended by substitution.

Council President Killeen set a public hearing on Ordinance No. 2019-127 for May 21, 2020.

ORDINANCE NO. 2020-35: AN ORDINANCE CONSIDERING A CONDITIONAL USE PERMIT FOR A FITNESS CENTER. (First reading and referred to planning commission 3/5/20, planning commission recommended approval 5/4/20)
(SECOND READING)

Council President Killeen set a public hearing on Ordinance No. 2020-35 for May 21, 2020.

ORDINANCE NO. 2020-36: AN ORDINANCE CONSIDERING A CONDITIONAL USE PERMIT FOR A RESTAURANT. (First reading and referred to planning commission 3/5/20, planning commission recommended approval with conditions 5/4/20)
(SECOND READING)

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Ordinance No. 2020-36 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

Yeas: Appel, Nunnari, Sullivan, O'Donnell, Brady, Getsay, Killeen.

Nays: None; Ordinance No. 2020-36 amended by substitution.

Council President Killeen set a public hearing on Ordinance No. 2020-36 for May 21, 2020.

ORDINANCE NO. 2020-57: AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, 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.

ROLL CALL ON SUSPENSION:

Yeas: Nunnari, Sullivan, O'Donnell, Brady, Getsay, Killeen, Appel.

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Brady, that Ordinance No. 2020-57 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Nunnari, Sullivan, O'Donnell, Brady, Getsay, Killeen, Appel.

Nays: None; Ordinance No. 2020-57 adopted.

ORDINANCE NO. 2020-58: AN ORDINANCE ACCEPTING THE MILLS POINTE CLUSTER HOME IN FEE SIMPLE AND DEDICATION PLAT (FOR RECORDING PURPOSES ONLY), AND DECLARING AN EMERGENCY.

Councilmember O'Donnell 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.

ROLL CALL ON SUSPENSION:

Yeas: Sullivan, O'Donnell, Brady, Getsay, Killeen, Appel, Nunnari.

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, that Ordinance No. 2020-58 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Sullivan, O'Donnell, Brady, Getsay, Killeen, Appel, Nunnari.

Nays: None; Ordinance No. 2020-58 adopted.

RESOLUTION NO. 2020-59: A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPTING THE 2020-2021 ATTORNEY GENERAL'S DRUG USE PREVENTION GRANT.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that the rule requiring the resolution to be read in full on three separate dates be suspended, and that the same be placed on third reading.

ROLL CALL ON SUSPENSION:

Yeas: O'Donnell, Brady, Getsay, Killeen, Appel, Nunnari, Sullivan.

Nays: None; motion carried.

Councilmember Nunnari moved, seconded by Councilmember Sullivan, that Resolution No. 2020-59 be adopted.

ROLL CALL ON ADOPTION:

Yeas: O'Donnell, Brady, Getsay, Killeen, Appel, Nunnari, Sullivan.

Nays: None; Resolution No. 2020-59 adopted.

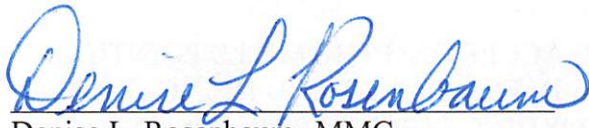
MISCELLANEOUS:

Council President Killeen announced that Council will recess this year during the month of August.


The planting of Council's Hilliard Boulevard flower boxes will be handled by Councilmember Appel and her family.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 8:22 p.m.



Denise L. Rosenbaum, MMC
Clerk of Council



Michael F. Killeen
President of Council