



**WESTLAKE CITY COUNCIL MEETING
PROCEEDINGS OF A PUBLIC HEARING
AND A REGULAR SESSION
JANUARY 15, 2015**

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 West Life on December 24, 2014, and January 7, 2015, regarding the following legislation:

ORDINANCE NO. 2014-168: AN ORDINANCE CONSIDERING A CONDITIONAL USE PERMIT FOR MOBILE FOOD VENDING.

Planning Director Jim Bedell explained this amendment to the zoning code.

There being no comments from the audience, Council President Killeen declared the public hearing on Ordinance No. 2014-168 closed.

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The regular session of Council was called to order at 8:13 p.m. by President of Council Michael F. Killeen.

Present: President of Council Michael F. Killeen; Councilmembers Lynda M. Appel, Nick C. Nunnari, Dennis J. Sullivan, Michael F. O'Donnell, Kenneth R. Brady, Mark R. Getsay.

Also present: Mayor Dennis Clough, Assistant Law Director Robin Leasure, 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, 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.

APPROVAL OF MINUTES:

Councilmember O'Donnell moved, seconded by Councilmember Brady, that the reading of the minutes of the regular session of January 6, 2015, 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 13, 2015, requesting confirmation of the appointment of Dennis Kucler to the Civil Service Commission with a term expiring on December 31, 2018.

Councilmember Appel moved, seconded by Councilmember Nunnari, to confirm the appointment of Dennis Kucler to the Civil Service Commission with a term expiring on December 31, 2018.

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

Nays: None; motion carried.

Communication from Mayor Clough dated January 13, 2015, requesting confirmation of the appointment of Marie Marrali to the Civil Service Commission with a term expiring on December 31, 2018.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, to confirm the appointment of Marie Marrali to the Civil Service Commission with a term expiring on December 31, 2018.

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

Nays: None; motion carried.

Communication from Director of Recreation Bob DeMinico dated January 14, 2015, stating that the Recreation Commission, at its January 13, 2015, meeting, recommended that Council approve the listed changes in Clague Cabin rentals. Council President Killeen referred this to the Public Grounds, Buildings, Recreation committee.

Communication from Director of Recreation Bob DeMinico dated January 14, 2015, stating that the Recreation Commission, at its January 13, 2015, meeting, recommended that Council approve no change in rates for Recreation Center memberships renewing January 1, 2015. Council President Killeen referred this to the Public Grounds, Buildings, Recreation committee.

PETITIONS FROM THE PUBLIC:

None.

REPORT OF THE MAYOR:

Mayor Clough read his second report of the year.

REPORTS OF ADMINISTRATIVE OFFICIALS:

None.

REPORTS OF STANDING COMMITTEES – 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, Appel, Nunnari, Sullivan, O'Donnell, Brady,

Getsay. Also present were Mayor Clough; Directors Leasure (Assistant), Quinn, Kelly, Shah, DeMinico, Bedell, Surber, Grayem, Gadd, Bielozer (arrived at 7:46 p.m.), Hughes and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence, the planning commission report and deer population control. The following meetings were re-announced: Finance committee, January 20 at 7 p.m.; Committee of the Whole, January 27 at 7 p.m.

Councilmember O'Donnell moved, seconded by Councilmember Appel, to adjourn to executive session to discuss the sale of property and employment of personnel in Central Dispatch at 7:51 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Also present were Mayor Clough and Assistant Law Director Leasure. Planning Director Bedell and Finance Director Shah were present to discuss the sale of property and were dismissed at 7:56 p.m. Fire Chief Hughes joined the executive session at 7:56 p.m. to discuss employment of personnel in Central Dispatch.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, to adjourn executive session at 8:08 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Meeting adjourned at 8:08 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS – PLANNING COMMISSION:

Councilmember Getsay reported on the January 12, 2015, planning commission meeting advising that the commission took the following actions: **ELECTION OF OFFICERS**
Motion: Mr. Fatzinger moved to elect the same slate of officers, seconded by Mr. Getsay (Dan Meehan Chairman, Scott Fatzinger Vice Chairman, and Brad Lamb Secretary); tabled **Ordinance 2012-115** Rezone land near Center Ridge and on Crocker, PP#217-27-001 & 217-25-002 from R-1F-80 (Single Family) to Planned Unit Development, to the March 2, 2015, meeting; tabled the **Crocker Woods Preliminary Development Plan** for cluster single family, PP#217-27-001 & 217-25-002, for two single family lots and 60 single family cluster homes in PUD zoning, south of Center Ridge Road and west & east of Crocker Road (the area previously known as Bretton Woods Park Subdivision Phase 4), to the March 2, 2015, meeting; **Doubletree Sign Plan**, 1100 Crocker Rd., PP# 211-15-003, 211-16-001: The planning commission made the following findings of fact: 1. The existing Holiday Inn Hotel is being re-branded as a Doubletree Hotel. 2. As part of the re-branding a new sign package is proposed. 3. As part of a contract for sale and purchase of real property signed by the Mayor on 11/18/13 agreements were made concerning the Holiday Inn property, three of which concerned signage: 1. The property will be allowed three (3) ground mounted signs of 30 square feet each eight (8) feet high. 2. The building will be allowed a 600 square foot sign area. 3. That the signs must meet the design criteria of the Westlake City Code. 4. Because the hotel has more than 800' of non-freeway frontage they are permitted by code, one monument sign up to 40 sf in size, and a total of 3 monument signs (one per driveway entrance). 5. The total amount of sign area proposed complies with code and the 11/18/13 agreement but one of the proposed wall signs exceeds the maximum sign area of 100 sf

permitted by code by 42.97 sf, and one of the proposed logos exceeds the maximum 4' tall height for individual letters or logos by 2'. 6. Planning Commission granted approval for a second 24 sf multi-tenant freestanding sign with conditions on 10/4/10, which is not addressed in the sign package submitted 1/6/15. 7. The representative has inquired about an additional flag pole, no corporate flag is shown as part of the proposed sign package. 8. The setback for the new NE & SW signs not shown. **Motion:** Mr. Fatzinger moved and Mr. Getsay second to approve the Doubletree Sign Plan with the following conditions and modifications: 1. Modification to permit one 142.97 sf wall sign. 2. Modification to permit one 6' tall logo as shown. 3. Condition that the existing multi-tenant freestanding sign is removed. 4. The new NE & SW monument signs be installed no closer than 11' from the existing sidewalk; **King James Shopping Plaza Master Sign Criteria**, 25002-25130 Center Ridge Rd., PP#213-27-014: The planning commission made the following findings of fact: 1. The last sign criteria for this shopping center was approved in 1989. 2. The owner wishes to update the look of the shopping center. 3. The new sign criteria to allow three acrylic colors and white: #2051 blue; #2283 red; and #2030 green. 4. The raceways will remain the same and match the fascia color. 5. Under the new criteria an accent capsule not to exceed 25% of the square feet of the allowable signage for each tenant store front will be permitted by right. 6. As per a 12/2/14 e-mail there are no proposed changes to the size or amount of sign area permitted per tenant. 7. The Psyche tenant has installed exterior signage that does not conform to the criteria. **Motion:** Based upon the above findings of fact, Mr. Fatzinger moved and Mr. Getsay second to approve the King James Shopping Plaza Master Sign Criteria with the following conditions: 1. The accent capsule colors will conform to the colors in the new criteria as well as white and black. 2. All of the tenant signage and panels on the freestanding signage will be replaced with the new colors by the end of 2015. 3. Any existing exterior signage for Psyche that does not conform to the criteria will be removed or come back to planning commission for a modification request; **Crocker Park G Block (minor revisions to approved plans)**, within Crocker Park G Block: The planning commission made the following findings of fact: 1. The proposed changes are a minor revision to the approved development plan for the G Block Buildings that are designed in the Eclectic Style in accordance with the Crocker Park Mixed Use Area Design Guidelines. 2. The architect of record has thoroughly assessed the TABS II PLUS "Rain Screen Wrap" thin brick material and method of installation and has assured the city of the long term viability of this product and that there is no visual difference in this material when compared to the full-sized face brick that is to be used on this project. The thin brick profile around the window openings will be masked with a metal trim piece meeting the brick to simulate brick mold. The architect has stated that the manufacturer of this thin brick and the system of installation is the same manufacturer and installation system as was used on the Cheesecake Factory building in Crocker Park. 3. Specifications have been submitted concerning the thin brick indicating that with addendum #8 revisions of the construction plans, the owner will engage special inspectors for field quality control of the thin brick installation. 4. Specifications have been submitted concerning the fiberglass reinforced polymer (FRP) fabrication indicating that with addendum #8 revisions of the construction plans, the owner will engage special inspections for field quality control of the FRP units erection and fastening. 5. Specifications have been submitted concerning the exterior painting of hollow metal doors and frames, steel lintels and unfinished items at masonry walls indicating that with addendum #8 revisions of the construction plans, these items will be painted to match the surrounding masonry. 6. While Sheet GEW A410 of the revised plans submitted 12/23/14 still indicate fabric mesh on the service area gates, the architect has stated and has submitted product information indicating that Ametco metal louvers will be used on all the service area, dumpster enclosure, compactor and transformer gates to be constructed as part of the G Block. 7. It does not appear that there is room in the compactor enclosure for recycling. 8. Light fixture cut sheets

have been submitted indicating that the screen wall light fixtures are downcast Bega aluminum L55 fixtures with LED luminaires and the wall mounted light fixtures are Solera ERB-C with metal halide lamps. 9. Cut sheets have been submitted for the rear balcony support posts indicating that the metal posts will be sheathed with 6" X 6" Age Craft brand square fluted columns. 10. Product information sheets have been submitted describing the prefinished aluminum at the parapet as Reynobond Aluminum Composite material coping and panels. Architect stated that the panels are 6mm thick and the edges returned 1 1/2" to 4" which adds to the panel strength and deters oil canning. 11. A detail has been added showing additional molding where fiber cement panels replace areas previously shown as spandrel glass. 12. The elevations indicate areas marked "A4" for vent termination. The architect has stated that these vents are not for heating equipment but only for small kitchen, bathroom and dryer exhaust vents and that the color used will match the surrounding exterior material. 13. In 1/8/15 correspondence the topmost portions of the east elevations of buildings GEW and GES which were previously shown as brick have been described as EIFS. 14. In 1/8/15 correspondence the coping above the prefinished aluminum panels has been identified as aluminum composite material. 15. In 1/8/15 correspondence the rear balconies are identified as having a hardboard fascia. 16. The sidewalk south of GES was approved at a minimum of 2'6" but has been reduced to 1'6" from the face of curb and is not intended to be a sidewalk used by pedestrians. 17. The 12/23/14 plans indicate the location of minimum 6' wide piers which are to be clad with materials complementary to the façade above. **Motion:** Based upon the above findings of fact, Mr. Fatzinger moved and Mr. Getsay second to recommend approval of the Crocker Park G Block (minor revisions to approved plans) with the following conditions: 1. Except where noted on the plans date stamped 12/23/14 and 1/8/15 all building materials and colors are the same as approved by the Planning Commission on 3/3/14 and Council on 3/6/14. 2. The windows shall be Vinyl Craft 5500 Series or better. 3. Like previous approvals for EIFS in the G Block development plans, third party inspection or onsite inspection from the manufacturer and certification during the installation process of any EIFS, FRP and thin brick is required and a signed report will be provided to the City by a certified inspector that the materials have been installed in accordance with the manufacturers recommendations and that they meet all warranty requirements. 4. Back of house exterior metal doors and frames, steel lintels and unfinished items at masonry will be painted to match the surrounding masonry. 5. The rear (alley) facades shall be of neutral colors, approved by staff. 6. The gates shall be pre-manufactured painted galvanized steel gate assembly. The infill panels shall consist of fixed metal louvers such as Ametco Shadow 100 system or equivalent which will be used on all the service area, dumpster enclosure, compactor and transformer gates to be constructed as part of the G Block. 7. The cardboard and recycling will either be stored internal to the building or marshalled to a centralized collection point within an approved screened location. The use of trailers in unscreened locations for this purpose is not permitted. 8. Metal halide lamps will be color corrected like other metal halide fixtures in Crocker Park. 9. Rear balcony support posts will be constructed of 4" X 4" metal posts with 6" X 6" aluminum wrap finished to match surrounding materials. 10. The wall areas surrounding the GWN building balcony doors will consist of monolithic fiber cement panels. 11. Recessed aluminum panels on the top story under the eaves on the west and southwest elevations of building GES and on the other G buildings will maintain their monolithic appearance with flush joints between the dark bronze colored sheets of material. 12. Primary corner tenants may be permitted to incorporate an area of the second floor wall surface above their tenant space (and the third floor wall surface in the case of GWS) with Planning Commission approval or the wall shall be finished to match the rest of the second floor (and third floor) as previously shown on the approved G Block Development Plans. 13. None of the signage depicted is approved. Signage for the buildings shall be presented to the

Planning Commission for approval at future Planning Commission meetings. 14. The approval is subject to approval of the final plans by the Building and Engineering Departments 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. 15. Additional scoring shall be added on the blank wall of the GES building (east façade) and reviewed and administratively approved as well as at the top of the buildings where the cornices were previously located; **Athleta Sign Plan**, 105 Main Street, PP#211-25-004: The planning commission made the following findings of fact: 1. The proposal complies with the sign criteria, with the exception of a need for a modification for the second blade sign. 2. The criteria states that acrylic sign faces must have a matte finish but in this case the silver reflective finish is part of the design aesthetic. **Motion:** Based upon the above findings of fact, Mr. Fatzinger moved and Mr. Getsay second to approve the Athleta Sign Plan with a modification to allow a second blade sign; **Athleta Storefront**, 105 Main Street, PP#211-25-004: The planning commission made the following findings of fact: 1. The proposal complies with the design guidelines. **Motion:** Based upon the above findings of fact, Mr. Fatzinger moved and Mr. Getsay second to recommend approval of the Athleta Storefront with a condition that the thin brick is mounted on exterior grade board as submitted 1/12/15; tabled the **Crocker Park Phase III Landscape and Hardscape Plan**, within Crocker Park, to the February 2, 2015, meeting; **Ordinance 2014-165 Conditional Use Permit** for Rosewood Grill, 2033 Crocker Road, PP#211-27-004: The planning commission made the following findings of fact: 1. The ordinance meets the standards for evaluating conditional use permits in 1227.03. 2. The changes that it makes to Ordinance 1996-213 meet current zoning requirements for allowable square footage and signage. **Motion:** Based upon the above findings of fact, Mr. Fatzinger moved and Mr. Getsay second to recommend approval of Ordinance 2014-165; **Rosewood Grill Development Plan**, 2033 Crocker Road, PP#211-27-004: The planning commission made the following findings of fact: 1. The Conditional Use Permit for expanding the building has not been acted on by Council. The Planning Commission may make a recommendation to Council regarding this development plan provided that it is conditioned upon the approval of the Conditional Use. 2. The proposal meets applicable Guide Plan and Zoning Code requirements. 3. A modification is required for the black standing seam metal roof. 4. Signs are not included in this approval and are only shown on the plans for illustrative purposes. **Motion:** Based upon the above findings of fact, Mr. Fatzinger moved and Mr. Getsay second to recommend approval of the Rosewood Grill Development Plan with the following conditions: 1. Approval is subject to the adoption of Conditional Use Permit Ordinance 2014-165. 2. A modification from 1237.074(c)(3) to allow a standing seam metal roof in black. 3. Approval is subject to approval of the final plans by the Building and Engineering Departments 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; **Arden Court/Manor Care**, fence extension, 28400 Center Ridge Rd., PP#216-13-002: The planning commission made the following findings of fact: 1. The proposal increases the height of the existing fence for safety purposes. 2. A modification is required for the increased height. **Motion:** Based upon the above findings of fact, Mr. Fatzinger moved and Mr. Getsay second to recommend approval of the Arden Court/Manor Care Development Plan with the following conditions and modification: 1. A modification to section 1211.04(b)(3) is granted to permit the height to be seven feet above the average finished grade. 2. The approval is subject to approval of the final plans by the Building and Engineering Departments 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. **Draft code amendment** suggestions to various sections of the Westlake Zoning Code – *this was not discussed*. Meeting adjourned at 8:36 p.m. The next regular meeting is scheduled for Monday, February 2, 2015, in the Westlake City Hall Council Chambers.

Councilmember Getsay moved, seconded by Councilmember Brady, to approve the **Crocker Park G Block (minor revisions to approved plans)** with the conditions listed in the report of the January 12, 2015, planning commission.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Sullivan, to approve the **Athleta Storefront** with the condition listed in the report of the January 12, 2015, planning commission.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Brady, to approve the **Arden Court/Manor Care**, fence extension, with the conditions/modification listed in the report of the January 12, 2015, planning commission.

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

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2014-168: AN ORDINANCE CONSIDERING A CONDITIONAL USE PERMIT FOR MOBILE FOOD VENDING. (First reading and referred to planning commission 11/20/14, planning commission recommended approval with conditions 12/15/14, second reading, amended 12/18/14.)

Councilmember O'Donnell moved, seconded by Councilmember Sullivan, that Ordinance No. 2014-168 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2014-168 adopted.

ORDINANCE NO. 2014-165: AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1996-213 AS TO A CONDITIONAL USE PERMIT FOR PERMANENT PARCEL NO. 211-27-004. (First reading and referred to planning commission 11/20/14, planning commission recommended approval 1/12/15.)

Council President Killeen set a public hearing on Ordinance No. 2014-165 for February 5, 2015.

ORDINANCE NO. 2015-7: 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. (First reading and referred to finance committee 1/6/15.)

ORDINANCE NO. 2015-8: AN ORDINANCE ESTABLISHING THE COMPENSATION FOR THE MAYOR AND DIRECTOR OF LAW FOR THE CITY OF WESTLAKE. (First reading and referred to finance committee 1/6/15.)
(SECOND READING)

ORDINANCE NO. 2015-9: 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. (First reading and referred to finance committee 1/6/15.)
(SECOND READING)

ORDINANCE NO. 2015-11: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.

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.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-11 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-11 adopted.

ORDINANCE NO. 2015-12: AN ORDINANCE FIXING THE COMPENSATION OF HOURLY RATE EMPLOYEES IN THE SERVICE DEPARTMENT OF THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

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.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember Appel moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-12 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-12 adopted.

ORDINANCE NO. 2015-13: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY LAND REUTILIZATION CORPORATION AS TO A PROPERTY DEMOLITION PROGRAM.

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.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember Appel moved, seconded by Councilmember Sullivan, that Ordinance No. 2015-13 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-13 adopted.

MISCELLANEOUS:

None.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 8:33 p.m.

Denise L. Rosenbaum
Clerk of Council

Michael F. Killeen
President of Council