



**WESTLAKE CITY COUNCIL MEETING  
PROCEEDINGS OF A REGULAR SESSION  
MARCH 5, 2015**

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 Lynda M. Appel, Nick C. Nunnari, Mark R. Getsay.

Councilmember Appel moved, seconded by Councilmember Nunnari, that Councilmembers Brady, O'Donnell and Sullivan be excused for cause.

Yeas: Killeen, Appel, Nunnari, Getsay.

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, 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 Getsay moved, seconded by Councilmember Appel, that the reading of the minutes of the regular session of February 19, 2015, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

Council President Killeen explained that since there were only four Councilmembers present, legislation on first reading can only receive its first reading. Also, other items requiring action, especially on the planning commission report, may be postponed until the full Council is present.

**SELECTED CORRESPONDENCE:**

Communication from Mayor Clough dated February 24, 2015, requesting to accept the proposal of Miller Builders in the amount of \$347,180.00 as the lowest and most responsive proposal for the salt storage building. (Ordinance No. 2015-37)

Communication from Mayor Clough dated February 24, 2015, requesting to accept the proposal of Miller Builders in the amount of \$75,780.00 as the lowest and most responsive proposal for the Westlake Service Garage tipping pad. (Ordinance No. 2015-38)

Communication from Mayor Clough dated February 24, 2015, requesting authorization to sell the listed items through the GovDeals auction site for the reserve amount listed or higher.

Councilmember Appel moved, seconded by Councilmember Nunnari, to authorize the administration to sell the listed items through the GovDeals auction site for the reserve amount listed or higher.

Yeas: Killeen, Appel, Nunnari, Getsay.

Nays: None; motion carried.

Communication from Mayor Clough dated February 24, 2015, requesting authorization to purchase 2-way radio maintenance support, super blanket purchase order requests and to approve the Dispatch radio console upgrade from B&C Communications in an amount not to exceed \$44,500.00 for the 2015 calendar year. (Ordinance No. 2015-36)

Notice from Ohio Division of Liquor Control received February 25, 2015, for new D1, D2, D3, D3A permits for Miami Nights LLC dba Miami Nights, 857 Columbia Road, Westlake, Ohio.

Councilmember Getsay moved, seconded by Councilmember Appel, not to object to new D1, D2, D3, D3A permits for Miami Nights LLC dba Miami Nights, 857 Columbia Road, Westlake, Ohio.

Yeas: Appel, Nunnari, Getsay, Killeen.

Nays: None; motion carried.

Communication from Mayor Clough dated March 2, 2015, requesting authorization to purchase one new current model year Ford F450 4x4 cab and chassis with selected options through the state of Ohio cooperative purchasing program from Middletown Ford in an amount not to exceed \$35,500.00. (Ordinance No. 2015-39)

Communication from Mayor Clough dated March 2, 2015, requesting authorization to purchase one new current model year Ford F150 4x4 pick-up truck with selected options through the state of Ohio cooperative purchasing program from Middletown Ford in an amount not to exceed \$24,000.00. (Ordinance No. 2015-40)

Communication from Mayor Clough dated March 4, 2015, requesting to schedule a committee meeting to discuss 1) fire station study; 2) Weston/Lilly house feasibility study; and 3) deer management in the community. A Public Grounds, Buildings, Recreation committee meeting had already been scheduled for March 16, 2015, to address the first two items. Council President Killeen referred the third item to the Safety committee.

**PETITIONS FROM THE PUBLIC:**

None.

**REPORT OF THE MAYOR:**

Mayor Clough read his fifth 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. Present were Councilmembers Killeen, Appel, Nunnari (arrived at 7:43), Getsay. Also present were Mayor Clough; Directors Wheeler, Quinn, Kelly, Shah, Bedell, Surber, Grayem, Gadd, Bielozer, Hughes and Clerk Rosenbaum. At 7:35 p.m., discussion of selected correspondence began, for informational purposes only, due to the lack of a quorum. The meeting was called to order at 7:46 p.m. after the arrival of Councilmember Nunnari. The planning commission report was discussed as well as the procedure for replacement of mailboxes damaged by snow plowing. The following meeting was re-announced: Public Grounds, Buildings, Recreation Committee, March 16 at 7:00 p.m.

Councilmember Appel moved, seconded by Councilmember Nunnari, to adjourn to executive session to discuss the purchase of property at 7:50 p.m.

ROLL CALL:

Yeas: Killeen, Appel, Nunnari, Getsay.

Nays: None; motion carried.

Also present were Mayor Clough, Law Director Wheeler, Finance Director Shah and Planning Director Bedell.

Councilmember Appel moved, seconded by Councilmember Nunnari, to adjourn executive session at 8:02 p.m.

ROLL CALL:

Yeas: Killeen, Appel, Nunnari, Getsay.

Nays: None; motion carried.

Meeting adjourned at 8:03 p.m.

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

Councilmember Getsay reported on the March 2, 2015, planning commission meeting advising that the commission took the following actions: **AT&T Equipment Cabinet Development Plan**, 1800 Crocker Rd. PP#211-19-013: Findings of Fact: 1. The proposal meets zoning requirements. 2. No modifications are required. 3. Additional landscaping may be required if the cabinets are visible from Detroit Road through a gap in the adjacent masonry wall. **Motion:** Based upon the above findings-of-fact, Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the AT&T Equipment Cabinet Development Plan for 1800 Crocker Road with the following conditions: 1. If the cabinets are visible from Detroit Road through a gap in the wall, additional landscaping is required and shall be approved administratively.

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; **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: **Motion:** Mr. Fatzinger moved and Mr. Lamb second to request a 90-day extension of time for Ordinance 2012-115 (expires May 31, 2015) and tabled it; **Crocker Woods Cluster 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): **Motion:** Mr. Fatzinger moved and Mr. Lamb second to request a 90-day extension of time (from applicant) to consider Crocker Woods Cluster Preliminary Development Plan (expires May 31, 2015) and tabled it; **Capstone Development Plan**, 31000 Viking Parkway, PP# 211-02-016: Findings of Fact: 1. No modifications are required. 2. The building (10,000 s.f. of office space) addition shown on several sheets is for illustrative purposes only and is not part of this approval. **Motion:** Based upon the above findings-of-fact, Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Capstone development plan item with the following conditions: 1. Comments received in Part IV of the staff report shall be addressed. 2. The parking areas shall be for vehicles only and shall not be used for outdoor storage. 3. The doors for the south elevation are for circulation only and shall not be used for loading. 4. The exterior of the modular “guard shack” shall be black to match the fence. 5. Lighting cut sheets shall be provided to staff for approval. 6. Trash storage shall be provided for inside the building behind a solid door or outside of the building within a masonry enclosure that is approved by staff. 7. 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; **Soft Surroundings - Storefront and Sign Plan**, 124 Main St., PP# 211-25-004: Storefront Findings of Fact: 1. The proposal complies with the design guidelines. **Motion:** Based upon the above findings-of-fact, Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Soft Surroundings storefront. Sign Plan Findings of Fact: 1. The proposal complies with the sign criteria except for the need for a modification for two extra blade signs and 22.18 sq. ft. of excess primary sign area (if the awnings are determined by the Planning Commission to be primary signs, with only the blue patterned portion of the awnings counted as sign area). 2. The criteria states that plastic letters must have a matte finish. **Motion:** Based upon the above findings-of-fact, Mr. Fatzinger moved and Mr. Lamb second to approve the Soft Surroundings sign plan with the following modification and condition: 1. Modification to allow two extra blade signs. 2. Modification to allow 22.18 sq. ft. of excess primary sign area. 3. Condition that the plastic letters of the wall sign have a matte finish; **Yard House Sign Plan**, 160 Union St., PP# 211-25-004: Findings of Fact: 1. The proposal complies with the sign criteria except for the need for a modification for a third primary sign facing the pedestrian alley. 2. The proposal includes “light boxes” mounted around three sides of the entrance tower which it has been stated by the applicant emit white light and do not change color. 3. The Westlake Sign Code discourages white background internally illuminated signs. While the light boxes have no lettering or graphics on them, in a sense they are like white background signs mounted on the façade of the building. The brightness of internally illuminated signs is regulated in the Westlake sign code with a condition that they do not emit more than 10 lumens of light as measured three feet from

the center of the face of the sign. **Motion:** Based upon the above findings-of-fact, Mr. Fatzinger moved and Mr. Lamb second to approve the Yard House sign plan with the following modification and condition: 1. Modification to allow a third primary sign which will be installed facing the pedestrian alley. 2. Condition that the “light boxes” are limited to a single row around three sides of the entrance tower, that they only emit white light which is static (no animation), and the light cannot exceed 10 lumens when measured three feet from the center of the face of the individual light boxes; **Westlake High School Baseball Field** minor revision to approved Development Plan (score board @ baseball field), 27830 Hilliard Blvd., PP#212-24-006 & 212-25-001: Findings of Fact: 1. High Schools are a permitted use in single family districts. 2. A scoreboard is a usual and customary accessory use to a high school athletic field. 3. The proposal is more appropriately handled as a minor revision to an approved development plan. 4. The proposal replaces an existing scoreboard and should have no negative effects on abutting property owners. 5. The height and setback of the scoreboard complies with code. **Motion:** Based upon the above findings-of-fact, Mr. Fatzinger moved and Mr. Lamb second to recommend approval the Westlake High School development plan to install a replacement scoreboard at the baseball field with the following condition: 1. Applicant obtains the appropriate building permits for the replacement structure. Meeting adjourned at 9:10 p.m. The next regular meeting is scheduled for Monday, April 6, 2015, in the Westlake City Hall Council Chambers.

Councilmember Getsay moved, seconded by Councilmember Appel, to approve the **AT&T Equipment Cabinet Development Plan** with the conditions listed in the report of the March 2, 2015, planning commission.

Yeas: Nunnari, Getsay, Killeen, Appel.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Nunnari, to grant a 90-day extension of time for **Ordinance 2012-115** (expires May 31, 2015).

Yeas: Getsay, Killeen, Appel, Nunnari.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Nunnari, to grant a 90-day extension of time (from applicant) to consider the **Crocker Woods Cluster Preliminary Development Plan** (expires May 31, 2015).

Yeas: Getsay, Killeen, Appel, Nunnari.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Appel, to approve the **Capstone Development Plan** with the conditions listed in the report of the March 2, 2015, planning commission.

Yeas: Getsay, Killeen, Appel, Nunnari.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Appel, to approve the **Soft Surroundings Storefront**.

Yeas: Getsay, Killeen, Appel, Nunnari.

Nays: None; motion carried.

Consideration of the **Westlake High School Baseball Field** minor revision to approved Development Plan (score board @ baseball field) was postponed to the March 19, 2015, Council meeting so that the full Council can vote on this.

**LEGISLATION:**

ORDINANCE NO. 2015-34: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.

ORDINANCE NO. 2015-35: AN ORDINANCE SUPPLEMENTING CHAPTER 521 "HEALTH, SAFETY AND SANITATION" OF THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Council President Killeen referred Ordinance No. 2015-35 to the Safety committee.

ORDINANCE NO. 2015-36: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MAINTENANCE AGREEMENT AND AUTHORIZE PURCHASE ORDER REQUESTS WITH B&C COMMUNICATIONS, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2015-37: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MILLER BUILDERS FOR CONSTRUCTION OF A SALT STORAGE BUILDING FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2015-38: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MILLER BUILDERS FOR THE CONSTRUCTION OF THE WESTLAKE SERVICE GARAGE TIPPING PAD, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2015-39: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW FORD F450 4X4 CAB AND CHASSIS THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2015-40: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW FORD PICK-UP TRUCK THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

**MISCELLANEOUS:**

None.

**ADJOURNMENT:**

President of Council Killeen declared the meeting adjourned at 8:25 p.m.

---

Denise L. Rosenbaum  
Clerk of Council

---

Michael F. Killeen  
President of Council