



**WESTLAKE CITY COUNCIL MEETING
PROCEEDINGS OF A REGULAR SESSION
MAY 21, 2015**

The regular session of Council was called to order at 8:02 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, Law Director John Wheeler, 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 May 7, 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 May 18, 2015, requesting authorization to purchase Dell computers through the state of Ohio cooperative purchasing program from Dell for a project total not to exceed \$25,200.00. (Ordinance No. 2015-73)

Communication from Mayor Clough dated May 18, 2015, requesting authorization to purchase the Watch Guard in-car camera system and related equipment through the General Services Administration (GSA) purchasing program through CompuTech for a project total not to exceed \$55,000.00. (Ordinance No. 2015-72)

PETITIONS FROM THE PUBLIC:

Pam Gallagher, 23285 Pheasant Lane, and Bernadette Marshall, President of the Homeowners' Association, 23260 Pheasant Lane, both expressed concern about construction traffic ingress and egress for the proposed Reserve at Fox Run subdivision.

REPORT OF THE MAYOR:

Mayor Clough read his tenth report of the year.

REPORTS OF STANDING COMMITTEES – COMMITTEE OF THE WHOLE:

President of Council Killeen reported on the Committee of the Whole meeting held this date at 7:35 p.m. Present were Councilmembers Killeen, Appel, Nunnari, Sullivan, O'Donnell, Brady, Getsay. Also present were Mayor Clough; Directors Wheeler, Quinn, Kelly, Shah, DeMinico, Bedell, Boczek (Economic Development Manager), Surber, Grayem, Gadd, Bielozer (arrived at 7:50), Hughes and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence, the planning commission report, the Crocker Park project status, the Tax Incentive Review Council's recommendation for the Struers tax abatement agreement, and the Kiwanis Memorial Day parade. The following meetings were scheduled: Planning, Zoning, Legislative committee, June 2 at 7 p.m.; Safety, Utilities committee, June 2 at 7:15 p.m.; and Public Grounds, Buildings, Recreation committee, June 9 at 7 p.m. (tentative).

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, to adjourn at 7:59 p.m.

Yeas: All.

Nays: None; motion carried.

Meeting immediately adjourned at 7:59 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS – PLANNING COMMISSION:

Councilmember Getsay reported on the May 11, 2015, planning commission meeting advising that the commission took the following actions: tabled **Crocker Park** Sign Criteria and Master Sign Plan (LFA #38), revisions, within Crocker Park to the June 1st meeting; **Community Greek Orthodox Lot Split & Assembly**, end of Fox Run (east of Beaver Creek), PP#214-29-018 & 215-25-010: Findings of fact: 1. The platting process mandates that there be only one parcel prior to approval of the final plat. 2. The geographic boundaries of the new lot are the same as the proposed preliminary plan for Fox Run Subdivision and will not alter the proposed design of the subdivision. **Motion:** Based upon the findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the Community Greek Orthodox Lot Split involving parcels 214-29-018 & 215-25-010; **Seybert-Reserve at Fox Run**, lot split and assembly, 2347 Beaver Creek & vacant land to rear, PP# 214-30-084 & 214-29-018: Findings of fact: 1. The lot split and assembly is being done to provide a buffer to the proposed Fox Run Subdivision. 2. The geographic boundaries of the new lot are the same as the proposed preliminary plan for Fox Run Subdivision and will not alter the proposed design of the subdivision. **Motion:** Based upon the findings of fact, Mr. Lamb moved and Mr. Getsay second to approve the Seybert-Reserve at Fox Run lot split and assembly involving parcels 214-30-084 and 214-29-018; **Demonica-Reserve at Fox Run**, lot split and assembly, 2337 Beaver Creek & vacant land to rear, PP# 214-30-083 & 214-29-018: Findings of fact: 1. The lot split and assembly is being done to provide a buffer to the proposed Fox Run Subdivision. 2. The geographic boundaries of the new lot are the same as the proposed preliminary plan for Fox Run Subdivision and will not alter the proposed design of the subdivision. **Motion:** Based upon the findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the Demonica -Reserve at Fox Run lot split and assembly involving parcels 214-30-083 and 214-29-018 with a modification granted for the irregular lot shape; **Chadwick-Reserve**

at Fox Run, lot split and assembly, 2317 Beaver Creek & vacant land to rear, PP# 214-29-034 & 214-29-018: Findings of fact: 1. The lot split and assembly is being done to provide a buffer to the proposed Fox Run Subdivision. 2. The geographic boundaries of the new lot are the same as the proposed preliminary plan for Fox Run Subdivision and will not alter the proposed design of the subdivision. **Motion:** Based upon the findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the Chadwick-Reserve at Fox Run lot split and assembly involving parcels 214-29-034 and 214-29-018; **Bowron-Reserve at Fox Run**, lot split and assembly, 23435 Wingedfoot Dr. & vacant land to rear, PP# 214-30-101 & 214-29-018: Findings of fact: 1. The lot split and assembly is being done to provide a buffer to the proposed Fox Run Subdivision. 2. The geographic boundaries of the new lot are the same as the proposed preliminary plan for Fox Run Subdivision and will not alter the proposed design of the subdivision. **Motion:** Based upon the findings of fact, Mr. Lamb moved and Mr. Getsay second to approve the Bowron-Reserve at Fox Run lot split and assembly involving parcels 214-30-101 and 214-29-018; **Reserve at Fox Run Subdivision Preliminary Plan**, end of Fox Run (east of Beaver Creek), 17 lots, PP#214-29-018: Findings of fact: 1. The proposed location of the street is generally the same as the approved 1984 Guide Plan Map with changes to the road alignment and lots to reflect current requirements for minimum lot size requirements and surrounding development that makes it impossible to construct the roadway in the exact same location as shown in the guide plan. 2. These changes, as well as the shape of the area to be subdivided, resulted in the need for very minimal modifications for lot width to depth ratios for various lots. Even with these modifications, all lots will provide the required setbacks and square footage necessary for new home sites. Therefore, the modifications are in accordance with sections 1131.04 and 1127.01 of the Planning and Platting Code. **Motion:** Based upon the findings of fact, Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Fox Run Subdivision Preliminary Plan Major Subdivision with the following conditions: 1. The approval is subject to comments in the staff report. 2. Modifications are granted for lot width to depth ratios of .1 for lot 3, .3 for lots 7 and 12 and .4 for lot 14. 3. An island shall be constructed in the cul-de-sac with the planting design and maintenance to be presented with the final plat improvement plan. 4. A pedestrian connection to Tri-City Park shall be provided. 5. A homeowners association shall be established for the maintenance of the retention basin and cul-de-sac. 6. 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; **Sur La Table Storefront & Sign Plan**, 218 Main St., PP#211-25-004: Storefront findings of fact: 1. The storefront complies with the requirements of the design guidelines. **Motion:** Based upon the findings of fact, Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Sur La Table storefront as presented with the following conditions: 1. Condition that the red door is considered part of the storefront, not part of the sign area. 2. All departmental comments from Section III of the staff report are addressed; Sign Plan findings of fact: 1. The proposal complies with the sign criteria. **Motion:** Based upon the findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the Sur La Table sign plan; **Rosewood Grill**, Sign Plan, 2033 Crocker Rd., PP#211-27-004: Findings of fact: 1. The proposed sign package falls within the amount of sign area available for the building. 2. The logo is mounted less than 20' above grade but is over a portion of the building that is covered in roofing material so therefore by definition is a roof sign. 3. The proposed awnings are externally and internally illuminated. 4. The only portion of the awnings that light will shine through are the white letters. **Motion:** Based upon the findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the Rosewood Grill sign plan with the

following condition and modifications: 1. Condition that the black fabric awnings are fully opaque except for the white letters as shown. 2. Modification to allow the awnings to be externally and internally illuminated as shown and not be all counted toward sign area. 3. Modification to allow the rose logo to be mounted at 17' above grade, above a portion of the building that is covered in roofing material. 4. Permit administrative approval of one panel on each face of the monument sign for up to 4.02 sq. ft. of sign area for Rosewood Grill; **St. John's Medical Center** Development Plan (community garden), 29000 Center Ridge: Findings of fact: 1. This is a minor revision to an approved development plan to expand the existing community garden. 2. A 1' modification is required for the height of the fence. **Motion:** Based upon the findings of fact, Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the St. John's Medical Center Development Plan (community garden) with a 1' modification in the maximum height of the seasonal fence; tabled the **Mallard Cove Subdivision**, Final Plat, extending Mallard Cove, PP#217-07-017, to June 1st (applicant not present); tabled **Ordinance 2015-47**, rezoning Schneider's Mobile Homes LLC, between Center Ridge & Westwood, PP#215-01-011, 013 to 015 & 029, from R-MF-40 & General Business District to R-MF-24 (multifamily residential), (applicant not present); **Crossings Village Sign Plan**, PP#211-19-018, 1630 Crossings Village: Findings of fact: 1. The proposed sign re-facing matches the other existing monument sign and complies with code. **Motion:** Based upon the findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the Crossings Village sign re-facing as submitted; **American Greetings Sign Plan**, 1 American Blvd., PP#211-29-005: Findings of fact: 1. Section 1212.09 of the Westlake Codified Ordinances establishes that signage within a PUD is regulated by a sign criteria and master sign plan approved by the Planning Commission (PC). 2. Such a criteria was last amended and approved by PC on 5/20/13. 3. Section 11.2 and 11.5 are the sections that primarily deal with signage for office tenants larger than 80,000 sf. 4. American Greetings occupies an office building greater than 600,000 sf. 5. Section 11.2 permits individual signs up to 300 sf and a maximum combined allowable area for all Primary sign types up to 1,000 sf for office tenants of 100,000 sf or greater. It also allows PC to not count background area as sign area and to approve logos taller than 5'. Section 11.5 allows up to 75 sf of Secondary signage for major office tenants. 6. Section 1.3 of Criteria states that "Freestanding signs are allowed, including project and building identity signs." And "Monument entranceway signs shall be permitted at each entrance into the development in accordance with the regulations in Chapter 1223 of the Codified Ordinances. As a PUD, Crocker Park will be allowed to have one (1) double-sided monument sign per driveway entrance to the development at a maximum area of 30 square feet or one (1) double-sided monument sign at a maximum of 40 square feet for each 800 lineal feet of frontage. Additionally, one (1) special "PUD District" monument sign in excess of forty (40) square feet may be allowed at the corner of Crocker and Detroit Roads, with the recommendation of the Planning Commission and approval by City Council." **Motion:** Based upon the findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the American Greetings Sign Plan with the following conditions and waivers from the approved sign criteria for Crocker Park: 1. Waiver to not count the red area on the American Greetings building as sign area. 2. Waiver to permit 9' logo on the Crocker Road façade and 18.21' tall logo on the west plaza façade. 3. Condition that 18.21' tall logo is not visible from Crocker Road or non-Crocker Park residential properties. 4. Condition that any signage primarily visible outside of Crocker Park not exceed 10 lumens when measured 3' from the center of the sign face and any signage primarily visible within Crocker Park comply with illumination regulations in Section 13.4 of the Criteria. 5. Waiver to permit 101.96 sf of additional Secondary signage. 6. Waiver to permit 174.57 sf of window signage facing the west plaza as shown. 7. Waiver to permit 4' tall, 1.49 sf directional sign as shown. 8. Condition that the external illumination of the directional sign not glare into eyes of drivers or pedestrians.

9. Waiver to permit a monument sign with 120 sf face angled northward and 15.82 sf face angled southward. 10. Condition that the external illumination of the monument sign not glare into eyes of drivers or pedestrians and not exceed 10 lumens when measured 3’ from the center of the face of the sign; **Crocker Park Landscape & Hardscape Block K**, within Crocker Park:

Motion: Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Crocker Park Landscape & Hardscape Block K Development Plan pavers (landscaping, lighting and site furniture is not approved) with the condition they are administratively approved by the planning director.

Motion: Mr. Lamb moved and Mr. DiCarlo second to table the remainder of the Crocker Park Landscape & Hardscape Block K Development Plan. **Suggested Code Amendment:**

1221.11 Schedule of Parking Requirements and new section 1230.01 Unobstructed Sight Zones:

Motion: Mr. Lamb moved and Mr. DiCarlo second to recommend legislation be drafted in accordance with Mr. Bedell’s May 7, 2015, memo regarding residential parking. Meeting adjourned at 9:50 p.m. The next regular meeting is scheduled for Monday, June 1, 2015, in the Westlake City Hall Council Chambers.

Councilmember Getsay moved, seconded by Councilmember Sullivan, to approve the **Sur La Table** Storefront with the conditions listed in the report of the May 11, 2015, planning commission.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Appel, to approve the **St. John’s Medical Center** Development Plan (community garden) with the modification listed in the report of the May 11, 2015, planning commission.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Appel, to approve the **Crocker Park Landscape & Hardscape Block K Development Plan pavers** (landscaping, lighting and site furniture is not approved) with the condition listed in the report of the May 11, 2015, planning commission.

Yeas: Nunnari, Sullivan, Brady, Getsay, Killeen, Appel.

Abstentions: O’Donnell.

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2015-66: AN ORDINANCE ACCEPTING A BID AND
(SECOND READING) AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH SPECIALIZED CONSTRUCTION FOR
THE 2015 ASPHALT PAVEMENT REHABILITATION
WITH ASPHALT OVERLAY FOR THE CITY OF
WESTLAKE, AND DECLARING AN EMERGENCY. (First
reading 5/7/15.)

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 O'Donnell moved, seconded by Councilmember Sullivan, that Ordinance No. 2015-66 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-66 adopted.

ORDINANCE NO. 2015-70: AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE RESERVE AT FOX RUN MAJOR SUBDIVISION IN THE CITY OF WESTLAKE.

ORDINANCE NO. 2015-71: AN ORDINANCE SUPPLEMENTING AND AMENDING SECTION 1221.11 OF THE ZONING CODE AS TO DRIVEWAYS TO PARKING AREAS.

Council President Killeen referred Ordinance No. 2015-71 to the Planning, Zoning, Legislative committee and planning commission.

ORDINANCE NO. 2015-72: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE WATCH GUARD IN-CAR CAMERAS AND RELATED SERVICES, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell 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 Appel, that Ordinance No. 2015-72 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-72 adopted.

ORDINANCE NO. 2015-73: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE TWENTY-FOUR (24) DELL COMPUTERS THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, 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.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember O'Donnell moved, seconded by Councilmember Sullivan, that Ordinance No. 2015-73 be amended by changing the quantity of computers purchased from 24 to 22 in the title, in the second Whereas clause, and in Section 1.

ROLL CALL ON AMENDMENT:

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

Nays: None; Ordinance No. 2015-73 amended.

Councilmember O'Donnell moved, seconded by Councilmember Sullivan, that Ordinance No. 2015-73 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-73 amended, adopted.

ORDINANCE NO. 2015-74: AN ORDINANCE ENACTING NEW CHAPTER 1230
"GENERAL PROVISIONS" OF TITLE FIVE
"REGULATIONS APPLYING TO ALL USE DISTRICTS"
OF THE ZONING CODE.

Council President Killeen referred Ordinance No. 2015-74 to the planning commission.

ORDINANCE NO. 2015-75: AN ORDINANCE AMENDING SUBSECTION
1211.04(B)(2) OF SECTION 1211.04 "ACCESSORY USES"
OF THE ZONING CODE.

Council President Killeen referred Ordinance No. 2015-75 to the planning commission.

ORDINANCE NO. 2015-76: AN ORDINANCE REPEALING SECTION 1216.03
FOOTNOTE (g), AMENDING SUBSECTION 1216.03(g)(14)
AND SUPPLEMENTING SUBSECTION 1216.03(h) OF THE
ZONING CODE AS TO SLEEP STUDY LABORATORIES.

Council President Killeen referred Ordinance No. 2015-76 to the planning commission.

ORDINANCE NO. 2015-77: AN ORDINANCE ENACTING NEW CHAPTER 757
"HOTEL REGULATIONS" OF PART SEVEN OF THE
CODIFIED ORDINANCES OF THE CITY OF WESTLAKE,
AND DECLARING AN EMERGENCY.

Council President Killeen referred Ordinance No. 2015-77 to the Safety committee.

ORDINANCE NO. 2015-78: AN ORDINANCE ENACTING NEW SECTION 509.10
"CIVIL EMERGENCY" OF THE GENERAL OFFENSES
CODE OF THE CITY OF WESTLAKE, AND DECLARING
AN EMERGENCY.

Council President Killeen referred Ordinance No. 2015-78 to the Safety committee.

ORDINANCE NO. 2015-79: AN ORDINANCE GRANTING AN ELECTRIC UTILITY EASEMENT TO THE CLEVELAND ELECTRIC ILLUMINATING COMPANY FOR THE INSTALLATION OF ELECTRIC UTILITY FACILITIES IN THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Nunnari 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 Nunnari, that Ordinance No. 2015-79 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-79 adopted.

ORDINANCE NO. 2015-80: AN ORDINANCE ACCEPTING A CHANGE ORDER FOR THE CROCKER PARK PHASE III SITE INFRASTRUCTURE AND PARKING GARAGE PROJECT, AND DECLARING AN EMERGENCY.

Councilmember Nunnari 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 Nunnari moved, seconded by Councilmember Sullivan, that Ordinance No. 2015-80 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-80 adopted.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 8:27 p.m.

Denise L. Rosenbaum
Clerk of Council

Michael F. Killeen
President of Council