



**WESTLAKE CITY COUNCIL MEETING
PROCEEDINGS OF A REGULAR SESSION
SEPTEMBER 17, 2015**

The regular session of Council was called to order at 8:00 p.m. by President of Council Michael F. Killeen.

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

Councilmember Nunnari moved, seconded by Councilmember Appel, that Councilmember Sullivan 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 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 September 3, 2015, be waived and that they be approved as received.

VOICE VOTE:

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

Abstentions: Getsay.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Mayor Clough dated September 14, 2015, requesting authorization to enter into a Time and Materials Support Agreement with Baileys Communications for the city's network support services in an amount not to exceed \$60,000.00. (Ordinance No. 2015-117)

Communication from Mayor Clough dated September 14, 2015, requesting authorization to enter into a contract for the hiring of general laborers through Safe Staffing of Ohio in an amount not to exceed \$60,400.00 as the lowest, best and most responsive bid. (Ordinance No. 2015-118)

PETITIONS FROM THE PUBLIC:

None.

REPORT OF THE MAYOR:

Mayor Clough read his sixteenth 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 7:32 p.m. Present were Councilmembers Killeen, Appel, Nunnari, O'Donnell, Brady, Getsay. Also present were Mayor Clough; Directors Wheeler, Quinn, Kelly, Shah, DeMinico, Bedell, Surber, Grayem, Gadd, Bielozer, Hughes and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence, the planning commission report, proposed legislation to be added to the agenda, the Signal Service contract, the proposed Canterbury/Center Ridge roads roundabout, and the December budget hearings. The following meetings were scheduled: Committee of the Whole, September 21 at 7 p.m.; Planning/Zoning/Legislative committee, October 8 at 7 p.m.; Ad Hoc Information Technology committee, October 13 at 7 p.m.; Safety, Utilities committee, October 20 at 7 p.m.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, to adjourn at 7:53 p.m.

Yeas: All.

Nays: None; motion carried.

Meeting immediately adjourned at 7:53 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS – PLANNING COMMISSION:

Councilmember Getsay reported on the September 14, 2015, planning commission meeting advising that the commission took the following actions: **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: requested an extension of time until March 7, 2016, and tabled Ordinance 2012-115. **Travel Centers of America Sign Plan**, 24601 Center Ridge Rd., PP#215-27-006: **Applicant or agent was not present**; tabled to the 10/5/15 meeting. **Holiday Inn Express Sign Plan**, 30500 Clemens Rd., PP#211-15-016: Findings of fact: 1. The sign package has been revised to conform to code in every way except for the mounting height above grade. 2. The development plans were recommended for approval 4/7/14 with parapet walls that appear designed to serve as a back drop for wall signs. 3. Two of the proposed signs can technically be considered roof signs because they are mounted higher than the flat roof behind the parapet walls which is not visible. They are mounted at 63' and 64' above grade (43' & 44' higher above grade than permitted.) The other wall sign is mounted at 56' above grade (36' higher above grade than permitted.) 4. On 1/12/15 Planning Commission approved a sign plan for a re-branded Doubletree hotel at 1100 Crocker Road. The Doubletree is located in Interchange Services District which does not have a height restriction for signage above grade. Their signage is mounted at 47' and 27' above grade. Because it has more than 800' of frontage code allows it to have one monument sign of 40 sq. ft. The Doubletree hotel was granted a 2' height modification for one 6' tall logo. 5. The motel located directly to the east of this property, at 30360 Clemens,

in Hotel/Motel District had signage approved in the eave at 31.5' above grade. This was in 1996 before the code was amended to limit wall signs to no more than 20' above grade except for buildings in Interchange Services District. 6. The Residence Inn at 30100 Clemens Rd., in Hotel/Motel District, does not have any wall signage. 7. The Red Roof Inn at 29545 Clemens Rd., in Interchange Services District, has wall signage at 23' above grade. 8. The Hampton Inn on Detroit Rd. was approved in 1985; it is in Interchange Services District. It has a wall sign at 41' above grade. 9. The Courtyard Marriott on Sperry Rd. was approved in 1996; it is in Interchange Services District. It has a wall sign at 46.5' above grade. 10. The Marriott Town Place motel on Sperry Rd. was approved in 1997; it is in Hotel/Motel District. It does not have any wall signage. 11. If approved as submitted, this wall signage will be higher than any other wall signage in the city on a hotel or motel, including hotels and motels in Interchange Services District where there is no limitation on the height of wall signage above grade. 12. The Holiday Inn Express is located farther from a freeway ramp than any other existing hotel or motel in the city. 13. The owner stated in a letter dated 9/3/15 that they are no longer requesting blue up-lights on the building. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second, to approve the Holiday Inn Express monument sign as submitted. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to table the Holiday Inn Express wall sign plan to the 10/5/15 meeting. **Miami Nights Landscape Plan, addition, 857 Columbia Rd., PP#213-08-026:** Findings of fact: 1. The proposal meets zoning code requirements for landscaping. 2. Additional parking is required for the bar area that is being enclosed. 3. The roll up doors shall be in the style indicated in Part II of the staff report. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Miami Nights Landscape Plan and amend the Miami Nights Development Plan (alternate design) with the following conditions: 1. A modification is granted to reduce the number of parking spaces by four. 2. The approval is subject to comments in Part III of the staff report and 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 resubmitted to the Planning Commission. **Miami Nights Sign Plan, 857 Columbia Rd., PP#213-08-026:** Findings of fact: 1. Since this is a corner lot, with two main facades, granting a small modification for the proposed additional signage as shown in Option A is reasonable. 2. By eliminating one of the duplicate sign elements in Option B a sign area modification is not needed for Option B. 3. Section 1223.10(b) of the Westlake sign code states: "the number of items (letters, symbols, shapes) should be consistent with the amount of information which can be comprehended by the viewer, avoid visual clutter and improve legibility." 4. Eliminating one of the duplicate sign elements reduces visual clutter. 5. Courts rule that sign codes must be content neutral. 6. Depicting martini glasses for "i's" is content. 7. Color is addressed in Section 1223.10(c) which states that all wall signs on the same lot shall have consistency in size, design and color ... consistency of design includes uniformity of colors or harmonious use of a limited range of compatible colors. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve Option B. **USG Interiors Sign Plan, 1000 Crocker Rd., PP#211-14-008:** Findings of fact: 1. USG is re-imaging and requires approval for one larger, non-illuminated replacement wall sign and modifications for two new 6' tall non-illuminated logo elements, one of which is mounted 33.83' above grade, but which is not visible off-site. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the USG sign plan with two modifications: 1. 2' height modification to permit two 6' tall logo elements; 2. 13.83' height modification to allow one new wall sign to be mounted 33.83' above grade. **Orvis Storefront & Sign Plan, 224 Main St., PP#211-24-308:** Storefront findings of fact: 1. The storefront is primarily horizontal wood paneling and applied

stone with a wood “trellis” portal with a copper roof. Light bronze doors and window trim and two dark green awnings complete the storefront. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Orvis storefront as presented. Sign Plan findings of fact: 1. A 36 sq. ft. “light box” suspended near the front window functions like a poster display case as defined in Section 9.1 of the Crocker Park Sign Criteria. 2. Section 11.1 allows up to 60 sq. ft. of poster display cases for a retail tenant of less than 20,000 sq. ft. 3. There are four types of secondary signs, including the poster display case, and 91.16 sq. ft. of overall sign area. 4. This tenant space is permitted up to three types of secondary signs and 88.02 sq. ft. of sign area. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the Orvis sign plan as submitted with a: 1. Modification to allow 1 extra secondary sign types; 2. Modification to allow and extra 3.14 sq. ft. of sign area.

Burntwood Tavern, Storefront, 12 Main St., PP#211-25-004: Findings of fact: 1. A modification from Section 10.5 of the Crocker Park Mixed-Use Area Design Guidelines is required to approve the reclaimed wood material. 2. The modification is supported by Section 10.1 of the Crocker Design Guidelines that states that the guidelines are “intended to restrict creativity as little as possible...each shop should become a distinct and expressive participant in creating Crocker Park’s ‘sense of place’...The collection of these unique storefronts will make the street experience a truly remarkable one...Placing strict limitations on their ingenuity is counterproductive to the ultimate goal of creating active and visually stimulating streets...”. 3. The Fire Department did not approve the gas fire pit because it is in violation of OFC 307.4.2 and 308.3. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Burntwood Tavern Storefront Plan with the following conditions: 1. A modification from the Crocker Park Mixed-Use Area Design Guidelines is granted for the use of reclaimed wood material. 2. That Option A is used for the reclaimed wood feature. 3. Upon approval of the fire and building departments any fire pit the planning department may administratively approve such pit without a necessity of submission to the planning commission (the fire pit presented is not approved). 4. The approval is subject to comments in Part III of the staff report and 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 resubmitted to the Planning Commission. **Beauty**

Brands Storefront and Sign Plan, 87 Main St., PP#211-25-004; Storefront findings of fact: 1. The storefront is primarily a monolithic Venetian plaster façade with wide pilasters and long horizontal awnings in a 1970s retro pattern. Grey aluminum doors and window trim and a 6” limestone base complete the very simple storefront. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Beauty Brands storefront as presented. Sign Plan findings of fact: 1. The sign plan complies with the sign criteria and does not require any modifications. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the Beauty Brand sign plan as submitted. Tabled the **Crocker Professionals Building** Development Plan, Crocker & Center Ridge, PP#217-26-001, 002, & 009 to the October 5, 2015, meeting. **Crocker Park HNW**, Lot Split, American Blvd., PP#211-29-074: Findings of fact: 1. The lot split is being done to provide accurate assessments of the property relative to taxes. 2. Such lot splits are typically done at Crocker Park for this purpose. 3. The split does not result in any changes to the approved development plan for the HNW building. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the Crocker Park HNW Lot Split involving parcel 211-29-074. **Hospice of the Western Reserve** Sign Plan, 30080 Hospice Way, PP#211-15-003 to 005, 008 & 014: Findings of fact: 1. Signage for Health Campus Zoning District does

not fall under the regular sign code. 2. The additional proposed sign is needed for wayfinding due to the unique location and setting for this institution. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the proposed sign. **Bur Oak Phase II Subdivision** Final Plat, Bur Oak Dr., PP#211-25-007 & 211-07-037: Findings of fact: 1. Minor modifications for depth to width ratios and side lot lines not radial to the street are necessary for several lots due to the unique shape of the property that is being subdivided. 2. The subdivision improvement plan was approved by the City Engineer. 3. These modifications are within the intent and spirit of the subdivision regulations, since they will produce a subdivision with "...attractive and harmonious neighborhoods, convenient and safe streets and economical layouts of residential, business and industrial development" in accordance with chapter 1127.01. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Bur Oak Phase II Subdivision Final Plat with the following conditions: 1. Comments received in Part III of this report are addressed. 2. Modifications are granted for depth to width ratio for the following lots: lot 41 - .3 modification, lot 42 - .1 lot modification, lot 49 - .2 modification, lot 50 - .3 modification, lot 51 - .2 modification. 3. Modifications are granted for side lot lines that are not radial for lots 48, 49, 50, 51, and 52. 4. The temporary cul-de-sac for Bur Oak Drive shall be constructed to Engineering Department standards. **Bur Oak Phase III Lot Split & Assembly**, 31365 Avon Rd., PP#211-05-001 to 006: Findings of fact: 1. The platting process mandates that there be only one parcel prior to approval of the preliminary plat. 2. The preliminary plan for the Bur Oak Phase III Subdivision will be presented to the Planning Commission for consideration at a future meeting. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to approve the Bur Oak Phase III Lot Split & Assembly involving parcels 211-05-001 to 006. **Westlake Community Center** Development Plan, fence, 29694 Center Ridge, PP#217-11-011: Findings of fact: 1. Since this property was developed prior to the requirement of a development plan, staff was unable to approve this administratively as a minor revision to an approved development plan. 2. The proposed fence meets zoning code requirements. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Westlake Community Center fence. **Westlake Police Department** Development Plan, fence, 27300 Hilliard Blvd., PP#212-24-008: Findings of fact: 1. The height of the fence is greater than 6', requiring a modification. **Motion:** Based upon the above findings of fact, Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Westlake Police Department fence with the following conditions: 1. The exclusive use of decorative aluminum fencing is approved. 2. A height modification of 2' is granted for the fence. 3. The Westlake Police Department will coordinate emergency access and egress plan for this area with Westlake Fire Department. 4. 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. Meeting adjourned at 9:10 p.m. The next regular meeting is scheduled for Monday, October 5, 2015, in the Westlake City Hall Council Chambers.

Councilmember Getsay moved, seconded by Councilmember Brady, to grant an extension of time until March 7, 2016, for **Ordinance 2012-115**.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Appel, to approve the **Miami Nights** Landscape Plan and amend the Miami Nights Development Plan (alternate design) with the conditions listed in the report of the September 14, 2015, planning commission.

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

Abstentions: Killeen.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Nunnari, to approve the **Orvis Storefront** as presented.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Appel, to approve the **Burntwood Tavern Storefront** with the modifications/conditions listed in the report of the September 14, 2015, planning commission.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Appel, to approve the **Beauty Brands Storefront** as presented.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Appel, to approve the **Westlake Community Center fence**.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Nunnari, to approve the **Westlake Police Department Development Plan fence** with the modifications/conditions listed in the report of the September 14, 2015, planning commission.

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

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2015-115: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A STORM WATER DRAINAGE SYSTEM AGREEMENT WITH BEACON WESTLAKE, LLC AND CAPSTONE WESTLAKE, LLC, AND DECLARING AN EMERGENCY. (First reading 9/3/15.)
(SECOND READING)

Councilmember O'Donnell moved, seconded by Councilmember Appel, 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. 2015-115 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-115 adopted.

ORDINANCE NO. 2015-116: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.

Councilmember Appel 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. 2015-116 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-116 adopted.

ORDINANCE NO. 2015-117: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BAILEY COMMUNICATIONS, INC. FOR CITY NETWORK SUPPORT 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 Brady, that Ordinance No. 2015-117 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-117 adopted.

ORDINANCE NO. 2015-118: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE HIRING OF GENERAL LABORERS FOR THE CITY OF WESTLAKE WITH SAFE STAFFING OF OHIO, AND DECLARING AN EMERGENCY.

Councilmember Appel 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. 2015-118 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-118 adopted.

ORDINANCE NO. 2015-119: AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A PROPOSAL FOR THE PURCHASE OF MULTI-PERIL PROPERTY AND LIABILITY INSURANCE, AUTO LIABILITY AND AUTO PHYSICAL DAMAGE INSURANCE, LAW ENFORCEMENT OFFICERS LIABILITY AND OTHER COVERAGE REQUIRED BY THE CITY, AND DECLARING AN EMERGENCY.

Councilmember Appel 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. 2015-119 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-119 adopted.

Councilmember O'Donnell moved, seconded by Councilmember Brady, that Ordinance Nos. 2015-120 and 121 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Ordinance Nos. 2015-120 and 121 added to agenda.

ORDINANCE NO. 2015-120: AN ORDINANCE APPROVING (FOR RECORDING PURPOSES ONLY) THE FINAL PLAT OF BUR OAK PHASE II MAJOR SUBDIVISION, IN THE CITY OF WESTLAKE.

ORDINANCE NO. 2015-121: AN ORDINANCE ALLOWING THE CITY AND PRIVATE CITIZENS TO MANAGE THE WHITE-TAILED DEER POPULATION WITHIN THE CITY OF WESTLAKE AND AMENDING SECTION 505.11 ENTITLED "HUNTING

PROHIBITED,” AND DECLARING AN EMERGENCY.

Council President Killeen referred Ordinance No. 2015-121 to the Safety/Utilities committee.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 8:29 p.m.

Denise L. Rosenbaum
Clerk of Council

Michael F. Killeen
President of Council