



**WESTLAKE CITY COUNCIL MEETING  
PROCEEDINGS OF A REGULAR SESSION  
NOVEMBER 19, 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 Nunnari, that the reading of the minutes of the regular session of November 5, 2015, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

**SELECTED CORRESPONDENCE:**

Email from Pastor Paul Endrei of Church on the Rise received October 28, 2015, requesting a one-year extension of the conditional use permit Ordinance No. 2013-197 adopted December 18, 2014, for the Livingston Nursing Home project.

Councilmember Getsay moved, seconded by Councilmember Nunnari, to grant a one-year extension of the conditional use permit Ordinance No. 2013-197 to December 18, 2016, for the Livingston Nursing Home project.

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

Nays: None; motion carried.

Notice from Ohio Division of Liquor Control received November 6, 2015, for transfer of D5, D6 permits from Whistlestop Inc., Dean E. Depiero, dba Whistlestop Restaurant, 673 Cahoon Road,

Westlake, Ohio, to RH Investment Group LLC dba Whistlestop Restaurant, 673 Cahoon Road, Westlake, Ohio.

Councilmember Appel moved, seconded by Councilmember Nunnari, not to object to a transfer of D5, D6 permits from Whistlestop Inc., Dean E. Depiero, dba Whistlestop Restaurant, 673 Cahoon Road, Westlake, Ohio, to RH Investment Group LLC dba Whistlestop Restaurant, 673 Cahoon Road, Westlake, Ohio.

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

Nays: None; motion carried.

Communication from Mayor Clough dated November 17, 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 Sullivan, to authorize the administration to sell the listed items through the GovDeals auction site for the reserve amount listed or higher.

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

Nays: None; motion carried.

Communication from Mayor Clough dated November 17, 2015, requesting authorization to solicit proposals for professional design services for the Master Detention Basin Design – Dover Ditch & Crocker Road.

Councilmember Nunnari moved, seconded by Councilmember Sullivan, to authorize the administration to solicit proposals for professional design services for the Master Detention Basin Design – Dover Ditch & Crocker Road.

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

Nays: None; motion carried.

Communication from Mayor Clough dated November 17, 2015, requesting authorization to purchase an upgraded grinder/shredder type impeller to assist with foreign materials in sewage flow for the Bradley Lift Station from National Pump & Process. Estimated total expenditures are \$28,000 for the 2015 calendar year.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, to authorize the administration to purchase an upgraded grinder/shredder type impeller to assist with foreign materials in sewage flow for the Bradley Lift Station from National Pump & Process.

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

Nays: None; motion carried.

**PETITIONS FROM THE PUBLIC:**

None.

**REPORT OF THE MAYOR:**

Mayor Clough read his twentieth report of the year.

**REPORTS OF STANDING COMMITTEES – SANITATION COMMITTEE:**

Councilmember Nunnari reported on the October 29, 2015, Sanitation committee meeting.

Councilmembers O'Donnell and Getsay requested corrections and/or additions be made to the report. Councilmember Nunnari was in agreement. The Clerk was instructed to incorporate these changes to the report.

Councilmember Nunnari moved, seconded by Councilmember O'Donnell, that the report of the October 29, 2015, Sanitation committee meeting as amended be received and filed.

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

Nays: None; motion carried.

**COMMITTEE OF THE WHOLE:**

President of Council Killeen reported on the Committee of the Whole meeting held this date at 7:34 p.m. Present were Councilmembers Killeen, Appel, Nunnari, Sullivan, O'Donnell, Brady, Getsay. Also present were Mayor Clough (arrived at 7:36); Directors Wheeler, Quinn, Kelly, Shah, DeMinico, Bedell, Surber, Grayem, Gadd, Bielozer (arrived at 7:42), Hughes and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence, the planning commission report, the status of the aquatic center and the community services center studies, and the timing of the proposed income tax levy renewal in relation to these projects. The following meetings were either scheduled or re-announced: Service, Streets, Sidewalks, Road Drains committee, November 23 at 5:30 p.m.; Public Grounds, Buildings, Recreation committee, December 1 at 7 p.m.; Finance committee, December 5 at 8:30 a.m. for budget hearings.

Councilmember O'Donnell moved, seconded by Councilmember Appel, to adjourn at 7:56 p.m.

Yeas: All.

Nays: None; motion carried.

Meeting immediately adjourned at 7:56 p.m.

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

Councilmember Getsay reported on the November 9, 2015, planning commission meeting advising that the commission took the following actions: tabled **Ordinance 2015-83 amending §1218.03 by enacting new subsections (h)(14) commercial indoor firing ranges in Exclusive Industrial**; tabled **Canterbury Manor 2 Subdivision Preliminary Plan (12 lots), Center Ridge Rd. & Newbury extension, PP#213-23-023 & 024**; tabled **The Reserve at Fox Run Subdivision, fence waiver, Fox Run, PP#214-29-018**; **Travel Centers of America Sign Plan, 24601 Center Ridge Rd., PP#215-27-006**: Findings of fact: 1. Schedule 1223.06 requires monument signs to be located a minimum of 10' from the planned right-of-way and Section 1223.06(e)(2) 10' from the drive. 2. The monument sign is located 10' from the existing and planned right-of-way, both the engineering department and police department previously recommended denial of it due to it obstructing the view of exiting drivers, revised drawings should appear to address those concerns. 3. The exact height of the proposed wall signs above grade has not been determined but it exceeds the maximum 20' above grade permitted by code. 4. Section 1223.05(b) limits the height of wall signs to 20' above grade unless otherwise approved by the Planning Commission taking into consideration the location, placement, scale

and architecture of the building. 5. Section 1223.05(c)(1) limits the height of a single letter or logo within a sign to 48". 6. The proposed letters in the logos on the building are 66" tall and located on the sides of the building and approximately 250' from the street. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to approve the proposed monument sign and sign plan on the west elevation with the following modifications: 1. Grant a height modification for the placement of the sign on the west elevation of the building due to the location and setback of the wall sign in relation to the street and the architecture of the building. 2. An 18" modification for the height of the letters in the logo wall sign on the west elevation of the building due to its location and setback from the street. 3. Condition that the shrubs along the street are trimmed. **Crocker Professionals Building Development Plan, Crocker & Center Ridge, PP#217-26-001, 002, & 009:** Findings of fact: 1. A second monument sign is permissible, since there is no wall signage, both monument signs are on different streets, the distance between the monument signs is approximately 340' and they cannot be viewed at the same time. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to approve the monument signs with the following conditions: 1. A modification is granted for a second monument sign. 2. Illumination shall not exceed 10 lumens measured at 3' from the center of the sign. Findings of fact: 1. The three parking spaces identified in Part II of the staff report encroach into the setback that is required for office zoning that abuts single family zoned property. The abutting property is a split zoned parcel with approximately 50 percent Office Building Zoning. 2. A modification is required where the property abuts R-1F-80 zoning for portions of three parking spaces. 3. The landscaping plan was revised to match the illustrative site plan (sheet SP.1). **Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Crocker Professionals Building with the following conditions: 1. Parcels shall be assembled prior to construction. 2. The location of the former gas well shall be determined prior to construction. 3. Modification is granted to permit portions of three parking spaces located at the southwest corner of the parking lot to encroach within the buffering setback. 4. The approval is subject to the conditions 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. **Texas de Brazil Sign Plan, 174 Union St., PP#211-25-005:** Findings of fact: 1. The proposal complies with the sign criteria. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to approve the Texas de Brazil Sign Plan with the following condition: 1. Condition that the plastic faced sign letters have matte finishes. **Carhartt Storefront & Sign Plan, 30045 Detroit Rd., PP#211-25-002:** Storefront findings of fact: 1. This tenant space is regulated under the Crocker Park Design Guidelines. 2. The only proposed changes from the existing storefront is the addition of wood siding to several areas of the storefront and the blocking of two of the existing windows because of the addition of a stockroom and a wall inside of the tenant space. 3. The wood siding that is depicted has a smooth stained finish. 4. The stockroom window will be blocked with dark block out film and a 58.75 sq. ft. logo. 5. The center window on the north elevation will be blocked out with an image of a Cleveland bridge. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Carhartt proposed storefront with the following conditions: 1. The wood siding must have a smooth stained finish as depicted in the materials submitted in compliance with the Crocker Park Design Guidelines. 2. The logo blocking the stockroom window must not exceed 58.75 sq. ft. 3. The image blocking out the center window on the north elevation must be a Cleveland bridge as depicted in the 10/29/15 submittal and must not contain any advertising. Sign plan findings of fact: 1. This tenant space is regulated under the Promenade Sign Criteria as stated in the Crocker Park Sign Criteria. 2. The Promenade Sign Criteria permits up to 30" letters or logos for minor retail tenants.

3. The Westlake Sign Code limits the height of logos and letters to 4' tall. 4. The proposal includes maximum 30" letters in the wall signage as well as additional signage not included in the Promenade Sign Criteria consisting of a 7.83' logo on block out film in the easterly window of the north elevation, 4.175 sq. ft. of window and door vinyl and 40.18 sq. ft. of light boxes in two of the display windows. 5. The 7.83' logo will require a 3.83' modification from the Westlake Sign Code. 6. The Carhartt signage includes yellow-orange colored logos which will require a waiver from the Promenade Sign Criteria. 7. Max Wellness, the previous tenant in this space received modifications (should be waivers) for an 8.58' tall window sign in the west facing window and a 12.5' tall window sign on the north elevation, and modifications to allow 132.7 sq. ft. of additional sign area because they were a corner tenant and a waiver from the Promenade Sign Criteria to allow the color orange in their signage. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to approve the Carhartt Sign Plan as submitted with the following modifications, waivers and conditions: 1. 3.83' modification to permit a 7.83' tall logo on block out film in the easterly window of the north elevation. 2. Modification to allow more than 30% of the easterly and center windows on the north elevation to be blocked by block out film as long as the windows are not used for advertising except for the one 58.75 sq. ft. logo as depicted. 3. A waiver from the Promenade Sign Criteria to allow the logo on block out film, window and door vinyl and light boxes in two of the display windows. 4. A modification to allow 115.73 sq. ft. of extra sign area because this is a corner tenant. 5. A waiver from the Promenade Sign Criteria to allow yellow-orange colored logos for this tenant only. 6. Condition that these modifications and waivers apply to this tenant only. **Bonefish Grill Storefront, 1900 Crocker Rd., PP#211-25-005:** Findings of fact: 1. The proposed lighting provides subtle illumination and is not construed as signage. 2. Lighting is shielded and/or downward directed and is not expected to produce glare onto adjacent roadways or properties. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Bonefish Grill storefront revision as presented with the condition that lighting is static. **Endrei Lot Split & Assembly Plat, 31156 Hilliard Blvd., PP#216-02-017 & 051:** Findings of fact: 1. The approval of this plat will create an irregularly shaped lot and a remainder parcel that is less than 100' wide. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to approve the Endrei Lot Split and Assembly Plat with modifications to create an irregularly shaped lot and a remainder parcel that is less than 100' wide. **Craft Brewery Minor Rev. to Dev. Plans, 29305 Clemens Rd., PP#211-22-056:** Findings of fact: 1. The tasting room is an allowed accessory use. 2. The grain silo and chiller must be located outdoors. 3. The grain silo and chiller cannot be located elsewhere on the property without a setback modification. 4. The location to the east of the building is less intrusive for the neighboring property to the south. 5. The purpose of the roll up doors is to let light into the tasting room and not to provide additional loading and unloading bays for the building. 6. Screening is provided for the chiller that requires a height modification. 7. The tasting room will not have amplified live or recorded music that is in violation of the City's sound regulations. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Craft Brewery minor revision to a development plan with the following conditions: 1. A 2' height modification is approved for the glycol chiller screening fence. 2. Setback modifications are approved for the grain silo and glycol chiller. 3. Condition that the roll up doors for the tasting room are not to be used for any loading purposes now or in the future. 4. The approval is subject to the conditions 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. **Nationwide Insurance Sign Plan, 28715 Center Ridge Rd., PP#216-18-001:** Findings of fact: 1. The tenant is rebranding and is replacing an

existing 3' tall logo with a new 3' tall logo. 2. The proposed sign package includes window graphics that are not covered under the approved criteria. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to approve the Nationwide Insurance Sign Plan as presented with the following waivers from the approved sign criteria for this shopping center: 1. Allow a 3' tall replacement logo and window graphics. **Crocker Park KSE II temporary barricade, Block K, Union St., PP#211-25-005:** Findings of fact: 1. The proposed temporary barricade is necessary to address public safety. 2. Planning Commission approval is required, if scrim is used to temporarily outline the building pad, create an edge to the pedestrian alley and screen views to the unfinished space. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the KSE-II temporary barricade with the condition that if a tenant is not secured by January 8, 2016, an application for a permanent barricade shall be submitted to the Planning Commission for their March 2, 2016, meeting. Tabled the **Westlake Guide Plan proposed updates**. Granted an **extension of time for Livingston Villas Development Plan (nursing home), Crocker Rd. (north of 3550), PP#216-10-023, (planning commission recommended approval 12/4/14; council approved 12/18/14)** for 12 months to November 2016 (November 14, 2016). Meeting adjourned at 8:55 p.m. The next regular meeting is scheduled for Monday, December 7, 2015, in the Westlake City Hall Council Chambers.

Councilmember Getsay moved, seconded by Councilmember Sullivan, to approve the **Crocker Professionals Building Development Plan** with the conditions listed in the report of the November 9, 2015, planning commission.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Brady, to approve the **Carhartt Storefront** with the conditions listed in the report of the November 9, 2015, planning commission except the condition relative to the logo since it is addressed in the sign plan approval.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Nunnari, to approve the **Bonefish Grill Storefront** with the condition listed in the report of the November 9, 2015, planning commission.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember O'Donnell, to approve the **Craft Brewery Minor Revision to Development Plans** with the conditions listed in the report of the November 9, 2015, planning commission.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Brady, to approve the **Crocker Park KSE II temporary barricade** with the condition listed in the report of the November 9, 2015, planning commission.

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

Nays: None; motion carried.

**LEGISLATION:**

ORDINANCE NO. 2015-130: AN ORDINANCE REPEALING SECTION 757.03 AND AMENDING SECTIONS 757.02 AND 757.04 OF CHAPTER 757 "HOTEL REGULATIONS" OF THE BUSINESS REGULATION CODE, AND DECLARING AN EMERGENCY. (First reading 11/5/15)

ORDINANCE NO. 2015-146: AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES.

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 Sullivan moved, seconded by Councilmember Appel, that Ordinance No. 2015-146 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-146 adopted.

ORDINANCE NO. 2015-147: 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 O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-147 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-147 adopted.

ORDINANCE NO. 2015-148: AN ORDINANCE ENACTING NEW SECTION 505.22 OF THE GENERAL OFFENSES CODE AS TO DEER FEEDING.

Councilmember Sullivan stated that this ordinance was being brought back since, having been provided additional background information, he is now in favor of it.

Councilmember Sullivan 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. 2015-148 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: Getsay, Brady; Ordinance No. 2015-148 adopted.

**RESOLUTION NO. 2015-149: A RESOLUTION REQUESTING THE FISCAL OFFICER OF CUYAHOGA COUNTY TO ADVANCE FUNDS TO THE CITY OF WESTLAKE, OHIO, AND DECLARING AN EMERGENCY.**

Councilmember Appel 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.

**VOICE VOTE ON SUSPENSION:**

Yeas: All.

Nays: None; motion carried.

Councilmember Appel moved, seconded by Councilmember Nunnari, that Resolution No. 2015-149 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Resolution No. 2015-149 adopted.

**ADJOURNMENT:**

President of Council Killeen declared the meeting adjourned at 8:43 p.m.

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Denise L. Rosenbaum  
Clerk of Council

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Michael F. Killeen  
President of Council