



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

The regular session of Council was called to order at 8:08 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, Deputy Service Director Chris Stuhm, 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 Brady moved, seconded by Councilmember O'Donnell, that the reading of the minutes of the regular session of December 3, 2015, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Director of Inspections Donald Grayem dated December 10, 2015, stating that Ron Russell from Preferred Properties Inc. and Molly Lavelle from Ohliger Drug Long Term Care are requesting a conditional use permit to operate a pharmaceutical fulfillment center at 27121 Center Ridge Road #2. Council President Killeen referred this request to the Planning/Zoning/Legislative committee.

Communication from Mayor Clough dated December 14, 2015, requesting confirmation of the reappointment of Craig Catanzarite to the Board of Building Appeals effective January 1, 2016, with a term expiring on December 31, 2019.

Councilmember Appel moved, seconded by Councilmember Nunnari, to confirm the reappointment of Craig Catanzarite to the Board of Building Appeals effective January 1, 2016, with a term expiring on December 31, 2019.

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

Nays: None; motion carried.

Communication from Mayor Clough dated December 14, 2015, requesting confirmation of the reappointment of Marie Albano to the Board of Building Appeals effective January 1, 2016, with a term expiring on December 31, 2019.

Councilmember Nunnari moved, seconded by Councilmember Appel, to confirm the reappointment of Marie Albano to the Board of Building Appeals effective January 1, 2016, with a term expiring on December 31, 2019.

Yeas: All.

Nays: None; motion carried.

Communication from Mayor Clough dated December 14, 2015, requesting confirmation of the reappointment of Phil DiCarlo to the Planning Commission effective January 1, 2016, with a term expiring on December 31, 2019.

Councilmember Brady moved, seconded by Councilmember Getsay, to confirm the reappointment of Phil DiCarlo to the Planning Commission effective January 1, 2016, with a term expiring on December 31, 2019.

Yeas: All.

Nays: None; motion carried.

Communication from Purchasing Director Larry Surber dated December 17, 2015, stating the need to contract with Sunguard to install the ACA Phase 3 module to track the cost of medical benefits at a cost of \$800 bringing the 2015 total expenditures with Sunguard to \$25,247.89.

PETITIONS FROM THE PUBLIC:

None.

REPORT OF THE MAYOR:

Mayor Clough read his twenty-second report of the year.

REPORTS OF STANDING COMMITTEES – FINANCE COMMITTEE:

Council President Killeen reported on the December 5, 2015, Finance committee meeting.

Councilmember Brady moved, seconded by Councilmember Getsay, that the report of the December 5, 2015, Finance committee meeting be received and filed.

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

Nays: None; motion carried.

COMMITTEE OF THE WHOLE:

President of Council Killeen reported on the Committee of the Whole meeting held this date at 7:30 p.m. Present were Councilmembers Killeen, Appel, Nunnari, Sullivan, O'Donnell, Brady, Getsay. Also present were Mayor Clough; Directors Wheeler, Stuhm (Deputy), 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, and the standing committee assignments for 2016. No meetings were scheduled.

Councilmember Nunnari moved, seconded by Councilmember O'Donnell, to adjourn to executive session to discuss negotiations of real property at 7:42 p.m.

ROLL CALL:

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

Nays: None; motion carried.

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

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, to adjourn executive session at 8:07 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Meeting adjourned at 8:07 p.m.

Council President Killeen announced that the standing committees and planning commission representative for 2016 will remain as they were in 2015.

REPORTS OF OTHER BOARDS AND COMMISSIONS – PLANNING COMMISSION:

Councilmember Getsay reported on the December 7, 2015, planning commission meeting advising that the commission took the following actions: **Travel Centers of America Sign Plan, 24601 Center Ridge Rd., PP#215-27-006:** Findings of fact: 1. The exact height of the proposed northerly facing wall sign above grade has not been determined but it exceeds the maximum 20' above grade permitted by code. 2. 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. 3. Section 1223.05(c)(1) limits the height of a single letter or logo within a sign to 48". 4. The proposed letters in the logos on the building are 66" tall. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to approve the proposed northerly facing wall sign with the following modifications: 1. Grant a height modification for the placement of the signs on the building due to the location and setback of the wall signs 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 due to their location and setback from the street.

Kings Tree Subdivision (formerly known as Canterbury Manor 2) Preliminary Plan (12 lots on a cul-de-sac), Center Ridge Rd., PP#213-23-023 & 024: Findings of fact: 1. Residential subdivisions are a permitted use in the R-1F-80 and R-MF-24 districts. 2. The development of this area as a residential subdivision has been identified in the city's Guide Plan since 1985. 3. The developer is not able to connect Newbury Drive to Williams Drive because the property necessary for doing so is not for sale. 4. Modifications are required for the lot depth to width ratio and minimum depth, as "the size, shape and topography restrict development" of lots that meet the minimum standards. 5. All lots will provide the required setbacks and square footage necessary for new home sites. 6. Nearly 70 percent of the lots require modifications for

depth to width ratio and minimum lot depth. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Kings Tree Subdivision preliminary plan with the following conditions: 1. Depth to width ratio modifications for Lots 2, 3, 4, 8, 9 of .4 and lots 10, 11, 12 of .3. 2. A modification to reduce the minimum lot depth for lots 2-4 and 8-12. 3. The note on lot 11 be corrected to read 50'. 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. **The Reserve at Fox Run Subdivision, fence waiver, Fox Run, PP#214-29-018:** Findings of fact: 1. The proposed drainage basin is a dry basin design that is located at the rear of two residential lots in drainage easements and not accessible by the general public. 2. The Police Department has recommended against the waiver due to safety concerns. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Reserve at Fox Run Subdivision fence waiver. **Ordinance 2015-144 rezoning 27121 Center Ridge from Office Building District to General Business District, PP#215-10-003:** Findings of fact: 1. Text amendments should be adopted to define this use in the Office Building District as a conditional use. 2. These text amendments provide greater flexibility in the leasing of an existing building. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend approval of Ordinance 2015-144. Vote: 0 ayes, 5 nays, motion failed. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend that council approve text amendments to add pharmaceutical fulfillment center as a conditional use permit in the Office Building District and to add the definition of pharmaceutical fulfillment center: 1203.18(v) "*Pharmaceutical fulfillment center*" means an establishment licensed by the State of Ohio Board of Pharmacy where incoming orders for prescriptions from affiliated pharmacies, physician's offices, hospitals, or nursing care facilities are received by a pharmacist and are processed, filled and delivered. AND add: 1216.03 Schedule of Permitted Buildings and Uses, Office Building, (g) Other Business Uses: (20) Pharmaceutical Fulfillment Center. **Ordinance 2015-132 code amendment 1218.03 office uses in industrial: Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend approval of Ordinance 2015-132. **Westlake Family Dental Sign Plan, 2255 Columbia Rd., PP#215-26-027:** Findings of fact: 1. Schedule 1223.06 requires monument signs to be located a minimum of 10' from the planned right-of-way. 2. The monument sign is located 10' from the existing and planned right-of-way. 3. Police department is concerned that the road may be widened in the future. 4. The maximum size sign face is 30 sf for this size property, proposed sign was 34 sf, revised to 29.28 (62" X 68") sf at the meeting. 5. Up to a 2 sf address is exempt from the calculation of sign area. 6. Section 1223.07(g) requires that not less than 75% of the sign face is opaque for internally illuminated monument signs. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to approve the revised proposed sign plan as submitted at the meeting with the reduced area with the following conditions: 1. Owner agrees to move the sign at their own expense if the road is widened. 2. The grey background must be opaque. Tabled the **Sibling Revelry Brewery Sign Plan, 29305 Clemens Rd., PP#211-22-056.** Tabled the **Westlake Guide Plan, proposed updates.** Meeting adjourned at 9:34 p.m. The next regular meeting is scheduled for Monday, January 4, 2016, in the Westlake City Hall Council Chambers.

Councilmember Getsay moved, seconded by Councilmember Brady, to approve **The Reserve at Fox Run Subdivision fence waiver.**

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

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2015-132: AN ORDINANCE AMENDING SUBSECTION (a) AND FOOTNOTE (c) OF SECTION 1218.03 "SCHEDULE OF PERMITTED BUILDINGS AND USES" AS TO OFFICES IN INDUSTRIAL DISTRICTS OF THE ZONING CODE.
(SECOND READING)
(First reading and referred to planning commission 11/5/15, planning commission recommended approval 12/7/15)

Council President Killeen set a public hearing on Ordinance No. 2015-132 for January 21, 2016.

ORDINANCE NO. 2015-144: AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE ZONE MAP OF THE CITY OF WESTLAKE, WHICH ZONE MAP IS PART OF THE ZONING CODE OF THE CITY OF WESTLAKE, BY CHANGING THE ZONING OF CERTAIN LAND LOCATED ON THE SOUTH SIDE OF CENTER RIDGE ROAD NEAR DOVER CENTER ROAD, FROM OFFICE BUILDING DISTRICT TO GENERAL BUSINESS DISTRICT. (First reading and referred to planning commission 11/5/15, planning commission did not recommended approval 12/7/15)
(SECOND READING)

Councilmember Getsay moved, seconded by Councilmember O'Donnell, 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 Brady moved, seconded by Councilmember Getsay, that Ordinance No. 2015-144 be adopted.

ROLL CALL ON ADOPTION:

Yeas: None.

Nays: Brady, Getsay, Killeen, Appel, Nunnari, Sullivan, O'Donnell; Ordinance No. 2015-144 defeated.

ORDINANCE NO. 2015-153: 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. 2015-153 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-153 adopted.

ORDINANCE NO. 2015-154: AN ORDINANCE MAKING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2016, 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 Sullivan moved, seconded by Councilmember Nunnari, that Ordinance No. 2015-154 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-154 adopted.

ORDINANCE NO. 2015-155: AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE KINGS TREE MAJOR SUBDIVISION IN THE CITY OF WESTLAKE.

ORDINANCE NO. 2015-156: AN ORDINANCE SUPPLEMENTING SECTION 1203.18 AND SUBSECTION 1216.03(g) OF THE ZONING CODE AS TO PERMITTED USES IN BUSINESS DISTRICTS.

Council President Killeen referred Ordinance No. 2015-156 to the planning commission.

Councilmember O'Donnell moved, seconded by Councilmember Brady, that Ordinance Nos. 2015-157 and 158 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

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

Nays: None; Ordinance Nos. 2015-157 and 158 added to agenda.

ORDINANCE NO. 2015-157: AN ORDINANCE WAIVING THE COMPENSATION REDUCTION PROVISION OF SECTION 167.26(b) AS TO PERSONNEL IN THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

Council President Killeen referred Ordinance No. 2015-157 to the Safety/Utilities committee.

ORDINANCE NO. 2015-158: AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-180 AS TO THE COMPENSATION OF SALARIED AND HOURLY RATE EMPLOYEES IN THE LAW DEPARTMENT OF THE CITY OF WESTLAKE,

AND DECLARING AN EMERGENCY.

Council President Killeen referred Ordinance No. 2015-158 to the Finance committee.

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