



**WESTLAKE CITY COUNCIL MEETING  
PROCEEDINGS OF A REGULAR SESSION  
JANUARY 7, 2016**

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, Dennis J. Sullivan, Michael F. O'Donnell, Kenneth R. Brady, Mark R. Getsay.

Councilmember Sullivan moved, seconded by Councilmember Appel, that Councilmember Nunnari 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, 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 December 17, 2015, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

**SELECTED CORRESPONDENCE:**

Email from Dave Holtz received December 11, 2015, withdrawing the text amendment request to allow commercial indoor firing ranges (Ordinance No. 2015-83) until a future date.

Notice from Ohio Division of Liquor Control received December 23, 2015, for a new D2 permit for Arc Westlake Village Inc. dba Westlake Village, 28550 Westlake Village Drive, Westlake, Ohio.

Councilmember Brady moved, seconded by Councilmember Sullivan, not to object to a new D2 permit for Arc Westlake Village Inc. dba Westlake Village, 28550 Westlake Village Drive, Westlake, Ohio.

Yeas: All.

Nays: None; motion carried.

Communication from Purchasing Director Larry Surber dated December 30, 2015, listing the vendors that have exceeded \$25,000.00 in encumbrances, excluding the utility vendors, after processing the 2016 super blanket purchase orders.

Communication from Mayor Clough dated December 22, 2015, requesting confirmation of the appointment of Karen Alfred to the Board of Zoning Appeals with a term expiring on December 31, 2019.

Councilmember O'Donnell moved, seconded by Councilmember Brady, to confirm the appointment of Karen Alfred to the Board of Zoning Appeals with a term expiring on December 31, 2019.

Yeas: All.

Nays: None; motion carried.

Communication from Mayor Clough dated December 22, 2015, requesting authorization to go out to bid for the following projects: 1) 2016 crack and joint sealing hot applied, 2) 2016 concrete roadway rehab with catch basin repair, 3) 2016 asphalt roadway rehab, 4) Detroit Road resurfacing, and 5) Bradley Road 2016 waterline replacement and roadway rehab. Council President Killeen referred this request to the Service, Streets, Sidewalks, Road Drains committee.

Communication from Mayor Clough dated December 30, 2015, requesting authorization to participate with the Ohio Department of Administration (ODAS), Ohio Department of Transportation (ODOT), General Services Administration (GSA), U.S. Communities, National Joint Powers Alliance (NJPA), National Institute of Government Purchase (NIGP), and any other governmental cooperative programs for the 2016 calendar year. (Ordinance No. 2016-1)

**PETITIONS FROM THE PUBLIC:**

None.

**REPORT OF THE MAYOR:**

Mayor Clough read his first 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 7:34 p.m. Present were Councilmembers Killeen, Appel, Sullivan, O'Donnell, Brady, Getsay. Also present were Mayor Clough; Directors Wheeler, Quinn, Kelly, Shah, Bedell, Surber, Grayem, Gadd, Bielozer, Hughes and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence and the planning commission report. The following meetings were scheduled: Safety, Utilities committee, January 19 at 7 p.m.; Planning, Zoning, Legislative

committee, January 19 at 7:15 p.m.; Service, Streets, Sidewalks, Road Drains committee, January 19 at 7:30 p.m.

Councilmember O'Donnell moved, seconded by Councilmember Brady, to adjourn at 7:48 p.m.  
Yeas: All.  
Nays: None; motion carried.

Meeting immediately adjourned at 7:48 p.m.

Council President Killeen re-announced the public hearing on Ordinance No. 2015-132 for January 21, 2016.

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

Councilmember Getsay reported on the January 4, 2016, planning commission meeting advising that the commission took the following actions: **Ordinance 2015-83 amending §1218.03 by enacting new subsections (h)(14) commercial indoor firing ranges in Exclusive Industrial:** **Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend approval of Ordinance 2015-83 (applicant requested to be withdrawn). Vote: 0 ayes, 5 nays, motion failed. **Sibling Revelry Brewery Sign Plan, 29305 Clemens Rd., PP#211-22-056:** Findings of fact: 1. Three of the proposed wall mounted signs are 21' above grade which exceeds the maximum 20' above grade permitted by code Section 1223.05(b) which 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. 2. Ground and wall mounted fixtures with shields are proposed to externally illuminate the monument sign and one of the wall signs, which have white background sign panels. 3. The existing and proposed signage is in similar neutral colors but different sign types. 4. The south facing wall sign is mounted on a wall which is not adjacent to parking on this lot. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to approve the Sibling Revelry Brewery Sign Plan with the following modifications and conditions: 1. Grant a 1' height modification for the placement of the signs on the building due to the architecture of the building. 2. Condition that the sign illumination light fixtures do not glare toward the street or exceed 10 lumens when measured 3' from the center of the sign face. 3. Modification to allow two different sign types on the building. 4. Condition that before installing the proposed south facing sign the applicant record a parking easement signed by the abutting property owner permitting parking on the southerly abutting lot. **Clague Park Pool Development Plan (new pool, clubhouse, parking lot expansion), 1500 Clague Rd., PP#214-07-001:** Findings of fact: 1. The proposal is in accordance with the Westlake Parks and Recreation Master Plan and has been approved by the Parks and Recreation Commission. 2. The proposal meets code requirements for uses, setbacks, lot coverage, driveways, percent open space, and tree preservation. 3. Pool house elevations and lighting cut sheets will be provided for staff review and approval during the construction review process. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Clague Park Pool, Development Plan with the condition that 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. **Crocker Professional Building Lot Assembly, 4350 Crocker Rd., PP#217-26-001, 002, 009:** Findings of fact: 1. The lot assembly is a requirement of the development plan for the Crocker

Professionals Building. 2. All three lots are zoned OB/Office Building. 3. The assembly does not change the layout of the approved development plan. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to approve the Crocker Professional Building Lot Assembly with the condition that the approval is subject to approval of the completed plat by the Engineering Department in compliance with the code and the ordinances of the City of Westlake. **Refresh Dental Sign Plan, 23850 Center Ridge Rd., PP#214-09-018:** Findings of fact: 1. The proposed sign scales at 8' high and conforms with code. 2. The plaque wall signs and plaques on the existing non-illuminated freestanding sign are various colors. 3. The background of the new monument sign panels are all opaque blue. 4. The revised location of the new monument sign will be 10' from the driveway and 11' from the sidewalk which complies with code and will require the elimination of one parking space. 5. The existing number of parking spaces exceeds code. 6. The new internally illuminated sign will be visible from nearby residential windows. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to approve the Refresh Dental sign plan with a condition that a staggered row of three to five (depending on type) 8' tall evergreens be planted 16' to 26' from the sidewalk, or as administratively approved by the Planning Department to screen the view of the sign from nearby single family residences. **AutoNation Ford Development Plan addition, 23775 Center Ridge Rd., PP#214-11-003:** Findings of fact: 1. A modification is required to allow painted brick and colored metal panels. 2. The building design utilizes the same materials and colors that were approved by the Planning Commission on 4/6/15 for the reimaging of the sales building in accordance with Ford's branding. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the AutoNation Ford Development Plan with the following conditions: 1. Modification to allow painted brick and colored metal panels as an exterior building material. 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. **Youth Challenge Development Plan addition, 800 Sharon, PP#214-01-016:** SIGNAGE Findings of fact: 1. Modification for a second sign (post and panel) is reasonable, as they are approximately 300' apart and the proposed identifies the new parking area that is for the Youth Challenge. 2. A sign permit application is required. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to approve the sign with the following condition: 1. A modification is granted for a second ground sign that is a post and panel sign. **DEVELOPMENT PLAN** Findings of fact: 1. A 29' modification is required for the parking lot. 2. The area of the modification is adjacent to I-90 right-of-way and the cul-de-sac and should have little impact on neighboring properties. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Youth Challenge Development Plan addition with the following conditions: 1. A setback modification is granted for the proposed parking lot as indicated on the plans. 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. **Dave & Buster's exterior remodel, 25735 First St., PP#213-06-030:** SIGNAGE Findings of fact: 1. Detailed sign plans are required for staff approval. 2. The proposed sign area exceeds code by 16.65 sf. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to approve the sign plan with the following modifications and conditions: 1. Modification for 16.65 sf of sign area. 2. Condition that sign details and sign permit will be provided to staff for administrative approval. **DEVELOPMENT PLAN**

Findings of fact: 1. The proposed exterior changes are for reimagining purposes. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Dave & Buster's exterior remodel with the following modifications and conditions: 1. Modification to allow the grey-blue to be considered an earth tone. 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. **St. John Medical Center Sign Plan, 29000 Center Ridge, PP#216-11-007, 9, 10, 11, 24 & 25:** Findings of fact: 1. Health Campus Zoning District does not have specific limitations in the zoning code for sign area or height above grade because it is a unique zoning district. 2. Chapter 1219.06(d) of the Westlake Zoning Code states only that – "Uniform signage will be implemented within the District". 3. The proposed signage is consistent with other signage on the site. 4. The proposed signage reads like two separate signs, each under 100 sq. ft. in area. **Motion:** Mr. Lamb moved and Mr. DiCarlo second to approve the St. John Medical Center signage. **Carrabba's Italian Grill revision to Sign Plan, 25054 Sperry Dr., PP#213-08-018:** **Motion:** Mr. Lamb moved and Mr. DiCarlo second to table the Carrabba's façade until February 1, 2016, (applicant not present). **Ordinance 2015-156 amending §1203.18 by enacting new subsection (v) and §1216.03 (g) by enacting new subsection (20) regarding pharmaceutical fulfillment centers:** **Motion:** Mr. Lamb moved and Mr. DiCarlo second to recommend approval of Ordinance 2015-156. **Westlake Guide Plan proposed updates:** **Motion:** Mr. Lamb moved and Mr. DiCarlo second to table the guide plan updates. Meeting adjourned at 8:47 p.m. The next regular meeting is scheduled for Monday, February 1, 2016, in the Westlake City Hall Council Chambers.

Council President Killeen referred the **Clague Park Pool Development Plan (new pool, clubhouse, parking lot expansion)** to the Committee of the Whole for further consideration.

Councilmember Getsay moved, seconded by Councilmember Appel, to approve the **AutoNation Ford Development Plan addition**, with the conditions listed in the report of the January 4, 2016, planning commission.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Appel, to approve the **Youth Challenge Development Plan addition** with the conditions listed in the report of the January 4, 2016, planning commission.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Appel, to approve the **Dave & Buster's exterior remodel** with the modification and condition listed in the report of the January 4, 2016, planning commission.

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

Nays: None; motion carried.

## LEGISLATION:

ORDINANCE NO. 2015-83: AN ORDINANCE SUPPLEMENTING SECTION 1218.03  
(SECOND READING) BY THE ENACTMENT OF NEW SUBSECTION (h)(14) AS

TO COMMERCIAL INDOOR FIRING RANGES IN EXCLUSIVE INDUSTRIAL. (First reading and referred to planning commission 6/4/15, planning commission did not recommend approval 1/4/16.)

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 Sullivan moved, seconded by Councilmember Getsay, that Ordinance No. 2015-83 be adopted.

ROLL CALL ON ADOPTION:

Yeas: None.

Nays: Brady, Getsay, Killeen, Appel, Sullivan, O'Donnell; Ordinance No. 2015-83 defeated.

ORDINANCE NO. 2015-155: AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE KINGS TREE MAJOR SUBDIVISION IN THE CITY OF WESTLAKE. (First reading 12/17/15)  
(SECOND READING)

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. (First reading and referred to planning commission 12/17/15, planning commission recommended approval 1/4/16)  
(SECOND READING)

Council President Killeen set a public hearing on Ordinance No. 2015-156 for January 21, 2016.

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. (First reading and referred to Finance committee 12/17/15)  
(SECOND READING)

ORDINANCE NO. 2016-1: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PURCHASING TO CONTINUE TO PARTICIPATE IN VARIOUS COOPERATIVE PURCHASING PROGRAMS, 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. 2016-1 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-1 adopted.

ORDINANCE NO. 2016-2: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PERSONAL SERVICES CONTRACT WITH SIGNAL SERVICE COMPANY, INC. AS TO THE MAINTENANCE AND REPAIR OF THE CITY'S TRAFFIC SIGNALS, AND DECLARING AN EMERGENCY.

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 Sullivan moved, seconded by Councilmember Appel, that Ordinance No. 2016-2 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-2 adopted.

ORDINANCE NO. 2016-3: AN ORDINANCE AMENDING SECTION 152.05 OF THE ADMINISTRATIVE CODE AS TO EMPLOYEES WITHIN THE DEPARTMENT OF RECREATION, AND DECLARING AN EMERGENCY.

Councilmember Appel 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 Appel moved, seconded by Councilmember O'Donnell, that Ordinance No. 2016-3 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-3 adopted.

ORDINANCE NO. 2016-4: AN ORDINANCE CREATING THE BLOCK K PUBLIC INFRASTRUCTURE FUND (#428) WITHIN THE 2015 FINANCIAL RECORDS OF THE CITY OF WESTLAKE, 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 Appel moved, seconded by Councilmember Sullivan, that Ordinance No. 2016-4 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2016-4 adopted.

**ADJOURNMENT:**

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

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Denise L. Rosenbaum  
Clerk of Council

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Michael F. Killeen  
President of Council