



**WESTLAKE CITY COUNCIL MEETING
PROCEEDINGS OF A REGULAR SESSION
MARCH 17, 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, Mark R. Getsay.

Councilmember O'Donnell moved, seconded by Councilmember Appel, that Councilmembers Brady and Nunnari be excused for cause.

Yeas: All.

Nays: None; motion carried.

Also present: Mayor Dennis Clough, Law Director John Wheeler, Service Director Paul Quinn, 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 Sullivan, that the reading of the minutes of the regular session of March 3, 2016, be waived and that they be approved as received.

VOICE VOTE:

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

Abstentions: Getsay.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Director of Inspections Donald Grayem dated March 7, 2016, stating that Stephanie McMillion, from Camp Bow Wow located at 863 Bradley Road, is requesting to amend conditional use permit Ordinance No. 2007-167 to add a 30'x60' training area, surrounded by 5' chain link fence, to the rear (east side) of the building. Council President Killeen referred this request to the Planning, Zoning, Legislative committee.

Communication from Mayor Clough dated March 14, 2016, 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 O'Donnell, to authorize the administration to sell the listed items through the GovDeals auction site for the reserve amount listed or higher.

Yeas: All.

Nays: None; motion carried.

Communication from Mayor Clough dated March 14, 2016, requesting authorization to award the bid for a self-propelled straddle type Windrow Turner to Ecoverse Industries, LTD as the lowest, best and most responsive bid and to provide authorization to trade in the 1989 Scarab Model 18 Windrow Turner in an amount not to exceed \$356,650.00. (Ordinance No. 2016-37)

Communication from Mayor Clough dated March 14, 2016, requesting authorization to award the bid for maintenance of certain retention basins and tree lawns within the city and other related properties to Locke's GoGreen Landscaping & Garden Center as the lowest, best and most responsive bid in an amount not to exceed \$26,000.00. (Ordinance No. 2016-38)

Communication from Mayor Clough dated March 14, 2016, requesting authorization to award the bid for the 2016 waterline replacement and roadway rehab on Bradley Road to Digioia Suburban in the amount of \$2,546,870.00 as the lowest and most responsive bid. (Ordinance No. 2016-40)

Communication from Director of Inspections Donald Grayem dated March 17, 2016, stating that Wade Dougherty and Patrick Finley, of Omni Property Companies, LLC, are requesting a conditional use permit for an assisted living/memory care facility with approximately 100 beds at the former Schneider trailer park property. Council President Killeen referred this request to the Planning, Zoning, Legislative committee.

PETITIONS FROM THE PUBLIC:

None.

REPORT OF THE MAYOR:

Mayor Clough read his sixth 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, Getsay. Also present were Mayor Clough; Directors Wheeler, Quinn, Shah, DeMinico, Bedell, Surber, Grayem, Gadd, Biezozer, Hughes and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence and the planning commission report. The following meetings were scheduled for April 5, 2016: Planning, Zoning, Legislative committee at 7 p.m.; Public Grounds, Buildings, Recreation committee at 7:15 p.m.; and Service, Streets, Sidewalks, Road Drains committee at 7:30 p.m.

Councilmember Appel moved, seconded by Councilmember O'Donnell, to adjourn at 7:50 p.m.

Yeas: All.

Nays: None; motion carried.

Meeting immediately adjourned at 7:50 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS – PLANNING COMMISSION:

Councilmember Getsay reported on the March 7, 2016, planning commission meeting advising that the commission took the following actions: tabled the **Chapparral Cluster minor revision to approved Development Plan to construct 1 single family cluster home on Columbia Rd. (on Block 9 between 2445 & 2471 Columbia), PP#215-26-011** until April 18, 2016; tabled the **Crocker Park KSE II temporary barricade, Block K, Union St., PP#211-25-005** until April 18, 2016; **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: *Finding-of-fact:*** 1. The purpose of the rezoning is to establish a single-family detached residential cluster development based on density from property that is located on both sides of Crocker Road. 2. This rezoning is in accordance with the Crocker Woods Cluster preliminary development plan. **Motion:** Mr. DiCarlo moved and Mr. Getsay second to recommend approval of Ordinance 2012-115; **Crocker Woods Cluster Preliminary Development Plan for cluster single family, PP#217-27-001 & 217-25-002, for two single family lots and 60 single family cluster homes in PUD zoning, south of Center Ridge Road and west & east of Crocker Road (the area previously known as Bretton Woods Park Subdivision Phase 4): *Findings-of-fact:*** 1. The proposal meets regulations for a residential planned unit development preliminary development plan without the need for modifications. 2. This preliminary development plan is a necessary component of Ordinance 2012-115, which is the planned unit development ordinance for this property's rezoning. 3. Refinements to this preliminary development plan are likely to be made in the development of the final development plan as a result of the Ohio EPA and Army Corp of Engineers permitting process and the applicant's development of detailed drainage, grading, tree preservation, landscaping and lighting plans. **Motion:** Mr. DiCarlo moved and Mr. Getsay second to recommend approval of Crocker Woods Cluster with the following conditions: 1. The final development plan will address comments in Part III of the staff report. 2. Approval is subject to adoption of Ordinance 2012-115. 3. The property on the east side of Crocker Road that is used for the calculation of the allowable density shall not be developed for housing by the applicant or its successors, and that this language shall be included on the final development plat; **Ordinance 2015-155 approving the Preliminary Plan for Kings Tree Major Subdivision: *Findings-of-fact:*** 1. This ordinance is in accordance with the approved Canterbury Manor No. 2 Subdivision Preliminary Development Plan. **Motion:** Mr. DiCarlo moved and Mr. Getsay second to recommend approval of Ordinance 2015-155 (the Canterbury Manor 2 plat will replace the Kings Tree Subdivision Preliminary Plan); **Canterbury Manor Subdivision No. 2 (aka Kings Tree Subdivision) Preliminary Plan, 11 lots, Center Ridge & Newbury extension, PP# 213-23-023 & 024: *Findings-of-fact:*** 1. Residential subdivisions are a permitted use in both 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 applicant is not able to connect Newbury Drive to Williams Drive, because the property necessary for doing so is not for sale and has instead provided a cul-de-sac at the south end of extended Newbury. 4. In the previous subdivision, nearly 70 percent of the lots require modifications for depth to width ratio and minimum lot depth and in this layout, there are only two lots requiring very minimal modifications that are typical for lots located at cul-de-sacs as "the size, shape and topography restrict development" of lots that meet the minimum standards. 5. Although a 10' modification is required for minimum depth, lot #5 has an average depth of 198'. 6. The Fire Department requires a gated emergency access road extending to Center Ridge Road within an easement on

private property and according to 1129.08, this is 25' wide pavement. **Motion:** Mr. DiCarlo moved and Mr. Getsay second to recommend approval of the Canterbury Manor Subdivision No. 2 (aka Kings Tree Subdivision) Preliminary Plan with the following conditions: 1. Modification for depth to width ratio for Lot 5 of .3 and for lot 6 of .1 and for minimum lot depth for lot 5 of 10'. 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 re-submitted to the Planning Commission; tabled the **Columbia Commons Major Subdivision Preliminary Plan (5 commercial lots), 25735 First St., PP#213-06-030** to April 18, 2016; **Palms Pizzeria & Bakery Storefront & Sign Plan, 281 Main St., PP#211-26-304:** *Findings-of-fact – Storefront:* 1. Secondary cladding elements include naturally weathered rough cedar wood pergola and weathered cedar plank window boxes that require a waiver from the Crocker Park Mixed-Use Area Design Guidelines. 2. The other design details are in accordance with the aforementioned design guidelines. **Motion:** Mr. DiCarlo moved and Mr. Getsay second to recommend approval of the 3 Palms storefront with the following waivers and conditions: 1. Waiver from the Crocker Park Mixed-Use Area Design Guidelines to allow rough cut wood as a finish on the pergola and planters as presented. 2. Condition that a fire extinguisher be located near the outdoor fireplace. 3. Approval is subject to comments in Part III of the staff report and approval and 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. *Findings-of-fact – Sign plan:* 1. The sign plan conforms to the Crocker Sign Criteria except for a waiver on the number of secondary sign types and a waiver to allow signage on the planters. **Motion:** Mr. DiCarlo moved and Mr. Getsay second to approve the 3 Palms sign plan as submitted with the following waivers: 1. Waiver to allow 1 extra secondary sign type; 2. Waiver to permit the signage on the planters as a secondary sign type; tabled the **Bonfish Grill Storefront revision, 1900 Crocker Rd., PP# 211-25-005** to April 18, 2016; **Westlake High School, Sign Plan, 27830 Hilliard Blvd., PP#212-24-006:** *Findings-of-fact:* 1. The proposal is to construct a 39.18 sq. ft., single sided, externally illuminated, non-digital changeable copy sign. 2. Institutions are typically only permitted a 24 sq. ft. sign face with not more than 8 sq. ft. of changeable copy. 3. The high school is 286,500 sq. ft. in area with over 800' of frontage on Hilliard Blvd and is on 33 acres. 4. The code does allow 40 sq. ft. sign faces for commercial buildings with over 30,000 sq. ft. in area on more than 3 acres or with more than 800' of frontage and multiple driveway entrances. 5. The high school has multiple driveway entrances. 6. The code limits the illumination to not exceed 10 lumens when measured 3' from center of the sign face. 7. Changes from an externally illuminated sign to an internally illuminated sign would require a modification from the code and approval by the Planning Commission as per Section 1223.07 of the Westlake Codified Ordinances. **Motion:** Mr. DiCarlo moved and Mr. Getsay second to approve the proposed high school sign as presented with the following modification and conditions: 1. A modification of 15.18 sq. ft. of sign area to allow the 39.18 sq. ft. externally illuminated sign as presented. 2. Condition that the illumination to not exceed 10 lumens when measured 3' from center of the sign face. 3. That a planting bed is installed and planted around the base of the sign as presented with the use of two Broadmoor Junipers and Rozanne Geraniums in place of Stella Dora Day Lilies. 4. Any changes to the illumination of the sign face will be re-submitted to the Planning Commission for their review and action; tabled the **Travel Centers of America minor revision to Development Plan (2**

light poles), 24601 Center Ridge Rd., PP#215-27-006 until April 18, 2016; **TRG Development Plan (Vehicle Storage Building), 31390 Viking Parkway, PP#211- 01-005**
Findings-of-fact: 1. Setbacks are approved in accordance with the illustration on page one of the staff report. 2. All other code requirements are met. **Motion:** Mr. DiCarlo moved and Mr. Getsay second to recommend approval of the TRG Development Plan for a vehicle storage building with the following conditions: 1. Beacon Westlake, LLC must approve plans in accordance with the Beacon Westlake Declaration of Restrictive Covenants for this property. 2. 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 re-submitted to the Planning Commission; tabled the **Westlake Welcome Center Development Plan, within Crocker Park (Block J), PP#211-24-003 & 004** until April 18, 2016. Meeting adjourned at 10:24 p.m. The next regular meeting is scheduled for Monday, April 18, 2016, in the Westlake City Hall Council Chambers.

The **Crocker Woods Cluster Preliminary Development Plan** will be considered at the April 7, 2016, Council meeting along with **Ordinance No. 2012-115**.

Councilmember Getsay moved, seconded by Councilmember Appel, to approve the **Palms Pizzeria & Bakery Storefront** with the waivers and conditions listed in the report of the March 7, 2016, planning commission.

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Appel, to approve the **TRG Development Plan (Vehicle Storage Building)** with the conditions listed in the report of the March 7, 2016, planning commission.

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

Nays: None; motion carried.

LEGISLATION:

ORDINANCE NO. 2015-155: AN ORDINANCE AMENDING AND APPROVING THE PRELIMINARY PLAN OF THE **KINGS TREE CANTERBURY MANOR NO. 2** MAJOR SUBDIVISION IN THE CITY OF WESTLAKE. (First reading 12/17/15, second reading 1/7/16, removed from agenda 1/21/16, referred back to planning commission 2/18/16, planning commission recommended approval with amendments 3/7/16)

Councilmember Getsay moved, seconded by Councilmember Sullivan, that Ordinance No. 2015-155 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Nays: None; Ordinance No. 2015-155 amended by substitution.

Councilmember Getsay moved, seconded by Councilmember O'Donnell, that Ordinance No. 2015-155 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2015-155 adopted as amended.

ORDINANCE NO. 2012-115: 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 BEING PART OF PERMANENT PARCEL NOS. 217-27-001 AND 217-25-002 FROM SINGLE FAMILY RESIDENTIAL DISTRICT TO PLANNED UNIT DEVELOPMENT DISTRICT. (First reading and referred to planning commission 9/20/12, planning commission recommended approval 3/7/16)
(SECOND READING)

Council President Killeen set a public hearing on Ordinance No. 2012-115 for April 7, 2016.

ORDINANCE NO. 2016-23: AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2015-17 AS TO A PROFESSIONAL SERVICES CONTRACT WITH ENVIRONMENTAL DESIGN GROUP FOR PROFESSIONAL ENGINEERING DESIGN SERVICES, AND DECLARING AN EMERGENCY. (First reading 3/3/16)
(SECOND READING)

ORDINANCE NO. 2016-32: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 1814, AFL-CIO, AND DECLARING AN EMERGENCY. (First reading 3/3/16)
(SECOND READING)

ORDINANCE NO. 2016-34: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BRILLIANT ELECTRIC SIGN CO., LTD. FOR DIMENSIONAL LETTER SIGNS ON THE OVERPASS AT CROCKER ROAD AND I-90, AND DECLARING AN EMERGENCY. (First reading 3/3/16)
(SECOND READING)

ORDINANCE NO. 2016-36: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A STORM WATER DRAINAGE SYSTEM AGREEMENT WITH KATHLEEN COLLINS, OWNER OF THE GODDARD SCHOOL ADDITION, 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. 2016-36 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-36 adopted.

ORDINANCE NO. 2016-37: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ECOVERSE INDUSTRIES, LTD FOR THE PURCHASE OF A WINDROW TURNER FOR THE SERVICE DEPARTMENT, 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 Sullivan moved, seconded by Councilmember Appel, that Ordinance No. 2016-37 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-37 adopted.

ORDINANCE NO. 2016-38: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH LOCKE'S GOGREEN LANDSCAPING AND GARDEN CENTER FOR THE MAINTENANCE OF CERTAIN RETENTION BASINS, TREE LAWNS AND OTHER RELATED PROPERTIES WITHIN THE CITY OF WESTLAKE FOR THE 2016 CALENDAR YEAR, AND DECLARING AN EMERGENCY.

Councilmember Sullivan 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. 2016-38 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-38 adopted.

ORDINANCE NO. 2016-39: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.

Councilmember Getsay 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 Getsay moved, seconded by Councilmember O'Donnell, that Ordinance No. 2016-39 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-39 adopted.

ORDINANCE NO. 2016-40: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH DIGIOIA-SUBURBAN EXCAVATING FOR THE 2016 WATERLINE REPLACEMENT AND ROADWAY REHABILITATION FOR BRADLEY ROAD, AND DECLARING AN EMERGENCY.

Councilmember Getsay 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 Getsay moved, seconded by Councilmember Sullivan, that Ordinance No. 2016-40 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-40 adopted.

ORDINANCE NO. 2016-41: AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE DETROIT ROAD RESURFACING PROJECT FOR THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Appel 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 Sullivan, that Ordinance No. 2016-41 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-41 adopted.

ORDINANCE NO. 2016-42: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PERSONAL SERVICES AGREEMENT WITH EARTH CONSULTING, LTD. FOR GROUNDWATER MONITORING FOR THE FORMER WESTLAKE SANITARY LANDFILL, 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 O'Donnell moved, seconded by Councilmember Sullivan, that Ordinance No. 2016-42 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2016-42 adopted.

ORDINANCE NO. 2016-43: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PERSONAL SERVICES AGREEMENT WITH EARTH CONSULTING, LTD. FOR EXPLOSIVE GAS CONSULTING AND MONITORING FOR THE FORMER WESTLAKE SANITARY LANDFILL, AND DECLARING AN EMERGENCY.

MISCELLANEOUS:

Councilmember O'Donnell, as a member of Council and an employee of American Greetings, commended the first responders as well as the service and building department employees regarding the explosion and fire at the American Greetings' headquarters building at Crocker Park. Mayor Clough added commendation to the neighboring cities' fire departments that provided mutual aid. Council President Killeen also expressed his appreciation of the efforts of all involved.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 8:38 p.m.

Denise L. Rosenbaum
Clerk of Council

Michael F. Killeen
President of Council