



**WESTLAKE CITY COUNCIL MEETING
PROCEEDINGS OF A PUBLIC HEARING
AND A REGULAR SESSION
JANUARY 5, 2023**

Public hearing was called to order by President of Council David S. Greenspan at 8:17 p.m. in accordance with Article III, Section 13, of the Westlake City Charter regarding the following legislation:

ORDINANCE NO. 2022-71: AN ORDINANCE REPEALING SUBSECTIONS (h)(8) and (13) OF SECTION 1218.03 "SCHEDULE OF PERMITTED BUILDINGS AND USES" AS TO RECREATIONAL USES IN THE EXCLUSIVE INDUSTRIAL DISTRICT OF THE ZONING CODE.

Planning Director Jim Bedell explained this amendment to the zoning code.

Mike Cousino, 4948 Windsford Circle, North Ridgeville, owner of a swim school in Westlake, questioned the rationale behind this ordinance and was opposed to limiting recreational uses in industrial zoning.

Tom Lawrence, Forest Lake Drive, encouraged keeping the permitted use regulations and approval process currently in effect as is.

Mayor Clough responded and explained why this matter had come up and the results of the analysis.

There being no further comments from the audience, Council President Greenspan declared the public hearing on Ordinance No. 2022-71 closed.

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The regular session of Council was called to order at 8:28 p.m. by President of Council David S. Greenspan.

Present: President of Council David S. Greenspan; Councilmembers Duane Van Dyke, Nick C. Nunnari, Dennis J. Sullivan, Michael F. O'Donnell, Amy G. Havelka, Mark R. Getsay.

Also present: Mayor Dennis Clough, Law Director Michael Maloney, Service Director Paul Quinn, Director of Engineering Robert Kelly, Finance Director Prashant Shah, Recreation Director Paula Horner, Planning Director James Bedell, Director of

Purchasing Larry Surber, IT Infrastructure Manager Mike Stybel, Director of Inspections Donald Grayem, Director of Community Services Lydia Gadd, Police Chief Kevin Bielozer, Fire Chief Matt Moran, Clerk of Council Denise L. Rosenbaum.

APPROVAL OF MINUTES:

Councilmember O'Donnell moved, seconded by Councilmember Havelka, that the reading of the minutes of the regular session of December 15, 2022, be waived and that they be approved as received.

Yeas: Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka, Getsay.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Mayor Clough dated December 28, 2022, requesting confirmation of the reappointment of Claudia Dillinger to the Westlake Civil Service commission with the term expiring on December 31, 2026.

Councilmember Getsay moved, seconded by Councilmember Van Dyke, to confirm the reappointment of Claudia Dillinger to the Westlake Civil Service commission with the term expiring on December 31, 2026.

Yeas: Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka, Getsay.

Nays: None; motion carried.

Communication from Mayor Clough dated December 28, 2022, requesting confirmation of the reappointment of Lauren Falcone to the Westlake Planning commission with the term expiring on December 31, 2026.

Councilmember Van Dyke moved, seconded by Councilmember Nunnari, to confirm the reappointment of Lauren Falcone to the Westlake Planning commission with the term expiring on December 31, 2026.

Yeas: Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka, Getsay, Greenspan.

Nays: None; motion carried.

Communication from Mayor Clough dated December 28, 2022, requesting confirmation of the reappointment of Cynthia Nolde to the Westlake Board of Building and Zoning Appeals with the term expiring on December 31, 2026.

Councilmember Van Dyke moved, seconded by Councilmember Nunnari, to confirm the reappointment of Cynthia Nolde to the Westlake Board of Building and Zoning Appeals with the term expiring on December 31, 2026.

Yeas: Nunnari, Sullivan, O'Donnell, Havelka, Getsay, Greenspan, Van Dyke.

Nays: None; motion carried.

Communication from Purchasing Director Surber dated December 29, 2022, informing Council of the 2023 super blanket purchase order encumbrances with the vendors listed.

List of the 2023 Council standing committee assignments from Council President Greenspan (as follows).

AD HOC INFORMATION TECHNOLOGY:

Michael O'Donnell, Chair
Amy Havelka
Mark Getsay

FINANCE & WAGES:

Dave Greenspan, Chair
Amy Havelka
Mark Getsay

PLANNING, ZONING, LEGISLATIVE:

Dennis Sullivan, Chair
Nick Nunnari
Duane Van Dyke

PUBLIC GROUNDS, BUILDINGS, PUBLIC TRANSPORTATION, RECREATION, CIVIL SERVICE:

Mark Getsay, Chair
Dennis Sullivan
Nick Nunnari

SAFETY, UTILITIES, INDUSTRIAL DEVELOPMENT, WELFARE:

Nick Nunnari, Chair
Dennis Sullivan
Dave Greenspan

SANITATION:

Duane Van Dyke, Chair
Michael O'Donnell
Dave Greenspan

SERVICE, STREETS, SIDEWALKS, ROAD DRAINS:

Amy Havelka, Chair
Duane Van Dyke
Michael O'Donnell

REPRESENTATIVE TO PLANNING COMMISSION: Duane Van Dyke

RECREATION COMMISSION: Mark Getsay

WESTLAKE WATERSHED GROUP: Amy Havelka

S.A.F.E. (Safe Air For the Environment): Duane Van Dyke

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, to confirm the Council President's appointment of Councilmember Van Dyke as the planning commission representative.

Yeas: Sullivan, O'Donnell, Havelka, Getsay, Greenspan, Van Dyke, Nunnari.

Nays: None; motion carried.

Communication from Mayor Clough dated January 3, 2023, regarding salary increases. Council President Greenspan referred this to the finance committee.

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 Greenspan reported on the Committee of the Whole meeting held this date at 7:30 p.m. Present were Councilmembers Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka, Getsay. Also present were Mayor Clough; Directors Maloney, Quinn, Kelly, Shah, Horner, Bedell, Surber, Stybel, Grayem, Gadd, Bielozer, Moran; and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence, trash collection in Ward 1, obtaining an Attorney General's opinion on Ordinance No. 2022-125, the moratorium timeline, and sponsorship of legislation. The following committee meetings were either scheduled or re-announced: Finance committee, January 9 at 6:00 p.m.; Joint Committee of the Whole and Planning Commission, January 9 at 6:30 p.m.; and Planning, Zoning, Legislative committee, January 12 at 7:00 p.m.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, to adjourn to executive session to discuss real estate at 8:02 p.m.

ROLL CALL:

Yeas: Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka, Getsay.

Nays: None; motion carried.

Also present were Mayor Clough, Law Director Maloney and Finance Director Shah.

Executive session adjourned at 8:16 p.m.

Meeting adjourned at 8:17 p.m.

LEGISLATION:

ORDINANCE NO. 2022-71: AN ORDINANCE REPEALING SUBSECTIONS (h)(8) and (THIRD READING) (13) OF SECTION 1218.03 "SCHEDULE OF PERMITTED BUILDINGS AND USES" AS TO RECREATIONAL USES IN THE EXCLUSIVE INDUSTRIAL DISTRICT OF THE ZONING CODE. (First reading and referred to planning, zoning, legislative committee 6/16/22; second reading, amended, referred to planning commission 7/7/22; planning commission did not recommend approval 12/5/22)

Councilmember O'Donnell moved, seconded by Councilmember Van Dyke, that Ordinance No. 2022-71 be adopted.

ROLL CALL ON ADOPTION:

Yeas: None.

Nays: O'Donnell, Havelka, Getsay, Greenspan, Van Dyke, Nunnari, Sullivan; Ordinance No. 2022-71 defeated.

ORDINANCE NO. 2022-114: AN ORDINANCE SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 333 AS TO WILLFUL AND WANTON MISCONDUCT WHILE OPERATING A VEHICLE, AND DECLARING AN EMERGENCY. (First reading and referred to safety, utilities committee 11/17/22; second reading 12/15/22)
(THIRD READING)

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2022-114 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Havelka, Getsay, Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell.

Nays: None; Ordinance No. 2022-114 adopted.

ORDINANCE NO. 2022-120: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN EASEMENT AGREEMENT WITH KARL & EMMI SEILER, AND DECLARING AN EMERGENCY. (First reading and referred to public grounds, buildings, recreation committee 11/17/22; second reading 12/15/22)
(THIRD READING)

Councilmember Havelka moved, seconded by Councilmember Getsay, that Ordinance No. 2022-120 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Getsay, Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka.

Nays: None; Ordinance No. 2022-120 adopted.

ORDINANCE NO. 2022-124: AN ORDINANCE SUPPLEMENTING SUBSECTION 521.04(c) OF THE CODIFIED ORDINANCES AS TO DUMPING, AND DECLARING AN EMERGENCY. (First reading 12/1/22, second reading 12/15/22)
(THIRD READING)

Councilmember Havelka moved, seconded by Councilmember Van Dyke, that Ordinance No. 2022-124 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka, Getsay.

Nays: None; Ordinance No. 2022-124 adopted.

ORDINANCE NO. 2022-127: AN ORDINANCE VACATING A RETENTION BASIN EASEMENT LOCATED AT THE REAR OF 3186 LAURA LANE IN THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY. (First reading 12/1/22, second reading 12/15/22)
(THIRD READING)

Councilmember Nunnari moved, seconded by Councilmember O'Donnell, that Ordinance No. 2022-127 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka, Getsay, Greenspan.

Nays: None; Ordinance No. 2022-127 adopted.

ORDINANCE NO. 2022-128: AN ORDINANCE AMENDING SECTION 141.11
(THIRD READING) ENTITLED "ACTING DIRECTORS", AND DECLARING
AN EMERGENCY. (First reading 12/1/22, second reading
12/15/22)

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2022-128 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Nunnari, Sullivan, O'Donnell, Havelka, Getsay, Greenspan, Van Dyke.

Nays: None; Ordinance No. 2022-128 adopted.

ORDINANCE NO. 2022-140: AN ORDINANCE AUTHORIZING THE MAYOR TO
(SECOND READING) ENTER INTO A TRAFFIC SIGNAL ATTACHMENT
AGREEMENT BETWEEN THE CITY OF WESTLAKE
AND CELLCO PARTNERSHIP D/B/A VERIZON
WIRELESS. (First reading 12/15/22)

Andrew Crouch, representative from Verizon Wireless, was present and answered Councilmembers' questions about the agreement and coverage issues in Westlake.

LEGISLATION FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES:

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that the rule requiring ordinances/resolutions to be read in full on three separate dates be suspended, and that the following be placed on third reading.

ROLL CALL ON SUSPENSION:

Yeas: Sullivan, O'Donnell, Havelka, Getsay, Greenspan, Van Dyke, Nunnari.

Nays: None; motion carried.

ORDINANCE NO. 2023-1: 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 Havelka, that Ordinance No. 2023-1 be adopted.

ROLL CALL ON ADOPTION:

Yeas: O'Donnell, Havelka, Getsay, Greenspan, Van Dyke, Nunnari, Sullivan.

Nays: None; Ordinance No. 2023-1 adopted.

ORDINANCE NO. 2023-5: AN ORDINANCE AUTHORIZING THE MAYOR TO
ENTER INTO A THIRD AMENDED AGREEMENT WITH
CROCKER PARK MANAGEMENT, LLC AS TO THE
OPERATION AND MAINTENANCE OF MARKET
SQUARE, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell moved, seconded by Councilmember Havelka, that Ordinance No. 2023-5 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Havelka, Getsay, Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell.

Nays: None; Ordinance No. 2023-5 adopted.

FIRST READING:

ORDINANCE NO. 2023-2: AN ORDINANCE REDIVIDING THE CITY OF WESTLAKE INTO WARDS AND ESTABLISHING THE BOUNDARIES THEREOF, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2023-3: AN ORDINANCE AMENDING SUBSECTION (e) OF SECTION 139.01 OF THE CODIFIED ORDINANCES AS TO THE MINIMUM REQUIREMENTS FOR THE ENTRY LEVEL FIREFIGHTER POSITION.

Discussion ensued as to whether this proposed change should be addressed by the Civil Service Commission in their rules rather than by an ordinance. Law Director Maloney will do research and report back to Council.

ORDINANCE NO. 2023-4: AN ORDINANCE AMENDING SECTION 957.01 "ESTABLISHMENT OF FEE" OF THE CODIFIED ORDINANCES OF THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Council President Greenspan referred Ordinance No. 2023-4 to the finance committee.

MISCELLANEOUS:

Councilmember Nunnari acknowledged Ms. Philena Seldon, Manager of Outreach and Education in the Office of Sustainability for the city of Cleveland, and a new resident of Ward 1 in Westlake.

Councilmembers and the administration commended retiring Director of Engineering Kelly on his outstanding work and accomplishments for the city.

Council President Greenspan announced that he will not be at the January 19 Council meeting and that Councilmember Getsay will be Council President Pro Tem.


ADJOURNMENT:

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that the meeting adjourn.

Yeas: All.

Nays: None; motion carried.

President of Council Greenspan declared the meeting adjourned at 9:17 p.m.


Denise L. Rosenbaum, MMC
Clerk of Council


David S. Greenspan
President of Council