



**WESTLAKE CITY COUNCIL MEETING  
PROCEEDINGS OF A REGULAR SESSION  
MARCH 2, 2023**

The regular session of Council was called to order at 8:00 p.m. by President of Council David S. Greenspan.

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

Councilmember O'Donnell moved, seconded by Councilmember Van Dyke, that Councilmember Nunnari be excused for cause.

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

Nays: None; motion carried.

Also present: Mayor Dennis Clough, Assistant Law Director Robin Leasure, Service Director Paul Quinn, Acting Director of Engineering Jim Smolik, 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, Police Chief Kevin Bielozer, Fire Chief Matt Moran, Clerk of Council Denise L. Rosenbaum.

**APPROVAL OF MINUTES:**

Councilmember Havelka moved, seconded by Councilmember Van Dyke, that the reading of the minutes of the regular session of February 16, 2023, be waived and that they be approved as received.

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

Nays: None; motion carried.

**SELECTED CORRESPONDENCE:**

Communication from Mayor Clough dated February 15, 2023, requesting approval of the recommended increase in ambulance service fees.

Councilmember Getsay moved, seconded by Councilmember O'Donnell, to approve the recommended increase in ambulance service fees.

Yeas: All.

Nays: None; motion carried.

Communication from Mayor Clough dated February 15, 2023, requesting approval of the facility rental rates recommended by the Recreation Commission. Council took no action on these rates,

therefore they will automatically go into effect 60 days from the date of passage by the Recreation Commission.

Notice from Ohio Division of Liquor Control received February 21, 2023, for new C1, C2 permits for CAPL Retail LLC dba Joes Kwik Marts, 25466 Detroit Road, Westlake, Ohio 44145.

Councilmember O'Donnell moved, seconded by Councilmember Havelka, not to object to new C1, C2 permits for CAPL Retail LLC dba Joes Kwik Marts, 25466 Detroit Road, Westlake, Ohio 44145.

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

Nays: None; motion carried.

Communication from Mayor Clough dated February 27, 2023, requesting to accept the proposal of AECOM in the amount of \$65,750.00 as the most qualified and responsive proposal for the Point West stream restoration project. (Ordinance No. 2023-22)

Communication from Mayor Clough dated February 27, 2023, requesting authorization to enter into a contract with Garland/DBS Inc. for the recreation center phase 4 roof project at a total project price of \$844,755.00. (Ordinance No. 2023-23)

Communication from Mayor Clough dated February 22, 2023, requesting to accept the bid of Westview Concrete Corporation as the lowest and most responsive bid for concrete and related materials. (Ordinance No. 2023-26)

Communication from Mayor Clough dated February 22, 2023, requesting to accept the bids outlined in the attached memo as the lowest and most responsive for asphalt concrete and bituminous cold mix. (Ordinance No. 2023-25)

Communication from Mayor Clough dated February 27, 2023, requesting a meeting of the service, streets, sidewalks, road drains committee to discuss the 2023 sidewalk repair program and costs.

Communication from Mayor Clough dated February 22, 2023, requesting to accept the bids outlined in the attached memo as the lowest and most responsive for stone, sand, dirt and gravel. (Ordinance No. 2023-27)

Communication from Mayor Clough dated February 27, 2023, requesting authorization to purchase six police vehicles with selected options and associated safety equipment from the vendors listed in an amount not to exceed \$339,110.00. (Ordinance No. 2023-24)

Communication from Purchasing Director Surber dated February 28, 2023, informing Council of the 2023 expenditure for American Fireworks.

Communication from Purchasing Director Surber dated February 21, 2023, informing Council of the 2023 expenditures with the vendors listed.

**PETITIONS FROM THE PUBLIC:**

None.

**REPORT OF THE MAYOR:**

Mayor Clough read his fifth report of the year.

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

Council President Greenspan reported on the February 16, 2023, Finance Committee meeting.

Councilmember Havelka moved, seconded by Councilmember Van Dyke, that the report of the February 16, 2023, Finance Committee be received and filed.

**ROLL CALL:**

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

Nays: None; motion carried.

**AD HOC INFORMATION TECHNOLOGY COMMITTEE:**

Councilmember O'Donnell reported on the February 21, 2023, Ad Hoc Information Technology Committee meeting.

Councilmember O'Donnell moved, seconded by Councilmember Havelka, that the report of the February 21, 2023, Ad Hoc Information Technology Committee be received and filed.

**ROLL CALL:**

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

Nays: None; motion carried.

**SERVICE, STREETS, SIDEWALKS, ROAD DRAINS COMMITTEE:**

Councilmember Havelka reported on the February 21, 2023, Service, Streets, Sidewalks, Road Drains Committee meeting.

Councilmember Havelka moved, seconded by Councilmember O'Donnell, that the report of the February 21, 2023, Service, Streets, Sidewalks, Road Drains Committee meeting be received and filed.

**ROLL CALL:**

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

Nays: None; motion carried.

Councilmember Havelka moved, seconded by Councilmember O'Donnell, to authorize the administration to go out to bid for the 2023 roadway projects as discussed at the February 21, 2023, Service, Streets, Sidewalks, Road Drains Committee meeting.

**ROLL CALL:**

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

Nays: None; motion carried.

**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, Sullivan, O'Donnell, Havelka, Getsay. Also present were Mayor Clough; Directors Leasure (Assistant), Quinn, Smolik (Acting), Shah, Horner, Bedell, Surber, Stybel, Grayem, Bielozer, Moran; and Clerk

Rosenbaum. Agenda items were discussed as well as selected correspondence, extending the review time of an item in Finance Committee, referring Ordinance No. 2022-125 to the Finance Committee, holding an executive session under Miscellaneous later this night, and the moratorium timeline. The following committee meetings were scheduled: Facilities Planning and Space Utilization Subcommittee, March 7 at 7:00 p.m. at Clague Cabin; Finance Committee, March 15 at 7:00 p.m.; and Service, Streets, Sidewalks, Road Drains Committee, March 27 at 6:30 p.m.

The meeting adjourned at 7:59 p.m.

Council President Greenspan moved, seconded by Councilmember O'Donnell, to extend the review time for directors' salary increases by the Finance Committee to May 5, 2023.

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

Nays: None; motion carried.

Council President Greenspan referred Ordinance No. 2022-125 to the Finance Committee.

**LEGISLATION:**

**LEGISLATION FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES:**

Councilmember O'Donnell moved, seconded by Councilmember Havelka, 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: Greenspan, Van Dyke, Sullivan, O'Donnell, Havelka, Getsay.

Nays: None; motion carried.

**ORDINANCE NO. 2023-20: AN ORDINANCE AGREEING TO PARTICIPATE IN THE OPIOID SETTLEMENTS WITH OPIOID DISTRIBUTORS TEVA, ALLERGAN, CVS, WALGREENS AND WALMART, AND DECLARING AN EMERGENCY.**

Councilmember O'Donnell moved, seconded by Councilmember Havelka, that Ordinance No. 2023-20 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2023-20 adopted.

**RESOLUTION NO. 2023-21: A RESOLUTION ACCEPTING THE AMERICAN RESCUE PLAN ACT SUBGRANT NO. 2022-AR-1045 THROUGH THE OHIO VIOLENT CRIME REDUCTION GRANT.**

Councilmember O'Donnell moved, seconded by Councilmember Havelka, that Resolution No. 2023-21 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Resolution No. 2023-21 adopted.

**ORDINANCE NO. 2023-22: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH AECOM FOR DESIGN SERVICES, AND DECLARING AN EMERGENCY.**

Councilmember Sullivan moved, seconded by Councilmember Havelka, that Ordinance No. 2023-22 be adopted.

**ROLL CALL ON ADOPTION:**

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

**Nays:** None; Ordinance No. 2023-22 adopted.

**ORDINANCE NO. 2023-23: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GARLAND/DBS, INC. FOR THE RECREATION CENTER PHASE FOUR ROOF REHABILITATION PROJECT THROUGH OMNIA PARTNERS, AND DECLARING AN EMERGENCY.**

Councilmember Van Dyke moved, seconded by Councilmember Havelka, that Ordinance No. 2023-23 be adopted.

**ROLL CALL ON ADOPTION:**

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

**Nays:** None; Ordinance No. 2023-23 adopted.

**ORDINANCE NO. 2023-24: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE FOUR (4) NEW MODEL YEAR POLICE VEHICLES AND TWO (2) USED POLICE VEHICLES, WITH SELECTED OPTIONS AND ASSOCIATED SAFETY EQUIPMENT, FOR THE POLICE DEPARTMENT THROUGH OPEN MARKET VENDORS, AND DECLARING AN EMERGENCY.**

Councilmember O'Donnell moved, seconded by Councilmember Havelka, that Ordinance No. 2023-24 be adopted.

**ROLL CALL ON ADOPTION:**

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

**Nays:** None; Ordinance No. 2023-24 adopted.

**ORDINANCE NO. 2023-25: AN ORDINANCE ACCEPTING VARIOUS BIDS AND AUTHORIZING THE MAYOR TO ENTER INTO VARIOUS CONTRACTS FOR THE PURCHASE OF ASPHALT CONCRETE AND BITUMINOUS COLD MIX, AND DECLARING AN EMERGENCY.**

Councilmember Van Dyke moved, seconded by Councilmember Havelka, that Ordinance No. 2023-25 be adopted.

**ROLL CALL ON ADOPTION:**

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

**Nays:** None; Ordinance No. 2023-25 adopted.

**ORDINANCE NO. 2023-26:** AN ORDINANCE ACCEPTING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH WESTVIEW CONCRETE CORPORATION FOR THE PURCHASE OF CONCRETE AND RELATED MATERIALS, AND DECLARING AN EMERGENCY.

Councilmember Havelka moved, seconded by Councilmember Van Dyke, that Ordinance No. 2023-26 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2023-26 adopted.

**ORDINANCE NO. 2023-27:** AN ORDINANCE ACCEPTING VARIOUS BIDS AND AUTHORIZING THE MAYOR TO ENTER INTO VARIOUS CONTRACTS FOR THE PURCHASE OF STONE, SAND AND GRAVEL FOR VARIOUS PROJECTS IN THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember Van Dyke moved, seconded by Councilmember Havelka, that Ordinance No. 2023-27 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2023-27 adopted.

**MISCELLANEOUS:**

Councilmember O'Donnell moved, seconded by Councilmember Havelka, to adjourn to executive session to discuss real estate and employee compensation at 8:22 p.m.

**ROLL CALL:**

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

Nays: None; motion carried.

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

Planning Director Bedell left at 8:43 p.m.

Executive session adjourned at 9:06 p.m.

Council President Greenspan moved, seconded by Councilmember Havelka, to authorize the administration to seek an appraisal for the sale and/or lease of Market Square.

**ROLL CALL:**

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

Nays: None; motion carried.

**ADJOURNMENT:**

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

Yeas: All.

Nays: None; motion carried.

President of Council Greenspan declared the meeting adjourned at 9:07 p.m.



Denise L. Rosenbaum, MMC  
Clerk of Council



David S. Greenspan  
President of Council