



**WESTLAKE CITY COUNCIL MEETING  
PROCEEDINGS OF A REGULAR SESSION  
MARCH 16, 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, 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, Acting Director of Engineering Jim Smolik, Finance Director Prashant Shah, Recreation Director Paula Horner, Planning Director James Bedell, Economic Development Manager Michelle Boczek, Director of Purchasing Larry Surber, IT Infrastructure Manager Mike Stybel, 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 March 2, 2023, be waived and that they be approved as received.

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

Abstentions: Nunnari.

Nays: None; motion carried.

**SELECTED CORRESPONDENCE:**

Communication from Mayor Clough dated March 13, 2023, requesting authorization to sell the listed items through the GovDeals auction site for the reserve amount listed or higher.

Councilmember Havelka moved, seconded by Councilmember Nunnari, to authorize the administration to sell the listed items through the GovDeals auction site for the reserve amount listed or higher.

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

Nays: None; motion carried.

Communication from Purchasing Director Surber dated March 9, 2023, informing Council of the 2023 expenditures with the vendors listed.

Communication from Mayor Clough dated March 13, 2023, requesting a meeting of the Safety, Utilities committee to discuss lowering the speed limit on Rose Road from Dover Center to Columbia Road from the existing 35 m.p.h. to 25 m.p.h.

**PETITIONS FROM THE PUBLIC:**

None.

**REPORT OF THE MAYOR:**

Mayor Clough read his sixth report of the year.

**REPORTS OF STANDING COMMITTEES – FACILITIES PLANNING AND SPACE UTILIZATION SUBCOMMITTEE:**

Council President Greenspan reported on the March 7, 2023, Facilities Planning and Space Utilization Subcommittee meeting.

Councilmember Van Dyke moved, seconded by Councilmember Havelka, that the report of the March 7, 2023, Facilities Planning and Space Utilization Subcommittee be received and filed.

**ROLL CALL:**

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

Nays: None; motion carried.

**JOINT COMMITTEE OF THE WHOLE AND RECREATION COMMISSION:**

Council President Greenspan reported on the March 14, 2023, Joint Committee of the Whole and Recreation Commission meeting.

Councilmember Nunnari moved, seconded by Councilmember Havelka, that the report of the March 14, 2023, Joint Committee of the Whole and Recreation Commission meeting be received and filed.

**ROLL CALL:**

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

Nays: None; motion carried.

**FINANCE COMMITTEE:**

Council President Greenspan reported on the March 15, 2023, Finance Committee meeting.

Councilmember Havelka moved, seconded by Councilmember Getsay, that the report of the March 15, 2023, Finance Committee be received and filed.

**ROLL CALL:**

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

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, Nunnari, Sullivan, O'Donnell,

Havelka, Getsay. Also present were Mayor Clough; Directors Maloney, Quinn, Smolik (Acting), Shah, Horner, Bedell, Boczek, Surber, Stybel, Gadd, Bielozer, Moran; and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence, the planning commission report, school signage for Westside Christian Academy, extending time for items in the Planning, Zoning, Legislative committee and the status of the outdoor dining and land use ordinances (Ordinance Nos. 2023-15 and 2023-6 respectively). The following committee meetings were either scheduled or re-announced: Service, Streets, Sidewalks, Road Drains Committee, March 27 at 6:30 p.m.; Safety, Utilities Committee, April 4 at 7:00 p.m.

Meeting adjourned at 7:47 p.m.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, to extend the time to 5/30/23 for the planning, zoning, legislative committee to consider the zoning code amendment application from Kristopher Payne, HBP Westlake LLC.

ROLL CALL:

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

Nays: None; motion carried.

Council President Greenspan moved, seconded by Councilmember Sullivan, to extend the time to 5/30/23 for the planning, zoning, legislative committee to consider Ordinance No. 2022-126.

ROLL CALL:

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

Nays: None; motion carried.

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

Councilmember Van Dyke reported on the March 6, 2023, Planning Commission meeting advising that the commission took the following actions: **Torton Center sign plan, 27312 Detroit Rd., PP#21222022 & 4:** Findings of Fact: 1. The proposed sign replaces one in the same location. 2. A modification is required for the location of the sign to be approximately 2' from the right-of-way and for the sign to exceed 30 s.f. 3. The sign that was redesigned for the 3/6/23 meeting more closely matches the sign it is replacing in terms of height/scale and is not expected to be any closer to the right-of-way. 4. Standards for granting modifications as set forth in Section 1220.06 are met. 5. Per 1223.13, Administrative Procedures, the unique set of conditions, circumstances, or characteristics in support of a slightly larger sign results from this shopping center being developed when zoning standards were different and the widening of Detroit Road, which leaves no better alternative for its location in terms of meeting setback requirements. The size is slightly over the code requirements and could be remedied by removing the name of the center from the top of the sign; however, it is +/- 5 square feet smaller than the sign it is replacing. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to approve Torton Center sign plan with the following: 1. Modification is granted for the sign to be less than 10' from the right-of-way and for the total sign face area to exceed 30 s.f. 2. Condition the color of the background {of individual sign panels} will be terracotta or a warmer red color to be administratively approved; **Mission BBQ site improvements, 2209 Crocker Rd., PP#21126075:** Findings of Fact: 1. The purpose of this request is to approve the patio that is designed to complement the adjacent storefront. 2. There are no modifications required. 3. The updated design expands the size of the patio to more closely match the approved preliminary development plan, which also benefits the applicant by offering an additional six seats and 1 additional ADA accessible table. Motion: Based upon the

findings of fact Ms. Falcone moved, seconded by Mr. Jones to recommend approval of Mission BBQ site improvements with the following: 1. Condition that lighting does not exceed 3000K and 450 lumens; **Amware sign plan, 830 Canterbury Road, PP#21304005**: Findings of Fact: 1. The signs comply with Chapter 1223 except for the directional sign at Canterbury Road that is 2 s.f. over. 2. Per 1223.13, Administrative Procedures, the unique set of conditions, circumstances, or characteristics in support of a slightly larger directional sign results from its function as a wayfinding sign that may be hard to see if only 4 s.f. given the lack of development on the west side of Canterbury Road; driveway that is somewhat hard to see due to vegetation; and Q-Lab's monument sign on the north side of the driveway that may be seen first, causing confusion. 3. Standards for granting modifications as set forth in Section 1220.06 are met. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to approve the Amware sign plan with the following: 1. Modification for Sign 2 to be 6 s.f.; tabled the **Mills Pointe site improvements Mills Pointe Way, PP#21714054**, to the April 3, 2023, meeting; tabled the **Hope Pointe Place Townhomes development plan and sign plan, 28083 Detroit Road, PP#21219005, 012 & 054**, to the April 3, 2023, meeting; **Bank of America development plan and sign plan, 150 Market St., PP#21126069**: Findings of Fact: 1. The proposed building is in the Eclectic Style, Design Guidelines Style #6. 2. Building and canopy lighting should be approved contingent upon approval by the City's lighting consultant, as it is still being reviewed. 3. The tinted glass requires a waiver from Design Guidelines Section 6.12. 4. Signage complies with the Crocker Park Master Sign Criteria. 5. Standards for granting modifications as set forth in Section 1220.06 are met. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to recommend approval of the Bank of America development plan with the following: 1. Modification from the preliminary development plan for the smaller building footprint and surface parking lot. 2. Condition that building and canopy lighting is administratively approved. 3. A waiver is granted from Crocker Park Mixed Use Area Design Guidelines Section 6.12 for spandrel glazing in charcoal grey or equal color. 4. Approval is subject to comments in Part III of the 3/2/23 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. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to approve the Bank of America sign plan; **Ord. 2023-10 conditional use Permit for on-demand childcare (Sweet Kiddles), 137 American Blvd.**: Findings of Fact: 1. Per 1227.03, Standards for Evaluating Conditional Use Permits, the Planning Commission determined that the location, extent and intensity of the proposed use is not objectionable to nearby dwellings by reason of noise greater than normal; the proposed use forms a harmonious part of Crocker Park, taking into account, among other considerations, convenience of access and relationship of one use to another; and its hours of operation and concentration of vehicles in connection with the proposed use are not expected to be more hazardous or dangerous than the normal traffic of the district. 2. A modification is needed in order for the playground to encroach 22.3' into the setback from Crocker Road. Due to existing and proposed screening, it will be largely hidden from view from American Boulevard and Crocker Road. 3. Standards for granting modifications as set forth in Section 1220.06 are met. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to recommend approval of the Ord. 2023-10 with the following: 1. Modification for the playground to encroach into the setback from Crocker Road as established in the current Crocker Park Preliminary Development Plan and for the vehicular drop-off/pick up location to extend beyond 30' from the entrance. 2. Condition that the east side of the landscaped playground area from American Blvd. to the building on both sides is identified as a fire lane

with signs and painted curbs; tabled the **Dunkin' site improvement and sign plan, 25467 Detroit Road, PP#21324008**, to the April 3, 2023, meeting; tabled **Ord. 2023-15 code amendments to Chapter 707 as to outdoor dining facilities**, to the April 3, 2023, meeting; **Ord. 2023-6 code amendments Chapter 1211 "Residential Districts" as to Multi-family townhouse, cluster, two-family dwelling and apartment developments**: Motion: Ms. Falcone moved, seconded by Mr. Jones to request a 60-day extension of time for Ord. 2023-6. Motion: Ms. Falcone moved, seconded by Mr. Jones to table Ord. 2023-6 to the April 3, 2023, meeting. Meeting adjourned at 11:01 p.m. The next regular meeting is scheduled for Monday, 4/3/2023.

Councilmember Van Dyke moved, seconded by Councilmember Nunnari, to approve the **Mission BBQ site improvements** with the condition listed in the report of the March 6, 2023, Planning Commission.

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

Nays: None; motion carried.

Councilmember Van Dyke moved, seconded by Councilmember Nunnari, to approve the **Bank of America development plan** with the modifications and conditions listed in the report of the March 6, 2023, Planning Commission.

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

Nays: None; motion carried.

Councilmember Van Dyke moved, seconded by Councilmember Nunnari, to grant a 60-day extension of time for **Ordinance No. 2023-6**.

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

Nays: None; motion carried.

**LEGISLATION:**

ORDINANCE NO. 2023-10: AN ORDINANCE CONSIDERING A CONDITIONAL USE PERMIT FOR A DAYCARE. (First reading and referred to planning commission 2/2/23, planning commission recommended approval with conditions 3/6/23)  
(SECOND READING)

Councilmember Havelka moved, seconded by Councilmember Van Dyke, that Ordinance No. 2023-10 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

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

Nays: None; Ordinance No. 2023-10 amended by substitution.

Council President Greenspan set a public hearing on Ordinance No. 2023-10 for April 6, 2023.

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

Nays: None; motion carried.

**ORDINANCE NO. 2023-28: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.**

Councilmember Getsay moved, seconded by Councilmember Havelka, that Ordinance No. 2023-28 be adopted.

**ROLL CALL ON ADOPTION:**

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

**Nays:** None; Ordinance No. 2023-28 adopted.

**RESOLUTION NO. 2023-29: A RESOLUTION ACCEPTING WESTLAKE POLICE DEPARTMENT BODY WORN CAMERA PROGRAM SUBGRANT.**

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Resolution No. 2023-29 be adopted.

**ROLL CALL ON ADOPTION:**

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

**Nays:** None; Resolution No. 2023-29 adopted.

**RESOLUTION NO. 2023-30: A RESOLUTION ACCEPTING THE AKC REUNITE ADOPT A K-9 COP MATCHING GRANT.**

Councilmember Van Dyke moved, seconded by Councilmember Nunnari, that Resolution No. 2023-30 be adopted.

**ROLL CALL ON ADOPTION:**

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

**Nays:** None; Resolution No. 2023-30 adopted.

**ORDINANCE NO. 2023-31: AN ORDINANCE REPEALING VARIOUS SECTIONS OF CHAPTERS 137 AND 139 OF THE ADMINISTRATIVE CODE AS TO THE ORIGINAL AND PROMOTIONAL APPOINTMENTS OF PATROL OFFICERS AND FIREFIGHTERS, AND DECLARING AN EMERGENCY.**

Councilmember Getsay moved, seconded by Councilmember Nunnari, that Ordinance No. 2023-31 be adopted.

**ROLL CALL ON ADOPTION:**

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

**Nays:** None; Ordinance No. 2023-31 adopted.

**MISCELLANEOUS:**

Council President Greenspan recognized Westlake native and Olympian Adelaide Aquilla on her fourth NCAA national shot put championship for The Ohio State University.

**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 8:29 p.m.



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Denise L. Rosenbaum, MMC  
Clerk of Council



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David S. Greenspan  
President of Council