



**WESTLAKE CITY COUNCIL MEETING
PROCEEDINGS OF A REGULAR SESSION
JUNE 2, 2022**

The regular session of Council was called to order at 8:13 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.

Councilmember Sullivan moved, seconded by Councilmember O'Donnell, that Mayor Clough be excused for cause.

Yeas: All.

Nays: None; motion carried.

Also present: 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, 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 Nunnari, that the reading of the minutes of the regular session of May 19, 2022, be waived and that they be approved as received.

ROLL CALL:

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

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Council President Greenspan dated May 20, 2022, recommending the appointment of Douglas Smorag and David Mercado to the Board of Tax Review on behalf of the legislative authority effective June 2, 2022, for a term of two years pursuant to §194.21.

Councilmember Havelka moved, seconded by Councilmember Getsay, to appoint Douglas Smorag and David Mercado to the Board of Tax Review on behalf of the legislative authority effective June 2, 2022, for a term of two years pursuant to §194.21.

ROLL CALL:

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

Nays: None; motion carried.

Communication from Mayor Clough dated May 26, 2022, requesting authorization to enter into a contract with Earth Consulting, Ltd. to perform services as required by the Ohio Environmental Protection Agency for the groundwater assessment in an amount not to exceed \$20,000.00. (Ordinance No. 2022-63)

Communication from Mayor Clough dated May 31, 2022, requesting to accept the bid of Dura Mark, Inc. in the amount of \$300,000.00 as the lowest and most responsive bid for the pavement markings of certain streets and highways project. (Ordinance No. 2022-64)

Email from Leon Sampat, architect for Dover Village Townhomes, received June 2, 2022, regarding additional buffering.

PETITIONS FROM THE PUBLIC:

James Crandall, 31323 Muirfield Way, spoke in opposition to the Dover Village Townhomes Development Plan due to environmental issues, aesthetics, the developer's accountability to residents' questions, buffering according to the guide plan, among other things. He requested that an effort be made to preserve the existing trees along the property line.

Brian Urban, 31297 Muirfield Way, thanked Council for considering the Prestwick residents' concerns and stated that the developer should show how this development will enhance their existing development. He also urged Council to vote as if the development were in their own ward.

Kim Durbin, 31401 Muirfield Way, expressed concerns about the property owner's care of the property and reimbursement of costs Prestwick residents have expended in that matter. She requested that at least a fallen tree be removed from the sidewalk.

REPORT OF THE MAYOR:

Acting Mayor Shah read the Mayor's eleventh report of the year.

REPORTS OF ADMINISTRATIVE OFFICIALS:

Recreation Director Horner reported on the May 16, 2022, Recreation commission meeting at which an option to offer 500 non-resident memberships to the Recreation Center was considered for a possible 1-year trial period to increase revenues and offset increasing operating costs. Details and parameters were outlined, and recommendations will be presented to Council in the near future for approval. Councilmember Sullivan requested the law director to look at possible issues involved in taking this type of membership away, if it should be terminated in the future.

REPORTS OF STANDING COMMITTEES – PLANNING, ZONING, LEGISLATIVE COMMITTEE:

Councilmember Sullivan reported on the May 24, 2022, Planning, Zoning, Legislative committee meeting.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, that the report of the May 24, 2022, Planning, Zoning, Legislative committee meeting be received and filed.

ROLL CALL:

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

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Van Dyke, that legislation be drafted relative to the ADMA conditional use permit request.

ROLL CALL:

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

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, that Ordinance No. 2022-36 be amended in the first Whereas clause by changing "Council President Greenspan" to "Council."

ROLL CALL:

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

Nays: None; motion carried.

JOINT COMMITTEE OF THE WHOLE AND PLANNING COMMISSION:

Council President Greenspan reported on the May 24, 2022, Joint Committee of the Whole and Planning Commission meeting.

Councilmember Greenspan moved, seconded by Councilmember O'Donnell, that the report of the May 24, 2022, Joint Committee of the Whole and Planning Commission meeting be received and filed.

ROLL CALL:

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

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 Directors Maloney, Quinn, Kelly, Shah, Horner, Bedell, Surber, Grayem, Gadd, Bielozzer, Hughes; and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence, a planning commission item to be acted upon, Council's review of code chapters 11 and 12, an ordinance for the law department employees' compensation, and an item to possibly add to the Safety committee agenda. The following committee meetings were scheduled: Safety, Utilities committee, June 13 at 6:45 p.m.; Finance committee, June 13 at 7:00 p.m.

Councilmember Sullivan moved, seconded by Councilmember O'Donnell, to adjourn to executive session to discuss pending litigation at 7:48 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Also present were Finance Director Shah and Law Director Maloney.

Councilmember Nunnari moved, seconded by Councilmember Sullivan, to adjourn executive session at 8:13 p.m.

ROLL CALL:

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

Nays: None; motion carried.

Meeting adjourned at 8:13 p.m.

PLANNING COMMISSION:

Councilmember Van Dyke moved, seconded by Councilmember O'Donnell, to approve the **Dover Village Townhomes development plan** with the conditions listed in the report of the May 9, 2022, planning commission and an additional condition #6 providing additional spruce trees to the north property line as described in a letter and revised site plan SD1.1 from LS Architects dated June 2, 2022.

Councilmember Greenspan moved, seconded by Councilmember Van Dyke, to recess for 5 minutes to allow Planning Director Bedell to consult with Law Director Maloney.

ROLL CALL:

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

Nays: None; motion carried.

Upon returning from recess, Councilmembers had questions and comments about the findings of facts, the meeting of code requirements and the intent and spirit of the guide plan, and requested that the administration look into the property maintenance issues.

ROLL CALL ON MOTION TO APPROVE:

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

Nays: Getsay, Nunnari; motion carried.

LEGISLATION:

RESOLUTION NO. 2022-56: A RESOLUTION OF COMMENDATION FOR JAMES T. HUGHES, FIRE CHIEF OF THE CITY OF WESTLAKE.

Councilmember O'Donnell moved, seconded by Councilmember Sullivan, that the rule requiring the resolution to be read in full on three separate dates be suspended, and that the same be placed on third reading.

ROLL CALL ON SUSPENSION:

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

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember O'Donnell, that Resolution No. 2022-56 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Resolution No. 2022-56 adopted.

Members of Council and the administration commended Chief Hughes for his outstanding service to the city and to the country and thanked his wife and family for their support of him over the years.

ORDINANCE NO. 2022-57: AN ORDINANCE SUPPLEMENTING AND AMENDING VARIOUS SECTIONS OF CHAPTER 1519 "FIREWORKS" OF THE CODIFIED ORDINANCES OF THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Council President Greenspan referred Ordinance No. 2022-57 to the Safety, Utilities committee.

RESOLUTION NO. 2022-58: A RESOLUTION OPPOSING OHIO HOUSE BILL 563 WHICH PROPOSES TO LIMIT LOCAL REGULATION OF SHORT TERM RENTAL PROPERTIES.

RESOLUTION NO. 2022-59: A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET INFORMATION FOR THE CITY OF WESTLAKE, OHIO FOR THE FISCAL YEAR 2023.

Councilmember O'Donnell moved, seconded by Councilmember Havelka, that the rule requiring the resolution to be read in full on three separate dates be suspended, and that the same be placed on third reading.

ROLL CALL ON SUSPENSION:

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

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Nunnari, that Resolution No. 2022-59 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Resolution No. 2022-59 adopted.

ORDINANCE NO. 2022-60: AN ORDINANCE FIXING THE COMPENSATION OF SALARIED AND HOURLY RATE EMPLOYEES IN THE SEVERAL DEPARTMENTS OF THE CITY OF WESTLAKE, AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

Council President Greenspan referred Ordinance No. 2022-60 to the Finance committee.

ORDINANCE NO. 2022-61: AN ORDINANCE ESTABLISHING THE COMPENSATION FOR THE MAYOR FOR THE CITY OF WESTLAKE.

Council President Greenspan referred Ordinance No. 2022-61 to the Finance committee.

ORDINANCE NO. 2022-62: AN ORDINANCE FIXING THE COMPENSATION OF DEPARTMENT HEADS OF THE CITY OF WESTLAKE, AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

Council President Greenspan referred Ordinance No. 2022-62 to the Finance committee.

ORDINANCE NO. 2022-63: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PERSONAL SERVICES AGREEMENT WITH EARTH CONSULTING, LTD. FOR GROUNDWATER ASSESSMENT SERVICES FOR THE FORMER WESTLAKE SANITARY LANDFILL, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell moved, seconded by Councilmember Havelka, 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.

ROLL CALL ON SUSPENSION:

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

Nays: None; motion carried.

Councilmember Nunnari moved, seconded by Councilmember Sullivan, that Ordinance No. 2022-63 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2022-63 adopted.

ORDINANCE NO. 2022-64: AN ORDINANCE TO AWARD A CONTRACT TO DURA MARK, INC. FOR THE PAVEMENT MARKINGS OF CERTAIN STREETS AND HIGHWAYS WITHIN THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell moved, seconded by Councilmember Havelka, 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.

ROLL CALL ON SUSPENSION:

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

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, that Ordinance No. 2022-64 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2022-64 adopted.

MISCELLANEOUS:

Councilmember O'Donnell moved, seconded by Councilmember Getsay, to accept the tentative agreement with the OPBA for dispatchers and jailers.

Yeas: All.

Nays: None; motion carried.

Council President Greenspan commended Councilmember Havelka and all councilmembers for their efforts in planting Council's Hilliard flower box.

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 9:22 p.m.



Denise L. Rosenbaum, MMC
Clerk of Council



David S. Greenspan
President of Council