



**WESTLAKE CITY COUNCIL MEETING  
PROCEEDINGS OF A REGULAR SESSION  
JULY 6, 2023**

The regular session of Council was called to order at 8:07 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 Jim Smolik, Finance Director Prashant Shah, 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 Captain Gerald Vogel, Assistant Fire Chief Mike Freeman, 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 June 15, 2023, 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 July 3, 2023, requesting authorization to purchase one new model year Chevrolet 2500 HD 4WD pick-up truck with selected options through the open market from Sunnyside Automotive IX LLC dba Sunnyside Chevrolet in an amount not to exceed \$47,000.00. (Ordinance No. 2023-57)

Communication from Mayor Clough dated July 3, 2023, requesting authorization to purchase one new model year Chevrolet Express 3500 Cutaway van with selected options through the open market from Sunnyside Automotive IX LLC dba Sunnyside Chevrolet in an amount not to exceed \$58,000.00. (Ordinance No. 2023-58)

Communication from Mayor Clough dated July 3, 2023, requesting authorization to purchase seven Glock 17 handguns and one Trijicon adjustable red RMR sight from Atwell's Police and Fire Equipment and to authorize the trade-in of the surplus ammunition outlined in the memo. (Ordinance No. 2023-56)

Communication from Mayor Clough dated June 28, 2023, requesting authorization to purchase three Daniel Defense Delta SWAT Rifles with selected options from Tactical Assault Specialists and to authorize the trade-in of the confiscated firearms outlined in the memo. (Ordinance No. 2023-55)

Communication from Mayor Clough dated June 28, 2023, requesting authorization to sell the listed items through the GovDeals auction site for the reserve amount listed or higher.

Councilmember Nunnari moved, seconded by Councilmember Van Dyke, 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.

Email from Chad Chillemi received July 6, 2023, regarding the proposed preliminary development plan for Vuila Way in connection with the proposed rezoning (Ordinance No. 2023-53).

**PETITIONS FROM THE PUBLIC:**

Chad Chillemi, 1940 Columbia Road, spoke regarding the layout of the proposed preliminary development plan in connection with the proposed rezoning stating that he prefers the T turnaround (submitted with the original application) and not the cul-de-sac version that planning commission recommended. He may not go forward with the project if he cannot use that design.

**REPORT OF THE MAYOR:**

Mayor Clough read his thirteenth report of the year.

**REPORTS OF STANDING COMMITTEES – SAFETY, UTILITIES COMMITTEE:**

Councilmember Nunnari reported on the June 27, 2023, Safety, Utilities Committee meeting.

Councilmember Nunnari moved, seconded by Councilmember Sullivan, that the report of the June 27, 2023, Safety, Utilities Committee meeting be received and filed.

ROLL CALL:

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

Nays: None; motion carried.

Councilmember Van Dyke moved, seconded by Councilmember Getsay, to extend the review time of the speed limit on Rose Road by the Safety, Utilities Committee by 60 days to September 12, 2023.

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

Nays: None; motion carried.

Councilmember Nunnari moved, seconded by Councilmember Sullivan, to approve the Water's Edge Drive and Detroit Road pavement marking plan to improve line of sight as presented at the June 27, 2023, Safety, Utilities Committee meeting.

ROLL CALL:

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

Nays: None; motion carried.

### **PLANNING, ZONING, LEGISLATIVE COMMITTEE:**

Councilmember Sullivan reported on the June 27, 2023, Planning, Zoning, Legislative Committee meeting.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, that the report of the June 27, 2023, Planning, Zoning, Legislative Committee meeting be received and filed.

ROLL CALL:

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

Nays: None; motion carried.

Councilmember Sullivan moved, seconded by Councilmember Nunnari, that legislation be drafted relative to the conditional use permit request from 360 Athletix.

ROLL CALL:

Yeas: Havelka, Getsay, Greenspan, Van Dyke, Nunnari, 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, Nunnari, Sullivan, O'Donnell, Havelka, Getsay. Also present were Mayor Clough; Directors Maloney, Quinn, Smolik, Shah, Bedell, Surber, Stybel, Grayem, Gadd, Vogel (Captain), Freeman (Assistant); and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence, the planning commission report, the Sunoco development plan from the last Council meeting, historical videos produced by the high school (one of which was played), and the status of the OSPORTS report. No committee meetings were scheduled.

The meeting adjourned at 8:06 p.m.

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

Councilmembers had additional concerns regarding the **Sunoco Development Plan (cooler addition)** from the June 5, 2023, planning commission meeting. Council President Greenspan referred it back to planning commission.

Councilmember Van Dyke reported on the July 5, 2023, Planning Commission meeting advising that the commission took the following actions: **Ordinance 2023-53 rezoning the north side of Center Ridge Road (21427013 & 054) at the east corporate limits from R-1F-80 District and R-MF-24 District to Small Scale Residential PUD District:** Findings of Fact 1. The rezoning is for multi-family cluster and is supported by the Guide Plan. 2. The property could be developed with the current zoning, but there would be one less unit. 3. The Planning Commission determined that the proposal meets regulations for a residential planned unit development preliminary development plan. 4. This preliminary development plan is a necessary component of Ordinance 2023-53, which is the planned unit development ordinance for this property's rezoning. 5. Refinements of the preliminary development plan design are typically

seen in the final development plan, but the overall design of both should be similar. These refinements result from the detailed site, drainage, grading, tree preservation, landscaping, engineering, survey and other plans included in the development plan. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Ms. Smith to recommend approval of preliminary development plan option SD1.2 Option 3. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Ms. Smith to recommend approval of Ordinance 2023-53; tabled **Ordinance 2023-15 code amendments to Chapter 707 as to outdoor dining facilities**, to the July 10, 2023, meeting. Meeting adjourned at 8:32 p.m. The next regular meeting is scheduled for Monday, 7/10/2023.

**LEGISLATION:**

ORDINANCE NO. 2023-53: 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 LOCATED AT THE NORTH SIDE OF CENTER RIDGE ROAD AT THE EAST CORPORATE LIMITS FROM R-1F-80 DISTRICT AND R-MF-24 DISTRICT TO SMALL SCALE RESIDENTIAL PUD DISTRICT. (First reading and referred to planning commission 6/15/23, planning commission recommended approval 7/5/23)

Council President Greenspan set a public hearing on Ordinance No. 2023-53 for July 20, 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: Getsay, Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka.

Nays: None; motion carried.

ORDINANCE NO. 2023-54: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,500,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CONSTRUCTING, FURNISHING AND EQUIPPING A NEW COMMUNITY SERVICES CENTER ADJACENT TO THE CITY'S EXISTING RECREATION CENTER AND CLEARING, FURNISHING AND IMPROVING ITS SITE, AND DECLARING AN EMERGENCY.

Councilmember Getsay moved, seconded by Councilmember Nunnari, that Ordinance No. 2023-54 be adopted.

**ROLL CALL ON ADOPTION:**

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

Nays: None; Ordinance No. 2023-54 adopted.

**ORDINANCE NO. 2023-55: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE SWAT RIFLES WITH SELECTED OPTIONS, IN CONNECTION WITH A TRADE-IN, FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.**

Councilmember Havelka moved, seconded by Councilmember Nunnari, that Ordinance No. 2023-55 be adopted.

**ROLL CALL ON ADOPTION:**

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

**Nays:** None; Ordinance No. 2023-55 adopted.

**ORDINANCE NO. 2023-56: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE GLOCK 17 HANDGUNS AND TRIJICON ADJUSTABLE RED RMR SIGHT, IN CONNECTION WITH A TRADE-IN, FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.**

Councilmember O'Donnell moved, seconded by Councilmember Van Dyke, that Ordinance No. 2023-56 be adopted.

**ROLL CALL ON ADOPTION:**

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

**Nays:** None; Ordinance No. 2023-56 adopted.

**ORDINANCE NO. 2023-57: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW MODEL YEAR CHEVROLET 2500 HEAVY DUTY 4WD PICK-UP TRUCK, WITH SELECTED OPTIONS, FOR THE DEPARTMENT OF PUBLIC SERVICE THROUGH AN OPEN MARKET VENDOR, AND DECLARING AN EMERGENCY.**

Councilmember O'Donnell moved, seconded by Councilmember Havelka, that Ordinance No. 2023-57 be adopted.

**ROLL CALL ON ADOPTION:**

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

**Nays:** None; Ordinance No. 2023-57 adopted.

**ORDINANCE NO. 2023-58: AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW MODEL YEAR CHEVROLET EXPRESS 3500 VAN WITH UTILITY BODY AND SELECTED OPTIONS FOR THE DEPARTMENT OF PUBLIC SERVICE THROUGH AN OPEN MARKET VENDOR, AND DECLARING AN EMERGENCY.**

Councilmember Nunnari moved, seconded by Councilmember Van Dyke, that Ordinance No. 2023-58 be adopted.

**ROLL CALL ON ADOPTION:**

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

**Nays:** None; Ordinance No. 2023-58 adopted.

ORDINANCE NO. 2023-59: AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 137.01 OF CHAPTER 137 ENTITLED "POLICE DEPARTMENT" AS TO THE COMPOSITION OF THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2023-59 be adopted.

ROLL CALL ON ADOPTION:

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

Nays: None; Ordinance No. 2023-59 adopted.

**MISCELLANEOUS:**

Councilmember Nunnari encouraged residents to keep their shrubbery trimmed that might be overhanging onto sidewalks.

**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 8:44 p.m.



Denise L. Rosenbaum, MMC  
Clerk of Council



David S. Greenspan  
President of Council