

WESTFIELD CITY COUNCIL, April 13, 2009

The Westfield City Council met in regular session Monday April 13, 2009 at the Westfield City Hall. Members present were Rob Stokes, Steve Hoover, Tom Smith, Bob Horkay, Ken Kingshill and John Dippel. Also present were Mayor, Andy Cook, Clerk Treasurer, Cindy Gossard and Legal Counsel, Brian Zaiger. Mayor Andy Cook called the meeting to order at 7:00 p.m.

Approval of Minutes:

None

Guests:

None

Claims:

Bob Horkay made a motion to approve claims as presented. Steve Hoover seconded. Vote: Yes-6; No-0. Motion carried.

Miscellaneous Business/Special Recognition:

Proclamation – Autism Awareness Month

Mayor Cook presented this item proclaiming the month of April as Autism Awareness Month.

Proclamation- Arbor Day

Mayor Cook introduced Director of Parks, Melody Sweat and presented the Proclamation for Arbor Day. He mentioned that Westfield has been a Tree City for two years. Ms. Sweat announced that the community is invited to participate in planting 86 trees at Simon Moon Park, Arbor Day April 25, 2009.

Grand Junction Task Group Recommendation: Zoning Ordinance Consultant:

Jim Anderson, co-chair of the Grand Junction Task Group explained to the Council that the Task Group is recommending a continuation of this project. The group would like to engage a consultant to work with group. The recommendation of the consultant would be Ground Rules Inc.

Old Business:

Ordinance 09-04: Amendment of Water System Rules & Regulations of WPWD
First Reading – March 9, 2009
Second Reading – April 13, 2009
Public Hearing – April 13, 2009
Adoption Consideration – April 13, 2009

Kurt Wanninger explained this proposed ordinance describes the charges that are associated with the daily operational business of the Department of Public Works. Kurt gave a brief explanation of some of the charges. Deputy Mayor, Bruce Hauk gave a brief explanation of some of the charges specifically related to lawn irrigation.

President Kingshill opened a public hearing at 7:32PM.

The public hearing closed at 7:33PM.

Tom Smith made a motion to approve Ordinance 09-04 as presented. Bob Horkay seconded. Vote: Yes-6; No-0. Motion carried.

Ordinance 09-06: Bond Ordinance
First Reading – March 23, 2009
Second Reading – April 13, 2009
Adoption Consideration – April 13 2009

Kurt Wanninger described the proposed ordinance along with the purchase of the land. Two appraisals have been provided to assure market value pricing. The purchase would be a 10 year bond issue.

Bob Horkay made a motion to approve Ordinance 09-06 as presented. John Dippel seconded. Vote: Yes-6; No-0. Motion carried.

Ordinance 09-02 South Union Planned Unit Development
Introduction – February 9, 2009
Advisory Plan Commission Workshop – March 2, 2009
Advisory Plan Commission – March 16, 2009
First Reading – April 13, 2009
Second Reading – April 27, 2009
Adoption Consideration – April 27, 2009

Jennifer Miller from the Community Development Department explained that this is before the Council this evening with a positive recommendation from the Advisory Plan Commission. She went on to explain that this is consistent with the Comprehensive Plan and also with the Grand Junction draft. Representing J.C. Hart Company, Inc. Jon Dobosiewicz from Nelson and Frankenberger Law Firm introduced the development team.

Gary Weaver from the Development Team gave a slide show presentation.

Jon Dobosiewicz answered a few comments from the Council. It was determined that this would come back to this Council for consideration within the month.

New Business:

**Ordinance 09-07: Municipal Code of Ordinance Amendment
TABLED - First Reading – March 23, 2009
First Reading – April 13, 2009
Second Reading – May 11, 2009
Adoption Consideration – May 11, 2009**

Jennifer Miller explained that this ordinance amends Chapter 48 of the municipal code, concerning firework sales. This will allow municipalities to limit and set time of use for fireworks sales.

There was not a public hearing but President Kingshill allowed input from the public.

Bruce Boje, attorney in Noblesville, representing USA Fireworks, expressed concerns with the sprinkler restrictions, as set by the State Fire Marshall.

Temporary Signs in Residential Districts for Discussion

Jennifer Miller explained that there have been an increased number of signs in right-of- ways. She went on to give comparisons of Carmel, Fishers and Noblesville.

Kate Johnson of the Builders Association of Greater Indianapolis spoke on behalf of the building community. They are not oppose to a clear ordinance but would appreciate being involved in discussions as this moves forward.

After much discussion from the Council, it was determined that this will go to the ordinance / policy review committee for review and will come back to this Council with a recommendation to consider.

Temporary Events for Discussion

Jennifer Miller explained that this is addressing temporary events. She gave some comparisons of other communities.

After some Council discussion President Kingshill allowed input from the public.

Jim Godby representing Godby Home Furnishings, spoke in favor of allowing the established, tax paying businesses to have temporary tent sales, related to their business. Mr. Godby is not in favor of outside businesses having tent sales.

Mr. Godby also has concerns with restrictive sign ordinances and how this can affect his business longevity.

Mike Hutson, from Westfield Lighting, spoke in favor of local businesses that pay taxes to be allowed temporary tent sales. Mr. Hutson feels that the annual tent sale is important to his business.

Mic Mead concurred with both Mr. Godby and Mr. Hutson on their tent sale opinions. He went on to explain the Green House Sales and how that came about. This originally was done through the BZA with expenses. An ordinance was then written to allow temporary Green House sales for a nominal fee with certain criteria.

Attorney Brian Zaiger stated that he would look at the ordinance and will have a suggested remedy before the next City Council meeting.

Waterline Reimbursement Agreement – Springmill Self Storage, LLC

Kurt Wanninger gave a brief history of similar agreements that have come before the past Council. He explained that he is asking this Council to allow the Director of Westfield Public Works to enter into this agreement with Springmill Self Storage, LLC., as presented, not to exceed \$ 85,547.08.

Steve Hoover made a motion to allow the Director of Public Works to enter into the agreement with Springmill Self Storage LLC., not to exceed \$85,547.08. Tom Smith seconded. Vote: Yes-6; No-0. Motion carried.

City Council Comments:

None

Mayor Comments:

Mayor Cook introduced Matt Skelton, the new Community Development Director.

Mayor Cook announced that the City Service Staff will be moving to a 4 day work week of 10 hour days.

He also mentioned that with the success of “WeCan” citizen’s group, the City and The Westfield Washington Chamber of Commerce will begin a new business group called “MoreBiz”.

He also wanted to compliment the emergency responses on US 31 and what an amazing job was done by our Police and Fire Departments.

Adjourn:

With no further business Bob Horkay made a motion to adjourn. Steve Hoover seconded. Vote: Yes-6; No-0. Motion carried.

The meeting was adjourned at 9:30 P.M. with an executive session to follow.

Clerk-Treasurer

Council President