

WESTFIELD CITY COUNCIL, July 13, 2009

The Westfield City Council met in regular session Monday July 13, 2009 at the Westfield City Building. Members present were Bob Horkay, John Dippel, Steve Hoover, Bob Smith, Tom Smith and Rob Stokes. Mayor Cook announced that President Ken Kingshill is not in attendance and that Vice President Bob Horkay will be presiding. Also present were Mayor Andy Cook, Clerk-Treasurer Cindy Gossard and Legal Counsel Brian Zaiger. Mayor Cook called the meeting to order at 7:00P.M.

It was determined that a quorum was present and no changes to the order of the agenda.

Approval of Minutes:

Bob Horkay would like to amend June 8, 2009 meeting minutes. He would like the outline of the process for the proposed Smoking Ordinance described before the three minute break.

Bob Smith made the motion to approve June 8, 2009 Council meeting minutes as amended. Steve Hoover seconded. Vote: Yes-6; No-0. Motion carried.

Guests: None

Claims:

Rob Stokes made the motion to approve the claims as presented. Tom Smith seconded. Vote: Yes-6; No-0. Motion carried.

Miscellaneous Business/Special Recognition:

Mayor Cook proclaimed that July 19-25, 2009 is Faith, Hope and Love Week. This has been brought forth to other communities as well as years past in Westfield.

Old Business:

Ordinance 09-09:

Smoking Ordinance

First Reading – May 1, 2009

Second Reading – June 8, 2009

Public Hearing – June 8, 2009

Vice President Horkay explained that this is a discussion item for the Council and that the Public Hearing took place June 8, 2009.

Tom Smith believes this to be a two fold discussion. In his opinion, one says the City of Westfield wants a smoking ban and the second is whether this ordinance is the one to consider.

Mr. Smith went on to explain that he believes that some sort of a smoking ban is inevitable but he would like to see some sort of committee formed to introduce a more palatable ordinance.

Bob Smith feels that freedom is a choice and would like to see a less restrictive ordinance introduced. He also would like to see a delay, if any ordinance, is passed before initiation. This would allow time for businesses to make changes and react.

Rob Stokes explained that he was not initially in favor of any non-smoking ordinance but has changed his opinion based on the outpour of public opinion. He also would like to see a committee formed to review the input and revise the proposed ordinance.

Steve Hoover announced that he has received well over 200 responses and about 80% are in favor of some sort of a smoking ban. He would support the proposed ordinance but would be open to making some reasonable changes. He went on to explain that he feels that family owned businesses who do not entertain the public be excluded from any ordinance. Also a company owned business that do not carry passengers, be excluded. This is consistent with the City of Indianapolis and the City of Carmel.

John Dippel would like to see allowances when it comes to Private Clubs and he also would like to see clarification on who identifies and enforces a smoking ordinance.

He stated that he would like to see a three person committee that examines an ordinance before bringing it forward for consideration. The current economy needs to be weighed in.

Rob Horkay feels that this ordinance addresses both the family owned business and company vehicles occupied by one person. He does not support a committee. He does not feel that there are many things that need to be adjusted.

There was some discussion on how an adjusted ordinance might come forward for consideration. This could be through a committee or changes brought to legal council and incorporated in an ordinance.

Rob Stokes made a motion to declare a temporary committee of three City Councilors working with legal counsel to review and revise Ordinance 09-09. Bob Horkay asked if there was a consensus that all Council member's input would be considered during this review by the committee. There was a consensus. John Dippel seconded. Vote: Yes-5; No-1 (Bob Horkay). Motion carried.

Steve Hoover, Rob Stokes and Bob Smith expressed a willingness to serve on the committee. Bob Horkay said that in anticipation that this might be the case he thought that Steve Hoover, Rob Stokes and himself should serve on the committee.

Bob Horkay said if there were no objections that this would be the committee. There were two objections from Tom Smith and John Dippel.

After some discussion John Dippel made a motion to appoint Rob Stokes, Steve Hoover and Bob Smith to this review committee. Tom Smith seconded. Vote: Yes-6; No-0. Motion carried.

New Business:

*Re-Zone – 202 Penn Street from SF-4 to LB-H
Introduction – July 13, 2009*

Senior Planner Kevin Todd explained to the Council where this proposal was located and that the proposed re-zoning is to allow for the use of a free clinic. This is the Heart and Soul Clinic. This was sent to the Plan Commission and comes back to the Council with a positive recommendation. Tom Smith has worked with the Clinic staff as liaison for the Council. Sandy Kirch is also present representing the Clinic.

Tom Smith asked if this could be considered on the first reading without suspending the rules as it comes to the Council unanimously with a positive recommendation.

Tom Smith recognized Sandy Kirch and applauded her hard earned efforts and the work that has been done by volunteers.

John Dippel made the motion to approve the re-zone from SF-4 to LB-H as presented. Tom Smith seconded. Vote: Yes-6; No-0. Motion carried.

*Amendment to Bridgewater PUD:
Introduction – July 13, 2009*

Kevin Todd presented the proposed amendment to the Council. This amendment allows for transitional health care and extended care. At the time that the Bridgewater PUD was approved this type of use was not contemplated. Tim Huber was introduced with Ramsey Development, a private company who builds Nursing Homes and Assisted Living facilities. The name of the facility would be Kindred Traditional Care at Bridgewater. The land is about 9 acres and the building sets on about 6 acres. The retention and lawn require about 3 acres.

After some discussion it was the consensus of the Council to move this to the Advisory Plan Commission for a recommendation.

Council Comments:

Tom Smith announced that the Grand Junction Soapbox Derby will be Sunday August 9, 2009 at 3:00PM. In addition to the gravity generated racing there will be food and a band.

Mayor Comments:

At 161st Street and Carey Road the round-a-bout is landscaped and properly marked as one lane.

On US 31 there will be a speed limit change between 146th Street and 151st Street. The new speed limit will be 45MPH.

Cross Traffic at Park Street and US 31 will be closed off.

There will be restricted left turns at 169th street during certain times of the day.

The Youth Sports representative should come back to the City in the next couple of weeks with a plan to proceed.

Coming through the CARE group will be a youth assistants program. Westfield is about to become the first in our County to take a proactive approach to preventative initiatives for Juveniles.

CNN Money has been in contact with an interest in Westfield. The statistics show that Westfield is ranking high in growth and still creating job opportunities.

Bob Horkay asked about traffic signals at 161st Street and US 31 and how that might be improving.

With no further business a motion was made to adjourn the meeting by Bob Smith. Tom Smith seconded. Vote: Yes-6; No-0. Motion carried.

Clerk-Treasurer

President