

## **WESTFIELD CITY COUNCIL, September 14, 2009**

The Westfield City Council met in regular session Monday September 14, 2009 at the Westfield City Hall. Members present were Rob Stokes, Steve Hoover, Tom Smith, Bob Horkay, Bob Smith, Ken Kingshill and John Dippel. Also present were Mayor Andy Cook, Clerk Treasurer Cindy Gossard and Legal Counsel Brian Zaiger. Mayor Cook called the meeting to order at 7:00 p.m.

### **APPROVAL OF MINUTES:**

Steve Hoover made the motion to approve August 24, 2009 minutes as presented. Bob Horkay seconded. Vote: Yes-7; No-0. Motion carried.

### **GUESTS:**

John Sampson, representing Main Street Productions and Westfield's Playhouse wanted to introduce himself and Main Street to the Mayor and Council. They have been doing live productions since 1992 and would encourage everyone to see a show. He also would like to see this Council forming an Arts Commission.

Jim Ake wanted to recognize the City of Westfield in the participation of the annual Centennial Days. The interaction between the Centennial community and the Police and Fire is appreciated.

Sharon Williamson introduced herself as a 70 year resident. Her purpose for speaking is against any pay raises for any government employee for a period of 5 years.

### **CLAIMS:**

Bob Horkay made the motion to approve the claims as presented. Bob Smith seconded. Vote: Yes-7; No-0. Motion carried.

### **MISCELLANEOUS BUSINESS/SPECIAL RECOGNITION:**

None

**OLD BUSINESS:**

**2010 Budget**

**First Reading - August 10, 2009**  
**Public Hearing - August 24, 2009**  
**Second Reading – September 14, 2009**  
**Adoption on Consideration – September 14, 2009**

John Dippel made the motion to approve the 2010 Budget as presented. Tom Smith seconded. Vote: Yes-7; No-0. Motion carried.

**Ordinance 09-09**

**Smoking Ordinance**  
**First Reading – May 11, 2009**  
**Public Hearing – June 8, 2009**  
**Second Reading – June 8, 2009**  
**Discussion – July 13, 2009**  
**Discussion – August 14, 2009**  
**Adoption Consideration – September 14, 2009**

President Kingshill described the process of this ordinance.

Tom Smith complimented the committee on their efforts in making this ordinance more comprehensive.

Steve Hoover wanted to thank the public for all of their input. He went on to explain that the major change to this ordinance was if a business that employs or admits customers over 21 to use their discretion in smoking a smoking policy.

Bob Horkay also appreciated the input from the committee and public.

John Dippel stated that he appreciated the work of the committee. He had concerns with the ordinance stating that signage would be provided by the City. He suggested that the committee stay together a little longer and work with Community Development on the signage. He also recommends allowing more than the stated time of 30 days before enacting this ordinance.

Steve Hoover and Tom Smith are under the opinion that this is has been before the public for almost five months and they would like to move on..

Steve Hoover made the motion to approve Ordinance 09-09 as presented. Bob Horkay seconded. Vote: Yes-7; No-0. Motion carried.

**Ordinance 09-13**

**Vacating Right-of-Way for Parks: Silver Lakes**  
**First Reading – August 10, 2009**

**Public Hearing – September 14, 2009**  
**Second Reading – September 14, 2009**  
**Adoption Consideration – September 14, 2009**

Parks Director Melody Jones explained to the Council that this stub street ends at Freedom Trail Park and will never be used or go anywhere.

She went on to explain that the two adjoining property owners will pay for the sidewalks and curbs being put in as they increase their property by taking this land in exchange.

President Kingshill opened the public hearing at 7:28 P.M. Both Anthony Ashpaugh and Cheryl Bender spoke in favor of this ordinance and the conditions. The public hearing was closed at 7:35 P.M.

Bob Smith made the motion to approve Ordinance 09-13 as presented. John Dippel seconded. Vote: Yes-7; No-0. Motion carried.

**Ordinance 09-17 Amendment to the Bridgewater PUD District**  
**Introduction – July 13, 2009**  
**APC Workshop – August 3, 2009**  
**Advisory Plan Commission – August 17, 2009**  
**Second Reading – September 14, 2009**  
**Adoption Consideration – September 14, 2009**

Kevin Todd explained the process of this health care facility being located in the Bridgewater PUD. He described the activities of the health care facility. This does come before the Council with a unanimous favorable recommendation from the Advisory Plan Commission with one condition.

- 1. Prior to the issuance of the permit that the right-of-way totaling up to 60 feet of the center line of Carey Road, be dedicated to the City of Westfield for the segment of Carey Road adjacent to the property.**

Bob Smith made the motion to approve Ordinance 09-17 with the condition of the Advisory Plan Commission and Community Development staff (**listed above in bold**). Bob Horkay seconded. Vote: Yes-7; No-0. Motion carried.

**NEW BUSINESS:**

**Zoning Ordinance Amendments Sign Standards**  
**Introduction – September 14, 2009**

Jennifer Miller described the zoning amendments and explained that this is an introduction and it will go to the October Advisory Plan Commission for recommendations before coming back to this Council in November.

After some discussion on clarification of the proposed ordinance it was determined that this will go to the Advisory Plan Commission in October for review.

**Ordinance 09-18: Appointed Officers and Employees Salary Ordinance  
Police and Fire Departments  
First Reading – September 14, 2009  
Second Reading – October 12, 2009  
Adoption Consideration – October 12, 2009**

Attorney Brian Zaiger explained that this is part of the fund mechanism required to determine salaries and stipends for elected, appointed and staff employees. He said that he would defer detailed analytical questions to Deputy Mayor Bruce Hauk when he returns. He also said that adoption consideration would be at the October Council meeting.

**Ordinance 09-19 Bond Ordinance  
Introduction – September 14, 2009  
Public Hearing – October 12, 2009  
Second Reading – October 12, 2009  
Adoption Consideration October 12, 2009**

Attorney James Crawford introduced ordinance 09-19. He explained that the City had received a line of credit from Key Bank for one million dollars to smooth out cash flow. That amount has been paid back and now it is necessary for this issuance bond, not to exceed 5.5 million. This would be paid in a two year period. There will be no property taxes dedicated to the payment of this note.

**Ordinance 09-20 Additional Appropriation Ordinance  
Introduction – September 14, 2009  
Public Hearing – October 12, 2009  
Second Reading – October 12, 2009  
Adoption Consideration – October 12, 2009**

James Crawford explained that this Ordinance is for the additional amount of 5.5 million to pay back the note on ordinance 09-19. There will be a public hearing on this ordinance October 12, 2009.

**Resolution 09-11 Fire Station Project**

**First Reading – September 14, 2009**  
**Adoption Consideration – September 14, 2009**

James Crawford explained that this could be considered this evening and the Design-Build proposal is included in the Council's packet material. The recommended Technical Review committee would consist of Fire Chief Todd Burtron, Jim Peyton as the contractor and Neil VanTrees as the City Engineer. This committee would entertain proposals and select. He went on to describe the proposal process. Tom Smith asked what the advantage of a Design-Build plan was. Mr. Crawford explained that it tends to save time and money during the project.

Mayor Cook explained that the City of Westfield used this concept in building the City Service Center with a good experience. He said that the Deputy Mayor Bruce Hauk felt that it was a cost savings.

Steve Hoover asked if approved, does that also approve the Fire Station. Mr. Crawford explained that this simply starts the process and appoints the committee. Financing and Lease approvals will come before this Council through that process.

Steve Hoover made the motion to approve Resolution 09-11 as presented. Rob Stokes seconded. Vote: Yes-6; No-0; Abstain-1(Bob Smith). Motion carried.

**CITY COUNCIL COMMENTS:**

Tom Smith announced that the "Heart and Soul" medical clinic will hold a grand opening September 26, 2009 at 3:00P.M.

Steve Hoover announced that Numa festival will be held this Saturday September 19, 2009.

Bob Smith announced that the City Safety Festival will be held September 26, 2009 from 10:00A.M to 2:00P.M. at Village Park Plaza.

**MAYOR COMMENTS:**

Mayor Cook announced that Deputy Mayor Bruce Hauk has gone to Mexico with some of his staff and friends to build houses. This has become an annual event and thoughts and prayers would be appreciated.

Mayor Cook also updated the council on discussions with Congressman Burton on the ongoing battle of zip codes. As of three months ago he thought the discussions were going well. He found out this week that once again the postal service denied. Not only is this confusing for the citizen's of Westfield but through food and beverage taxes paid by merchants, we have losed tax money around \$300,000.00. The tax forms are

filled out and tracked by zip codes. He is very disappointed in the outcome. He is now looking for direction of the Council.

Mayor Cook went on to explain that this can be done but it will need to go through federal legislation.

John Dippel and Ken Kingshill offered their support in these efforts. President Kingshill recommended a resolution that would force the hand of the U.S. Postal system to respond.

With no further business Bob Smith made the motion to adjourn. Bob Horkay seconded. Vote: Yes-7; No-0. Motion carried. The meeting was adjourned at 8:25P.M.

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Clerk-Treasurer

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President