

WESTFIELD TOWN COUNCIL, October 8, 2007

The Westfield Town Council met in regular session Monday, October 8, 2007 at the Westfield Town Hall. Members present were Bob Smith, Bob Horkay, John Dipple, Ron Thomas, Joe Plankis and Andy Cook. Also present was Cindy Gossard, Clerk-Treasurer, acting Town Manager, Bruce Hauk and Legal Counsel, Brian Zaiger. President Cook called the meeting to order at 7:00 p.m.

Approval of Minutes:

Ron Thomas made a motion to approve September 10, 2007 minutes as amended. John Dipple seconded. Vote: Yes-5; No-0; Abstain-1 (J. Plankis). Motion carried.

Ron Thomas made a motion to approve September 13, 2007 Special Meeting minutes as presented. Bob Smith seconded. Vote: Yes-5; No-0; Abstain-1 (J. Plankis). Motion carried.

Bob Smith made a motion to approve September 27, 2007 Special Meeting minutes as amended. John Dipple seconded. Vote: Yes-5; No-0; Abstain-1 (J. Plankis). Motion carried.

Guests:

Sharon Williamson spoke regarding the flood plan areas on her property and other areas in Westfield.

Cindy Flanten a Silver Thorne property owner spoke regarding excavating in her neighborhood and nobody can give her an answer as to what is going on in the area.

Assistant Public Works Director Kurt Wanninger stated he would find out and let her know.

Claims:

Bob Smith made a motion to approve claims as presented. Joe Plankis seconded. Vote: Yes-6; No-0. Motion carried.

Old Business:

Policies & Procedures Manual (Continued)
First Reading – July 9, 2007
Second Reading

To be continued and back to the Council in November.

Resolution 07-16 Midland Trace Trail Joint Resolution
First Reading- September 10, 2007
Second Reading – October 8, 2007

President Cook gave brief explanation of this Resolution and stated this is a joint Resolution between Washington Township and the Town involving development of the Midland Trace and Monon loop trails.

John Dipple made a motion to approve Resolution 07-16 as presented. Bob Horkey seconded. Vote: Yes-6; No-0. Motion carried.

Regulatory Changes/Council Introduction:

Council Consideration

1. Oak Ridge PUD – Wilfong & Kreutz Land Development, LLC

Jon Dobosewicz gave a brief presentation of this item and asked to forward this on to the Plan Commission.

There was some discussion.

Ron Thomas stated he felt if the policy is going to change regarding these presentations to one time before the Council then the Council should change the present policy. He stated he was against moving this project on to the Plan Commission.

Sent on to Plan Commission.

1. Lantern Commons – Pine Tee Commercial Realty, LLC

Lee Pearson from Pine Tree Realty gave a brief presentation of the 64 acres project at 161st and US 31.

There was some discussion.

Joe Plankis, Andy Cook and John Dipple stated they felt this project should move on to Plan Commission for public input.

Bob Horkey and Ron Thomas stated they were against sending this on to Plan Commission.

With the majority this project was sent on to Plan Commission.

Andy Cook stated this is not a public hearing that will be done at the Plan Commission level.

Steve Hoover spoke regarding this development and his concerns and presented a letter to be attached to the minutes.

Pete Emigh spoke regarding this development and he would like to see this development move forward to the Plan Commission.

New Business:

Grand Junction Task Force – Presentation by Ken Kingshill

Ken Kingshill gave a brief presentation of this Downtown Revitalization item explaining the agenda and naming the members of this Task Force.

Resolution 07-19 Custom Concrete Abatement Resolution Amendment

President Cook explained this is an amendment of an abatement given to Custom Concrete several years ago.

Gordon Byers representing Custom Concrete proposed an amended Resolution that cleans up some of the issues that were passed with the old Resolution and explained some of the changes needed.

Bob Smith made a motion to table this item until November. Ron Thomas seconded. Vote: Yes-6; No-0. Motion carried.

Ordinance 07-23 Storm Water Utility
First Reading – October 8, 2007

Kurt Wanninger presented this item stating this Storm Water User Fee Ordinance is being proposed to establish a Storm Water Division within the Town of Westfield's Public Works Department. Kurt explained this will be under the jurisdiction of the Council to implement capital improvements, operation and maintenance activities, and public education to comply with federal and state requirements.

This item will come back to the Council in November.

New Joy Lutheran Church Fee Waiver - \$34,973.50

Kurt Wanninger stated New Joy Lutheran Church is asking the Council to waive the fees as in the past.

Bob Smith made a motion to approve the waiver of fees for the New Joy Church as presented. Joe Plankis seconded. Vote: Yes-4; No-1 (R. Thomas). Motion carried.

Ordinance 07-21 MVH Additional Appropriations
First Reading – October 8, 2007

Bruce Hauk gave a presentation of this item explaining the need for an additional appropriation.

Will come back to the Council in November.

Resolution 07-17 Insight Communications Franchise Fee Amendment

Bruce Hauk gave a brief presentation on this item stating this amendment was to bring our fees in line with our franchisors to raise our fee from 3% to 5%.

Joe Plankis made a motion to approve Resolution 07-17 as presented. John Dipple seconded. Vote: Yes-6; No-0. Motion carried.

Resolution 07-18 Eastern Township TIF Approval

John Kirkwood from Kreig DeVault gave a brief explanation of this step of the process for TIF Approval.

Bob Smith made a motion to approve Resolution 07-18 as presented. Joe Plankis seconded. Vote: Yes-5; No-1 (R. Thomas). Motion carried.

**Ordinance 07-22 SR 32 North Annexation
First Reading – October 8, 2007**

Greg Anderson presented this item explaining this is a clean up of the annexation area.

This item will come back to the Council in November.

Consent Agenda:

Performance Bond Release

None

Release of Maintenance Bonds

None

Change Orders

1. Washington Woods Lift Station and Sewer Change Order #3
Change Order #3 - \$2,927.00

Kurt Wanninger stated this change order was for modification for improvements.

Bob Smith made a motion to approve the change order as presented. John Dipple seconded. Vote: yes-6; No-0. Motion carried.

2. 147th Street and Greyhound Pass Intersection Improvement
Change Order #1 – (\$10,873.00)

Kurt Wanninger stated this is a deduct from the original order.

Joe Plankis made a motion to approve the change order as presented. Ron Thomas seconded. Vote: yes-6; No-0. Motion carried.

Department Reports

None

Council Member Comments:

None

Adjourn:

Joe Plankis made a motion to adjourn. John Dipple seconded. Vote: Yes-6; No-0. Motion carried.

With no further business the meeting adjourned at 9:20 p.m.

Clerk-Treasurer

Council President

To: Westfield Town Council

Subject: Proposed Lantern Commons Retail Development

The proposed location for this project is unacceptable for a number of reasons. The rezoning of SF2 to GB for the 24 acres south of Woodside Drive is not an appropriate transition for the Woodside neighborhood and it violates one of the key principles of the new Comprehensive Plan adopted earlier this year. The 40 acres at 161st St. and US31 was rezoned to GB just after the previous Comp. Plan was approved. Many current Council members and Westfield residents have concurred that GB zoning was not an appropriate use of that acreage. That rezoning also went against the recommendation of a Special Study for that area. Adding an additional 24 acres to this inappropriate zoning only worsens the matter. What happens if this developer decides not to build this proposed project for economic or other reasons? We've seen this before, even on this very site. Then we have 64 acres inappropriately zoned GB adjoining a beautiful residential neighborhood.

The Westfield-Washington Township Comprehensive Plan is very clear that transitional land uses are preferred as buffers between dissimilar uses. A new zoning classification was created several years ago to address this very situation. This specific property (south of Woodside Dr.) was referred to frequently as a perfect place for this new zoning category as a transition from SF2 (single family) to business and/or commercial zoning. The current proposal for Lantern Commons does not provide any transitional land use to preserve the property values and full enjoyment of property for the well-established Woodside Dr. neighborhood.

The Comprehensive Plan defines appropriate land use for Highway Corridors as follows:

- Office and service uses
- Research and Development
- Retail and institutional uses that are subordinate to and supportive of the office and service uses

Retail is permitted only in village or downtown locations. Strip commercial development is not desired.

I would think that we as a community would have learned enough from the 161st & Springmill disaster that we would not want to go down that road again. The Westfield community is still dealing with issues from that ill-advised rezone.

This project, if approved, will also have a negative influence on the implementation of a vibrant downtown that is so important to the identity and future of Westfield. This proposed "lifestyle" center is less than a mile from a proposed downtown revitalization that will be competing for shoppers and patrons to be successful.

The Natalie Wheeler Trail will also be very negatively impacted due to its need to cross three different entrances to Lantern Commons. In addition, a crossing at 161st St. near the proposed traffic circle will be required. This crossing will be difficult and dangerous for both pedestrian and bicycle traffic.

This rezoning is not appropriate for the land (24 acres) immediately south of Woodside Dr., it provides for no transitional land use. Apartments on one side and retail on the other would isolate the Woodside neighborhood. If you have driven up our street you know that it is unique in a natural and beautiful setting. Please don't take this away from us.

Sincerely,

Steve Hoover

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Home 317 867-3195 Work 317 587-3308

October 7, 2007