

WESTFIELD CITY COUNCIL, August 11, 2008

The Westfield City Council met in regular session Monday, August 11, 2008 at the Westfield City Hall. Members present were Bob Smith, Bob Horkay, John Dippel, Melody Sweat, Tom Smith, Ken Kingshill and Rob Stokes. Also present were Chief Administrative Officer, Bruce Hauk, Mayor, Andy Cook, Teresa Skelton appointed by Clerk Treasurer Cindy Gossard and Legal Counsel, Brian Zaiger. Mayor Cook called the meeting to order at 7:00 p.m.

Approval of Minutes:

Melody Sweat made a motion to approve July 14, 2008 minutes as amended. Bob Horkay seconded. Vote: Yes-7; No-0. Motion carried.

Guests:

Sharon Williams spoke regarding her concerns of the US 31 Overlay Project and questions regarding the Anna Kendall Drain.

Claims:

Rob Stokes made a motion to approve claims as presented. Tom Smith seconded. Vote: Yes-7; No-0. Motion carried.

Miscellaneous Business/Special Recognition:

Special Recognition: Katherine Cole

Mayor Cook presented a plaque for Katherine Cole for her winning 1st Place in the All-American Soap Box Derby Race in the Masters Division. This win allows her to advance to the World Championships in Akron Ohio in July competing with other teens from around the world.

Proclamation: Children's Vision & Learning Month

Mayor Cook read this Proclamation and proclaimed the month of August 2008 as Children's Vision and Learning Month.

Status Report: Hitchcock Design Group – Grand Junction Task Group Design Consultant

Adam Thies with Eden Collaboration and Project Manager for Hitchcock Design Group gave a brief presentation then introduced Terry Jenkins who gave an update on the design and the 3 major stages for this process.

Old Business:

**Ordinance 08-40: Fire Department HazMat & Non-Emergency Incident Response Fees
Introduction – July 14, 2008
Second Reading – August 11, 2008
Adoption Consideration – August 11, 2008**

Fire Chief Todd Burtron presented this item explaining the need for the adoption of a fee schedule.

John Dippel made a motion to approve Ordinance 08-40 as presented. Rob Stokes seconded. Vote: Yes-7; No-0. Motion carries.

**Ordinance 08-38: Ordinance Establishing an Ordinance Violation Deferral Program
Introduction – July 14, 2008
Second Reading – August 11, 2008
Adoption Consideration – August 11, 2008**

Brian Zaiger explained this Ordinance would create a deferral program primarily for traffic violations.

Police Chief Kevin Jowitt explained the Westfield Police Department could be more efficient with this program.

Melody Sweat made a motion to approve Ordinance 08-38 as presented. Bob Smith seconded. Vote: Yes-7; No-0. Motion carries.

Ordinance 08-35 Annexation – Brookside, Sec. 5
Introduction – June 9, 2008
Public Hearing – July 14, 2008
Second Reading – July 14, 2008
Adoption Consideration – August 11, 2008

Greg Anderson presented this item with an aerial photo outlining the 69 acres to be voluntarily annexed.

Melody Sweat made a motion to approve Ordinance 08-35 as presented. Tom Smith seconded. Vote: Yes-7; No-0. Motion carries.

Resolution 08-32: Fiscal Plan – Brookside, Sec. 5
Introduction – July 14, 2008
Second Reading – August 11, 2008
Adoption Consideration – August 11, 2008

Greg Anderson explaining with every annexation by statute a Fiscal Plan Resolution will need to be adopted.

Bob Smith made a motion to approve Resolution 08-32 as presented. John Dippel seconded. Vote: Yes-7; No-0. Motion carries.

Ordinance 08-36: Rezone – Vilas at Timber Ridge
Introduction – April 14, 2008
Second Reading – July 14 2008
Adoption Consideration – August 11, 2008

Greg Anderson presented this item stating this Ordinance is being brought back to the Council after the ADHOC Hearing and is up for final consideration and adoption.

Tom Smith explained the ADHOC Committee (Melody Sweat, Bob Horkay and Tom Smith) met and reported their findings back to the Council. Tom explained there was a disagreement regarding the use of the PUD classification for rezone of this project.

Tom stated that the Petitioner has agreed to return to the original plan. There was some discussion with the Council, Legal Counsel and the Petitioner.

Council took a 15 minute recess at 8:35pm resumed at 8:50pm.

President Kingshill opened this item back open for discussion.

Rob Stokes stated he felt it would be a mistake to vote on this item tonight and should not rush this decision.

Tom Smith stated he felt there would be nothing accomplished by sending this back to Plan Commission.

John Dippel made a motion to approve Ordinance 08-36 as amended and reviewed by the ADHOC Committee and this Ordinance not be returned to Plan Commission or any other governing body of the City of Westfield. Tom Smith seconded. Vote: Yes-5; No-2 (R. Horkay-R Stokes). Motion carries.

Resolution 08-33: Amendment to Community Development Application & Permit Fees
Introduction – July 14, 2008
Second Reading – August 11, 2008
Adoption – August 11, 2008

Greg Anderson explained some of the new inspections and permits and the fees associated with these items.

Kate Johnson from the Builders Association of Greater Indianapolis stated they were satisfied with the new fees, inspections and permits presented tonight.

President Kingshill stated he had received a letter from Jim Anderson in opposition of this item.

Brian Stumph of the Estridge Group and was concerned with the scheduling of the new inspections but was in support of these changes.

Bob Horkay made a motion to approve Resolution 08-33 as presented. Rob Stokes seconded. Vote: Yes-7; No-0. Motion carries.

New Business:

Fee Waiver Request – CrossRoads Church of Westfield

Greg Anderson presented this item and stated the CrossRoads Church was requesting waiver of \$500.00 in fees.

Bob Smith made a motion to approve the waiver of fees for CrossRoads Church as presented. John Dippel seconded. Vote: Yes-7; No-0. Motion carries.

**Ordinance 08-43: Rezone – 16024 Springmill Road
Introduction – August 11, 2008
Second Reading – September 8, 2008**

Greg Anderson presented this Rezone stating this is for 20 acres and this comes to the Council from the Plan Commission with a negative recommendation.

Melody Sweat made a motion to deny Ordinance 08-43. Rob Stokes seconded. Vote: Yes-7; No-0. Motion carries.

**Resolution 08-44 Amendment to the Zoning Ordinance
Introduction – August 11, 2008**

- **Article 10 Introduction and Table of Contents**
- **Corporate Business Park District**
- **Sign Ordinance**
- **Nonconforming Signs**
- **Definitions of Zoning Ordinance**
- **Temporary Sales/Events**
- **Special Districts**
- **Development Plan Review to accommodate the addition of Special Districts**

Greg Anderson briefly explained this Ordinance stating these amendments will bring improvements to the standards of development.

There was some discussion and this Ordinance will be brought back to the Council at the August 25th meeting.

**Presentation of Report for the City Wide Trash/Recycling Program:
Jim Ake, Chairman, WeCan**

Jim Ake presented this item explained the findings of this committee for best practices.

Ordinance 08-42: Trash/Recycling
Introduction – August 11, 2008
Public Hearing – August 25, 2008
Adoption Consideration – August 25, 2008

Bruce Hauk presented Ordinance 08-42 giving a brief presentation regarding the serviced and the fees associated with this program. Bruce stated there will be a Public Hearing on August 25th to discuss the specifics.

Ordinance 08-45: 2009 City Budget
Introduction – August 11, 2008
Public Hearing – September 8, 2008
Second Reading – September 8, 2008

Bruce Hauk presented this item giving a brief presentation stating this Ordinance will return to the Council for final reading at our September 8th meeting.

Ordinance 08-13: 2009 Salary Ordinance
Introduction – August 11, 2008
Public Hearing – September 8, 2008
Second Reading – September 8, 2008
Adoption Consideration – September 8, 2008

Bruce Hauk presented this item also giving a brief presentation stating this Ordinance will return to the Council for final reading at our September 8th meeting.

Ordinance 08-46: Penalty Ordinance
Introduction – August 11, 2008

Brian Zaiger explained this Ordinance will be used as a tool for Public Works as they may be sending out bills that would include trash service. Brian stated this would enable Public Works to cut off services if entire bill is not paid.

This Ordinance will be brought back to the Council at the September meeting.

Ordinance 08-41: Deputy Mayor
Introduction – August 11, 2008

Brian Zaiger explained that State Law requires that if you wish to have a Deputy Mayor the City Council has to adopt an Ordinance authorizing that position.

Councilor Dippel stated that the City Council has the authority to develop the realm of authority.

There was some discussion and this will be brought back to the Council for the September meeting.

Ordinance 08-39: Wastewater Rates and Charges
Introduction – August 11, 2008

Kurt Wanninger explained that the Public Works Department has been reviewing budgetary requirements for the next year. Kurt stated that after doing so the WPWD would recommend the amendments to this Ordinance to bring the charges in line with our all of customers.

City Council Comments:

Melody Sweat stated she was excited about the Mayors Ball as it will benefit the Trails System.

Tom Smith requested a logo that would represent the spirit of the Westfield Ready (Emergency Response). Tom suggested offering \$500.00 for a prize for creating a logo with the consensus of the Council.

Mayor Comments:

1. Preparation for our Downtown Study we will need to control as a City the Street and Road Plan that exists around the area.
2. Road construction for the next 30 days as the contracts has been awarded city wide.
3. Fire Department has undergone a physical fitness program.
4. Budgeting in the areas of efficiencies we are now using the services of John Rogers.

Adjourn:

Tom Smith made a motion to adjourn. John Dippel seconded. Vote: Yes-7; No-0. Motion carried.

With no further business the meeting adjourned at 10:40 pm.

Clerk-Treasurer

Council President