

WESTFIELD CITY COUNCIL, May 11, 2009

The Westfield City Council met in regular session Monday March 9, 2009 at the Westfield City Hall. Members present were Bob Horkay, Tom Smith, Bob Smith, Rob Stokes, John Dippel and Ken Kingshill. Also present were Mayor Andy Cook, Deputy Clerk-Treasurer Teresa Skelton and Legal Counsel, Brian Zaiger. Mayor Cook called the meeting to order at 7:00P.M.

Changes to the Agenda:

President Kingshill announced that under Old Business, Ordinance 09-02 South Union Planned Unit Development will be continued until the next meeting.

Approval of Minutes:

March 9, 2009 (regular meeting):

March 23, 2009 (special meeting):

April 13, 2009 (regular meeting):

April 27, 2009 (special meeting):

Bob Smith made the motion to approve March 9, March 23, April 13 and April 27, 2009 as presented. Rob Horkay seconded. Motion carried with a unanimous voice vote.

Claims:

Robert Horkay made the motion to approve the May claims as submitted. John Dippel seconded. Motion carried unanimously with a voice vote.

Miscellaneous Business/Special Recognition:

Mayor Cook proclaimed the week of May 11 -15, 2009, as Municipal Government Week. Representing the City and accepting the proclamation was Deputy Mayor Bruce Hauk.

Mayor Cook explained that this is Westfield's 175th Anniversary. The town, in those days, was founded in 1834. Accepting this proclamation was President and Vice President of the Westfield Washington Historical Society, Joe Sanders and Jim Peyton. There will be a celebration at noon in "Red Man Park", Friday May 15, 2009. All are welcome.

Old 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

Jennifer Miller described the proposed ordinance to the Council. She went on to explain that sections 1, 2 and 3 had been added to the original ordinance as recommended by State Fire Marshal and Legal Council.

Council member Tom Smith asked if Westfield had the ability to have their own regulations through ordinance. Legal Council Brian Zaiger explained that "Home Rule" allowed for such. This allows for tighter restrictions.

Attorney Bruce Boje questioned the validity and clarification of the revised ordinance.

After some discussion Tom Smith made the motion to accept Ordinance 09-07 as presented. Bob Smith seconded. Vote: Yes-7; No-0. Motion carried.

New Business:

Rezone-202 Penn Street from SG-4 to LB-H

Introduction-May 11, 2009

Council member Tom Smith introduced Sandy Kirsch from Christ United Methodist Church. He also recognized Kevin Todd from the Community Development Department. He went on to explain that Sandy had come to the Mayor six months ago with the desire to have a free medical clinic in Westfield. The City has provided a place for this clinic and many volunteers are renovating the facility. Ms. Kirsch introduced her staff of volunteers. With no objection from the Council, the Council is forwarding this to the Advisory Plan Commission.

Ordinance 09-09 Smoking Ordinance:

First Reading-May 11, 2009

Second Reading-June 8, 2009

Adoption Consideration-June 8, 2009

Ken Kingshill introduced this ordinance as a Health and Safety precaution for the Westfield Citizens.

John Dippel, Tom Smith, Rob Stokes, and Bob Smith had concerns with the lack of time the Council has had to review this proposed ordinance. There were also concerns with the restriction of smoking anywhere as an extreme measure. There was a consensus of getting more public input.

Steve Hoover agrees that there should be more public input and that a large survey could do that.

Robert Horkay did see that this proposed ordinance could be more concise and with some public input, he could support such an ordinance.

After some discussion it was determined that there would be a public hearing at the June 8, 2009 meeting. Before this meeting there will be opportunity for a public hearing and or a public survey.

Resolution 09-05 Police Equipment Lease:

First Reading-May 11, 2009

Second Reading-June 8, 2009

Adoption Consideration-June 8, 2009

Attorney Brian Zaiger presented this resolution for consideration. He went on to explain that this is identical to the Fire Equipment Lease adopted a few months ago. Although the money is in the budget, this bank requires a resolution.

Robert Horkay made the motion to approve Resolution 09-05 as presented. Tom Smith seconded. Vote: Yes-7; No-0. Motion carried.

Ordinance 09-08 Establishment of Trail Donation Appropriation Fund:

First Reading-May 11, 2009

Second Reading-June 8, 2009

Adoption Consideration-June 8, 2009

Attorney Brian Zaiger presented Ordinance 09-08 to consider. He went on to explain that this is required by the State Board of Accounts through the Clerk-Treasurer's office.

Bob Smith made the motion to suspend the rules and consider Ordinance 09-08 on the first reading. Steve Hoover seconded. Vote: Yes-7; No-0. Motion carried.

Robert Horkay made the motion to accept Ordinance 09-08 as presented. Tom Smith seconded. Vote: Yes-7; No-0. Motion carried.

Ken Kingshill, Tom Smith and Steve Hoover explained that there is a new process in place. The Community Development Department would like a review sent by the City

Council when something is forwarded to the Advisory Plan Commission. This is a five step criteria review and describes the initial impression of the City Council. This does not mean that through the public hearing process that the course cannot change.

Council Comments:

Robert Horkay announced that with no business before the Advisory Plan Commission that there will not be a meeting next week.

John Dippel announced that Police Chief Kevin Jowitt will be leaving Westfield and the interim acting Chief will be Scott Jordan.

All of the Council praised Chief Jowitt on his professionalism with the Police Department.

With no further business the meeting was adjourned at 8:20 P.M.

Clerk-Treasurer

Council President