Westfield City Council Meeting October 11, 2010

The Westfield City Council met in regular session Monday October 11, 2010 at the Westfield City Hall. Members present were John Dippel, Bob Horkay, Steve Hoover, Ken Kingshill, Bob Smith, Tom Smith and Rob Stokes. Also present were Mayor Andy Cook, Deputy Mayor Bruce Hauk, Deputy Clerk-Treasurer Teresa Skelton and Attorney Brian Zaiger.

Mayor Andy Cook called the meeting to order at 7:00P.M.

President Tom Smith announced that Ordinance 10-22: Downtown Façade Improvement Program will be introduced at a later date.

Approval of Minutes:

Steve Hoover made the motion to approve the September 27, 2010 minutes as presented. Rob Stokes seconded. Vote: Yes-7; No-0. Motion carried.

Guests:

Tim Kwitney a resident of Westfield expressed his concerns with the Housing Market and the impact on the Westfield Community.

Jim Ake expressed his appreciation to Ameriana Bank for the Fall Festival event this past weekend. They raised money through donations that went to the Westfield Youth Assistance program. He commended Ameriana for their civic pride for the Westfield Community.

Claims:

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

Miscellaneous Business/Special Presentation:

Mayor Cook introduced the Westfield Director of Community Development Matt Skelton along with the planning staff Jennifer Miller, Kevin Todd, Deane Ludwig and Andrew Murray. He explained that the City of Westfield in conjunction with the state wide endeavor is proclaiming the month of October as "National Planning Month".

Old Business:

Introduction-September 13, 2010
Public Hearing-September 13, 2010
Second Reading-October 11, 2010
Adoption Consideration-October 11, 2010

Deputy Mayor Bruce Hauk recapped the budget process and was available for any comments.

John Dippel made the motion to approve the 2011 Budget as submitted. Ken Kingshill seconded. Vote: Yes-7; No-0. Motion carried.

Ordinance 10-20: Oak Manor PUD

Introduction-June 14, 2010
APC Public Hearing-September 7, 2010
APC Recommendation-September 20, 2010
Second Reading-October 11, 2010
Adoption Consideration-October 11, 2010

President Tom Smith explained the process and the purpose of the Staff's recommendation based on PUD requirements. The Advisory Plan Commission (APC)sent this to Council with a positive unanimous recommendation.

President Smith then invited Hills Development representative Glen Brehm to speak. Mr. Brehm explained that the amendment was a response to today's market. He described the decline of sales in the Hills community. He also explained that the style of the homes would change in the cul-de-sac of Heathcliff Ct. from the original PUD. The difference of the style price would be about $ 17,000.00. The amount of units would remain the same (44). Rob Stokes explained that after meeting with several of the homeowners he would like to see a redline copy defining proposed changes. Mr. Brehm responded verbally with changes and explained that these are described in exhibit 14 of PUD amendment. Rob Stokes explained that the concerns expressed by the homeowners were the changes in demographics and lifestyle. Mr. Brehm did not feel that the original plan was marketed as such. Steve Hoover had some recommendations but would like to hear from the residents before voicing those.

President Smith asked that residents wishing to speak please condense their concerns and be respectful of time. This way all concerns can be heard.

Lyn Kelley residing at 3549 Heathcliff Ct. had concerns with the paired patio homes proposed. She asked that all residents in the Hills Community in attendance please stand. She is opposed to the changes in the PUD and how this affects property value and lifestyle.

Carol Ann Woelfel, 3447 Heathcliff Ct. explained that when she was shopping for homes she liked the picture of an active adult community. The residents currently pay HOA dues that take care of trash maintenance and snow removal. She is concerned that with the new marketing plan exempting new residents from current HOA dues will breed inconsistency. She feels that there are plenty of starter homes in the Westfield Community without changing the demographics of the Hills Community. She also commended the City of Westfield for encouraging the development of trails and Downtown events which makes and will continue to make Westfield a vibrant community.

Elizabeth Bobos, 3448 Heathcliff Ct. explained that she represents a less mature demographic than many of her neighbors. The appeal of moving in to this community was the low maintenance. She came from a community of starter homes and felt that this did not fit her lifestyle. .

Stephaney Bowten, 3447 Heathcliff Ct. closed on her home June 26th of this year. She was one of the four homes that closed. She was told that this community was geared to active adults and feels that anything else would be deceitful. This would completely change the lifestyle that she bought in to.

Dan Trost, 17290 Wetherington Dr. referred to costs and income. He described the income demographics and the effect of loans and foreclosures. He distributed his concerns in writing to the Council and believes that this will reduce property value not only in the Hills community but the entire City of Westfield.

Dave Platt, 3517 Heathcliff Ct. is discouraged that this amendment has made it this far through the process. Over all he is very pleased with his decision to move the City of Westfield but has concerns with the proposed amendment and the negative impact of home values. He is also questioning that the new proposal might not necessarily sell the lots.

Gerald Kinyen, 3508 Heathcliff Ct. described his home as being located facing the south lot of the proposed development. He encourages well planned development but would like this balanced with the original plan. He has been pleased with Hills product and maintenance but would like to see better communication with the residents.

Roger Banner, 3949 Abbotsford Dr. explained that he has resided in the community for one year. He feels that Hills has not given the residents the opportunity to be heard. There have been several attempts by the community and at the corporate level were shut down. He wants to see Hills succeed by working together with the residents. Mr. Banner would like this tabled for any decision until residents from the community can be heard.

Bill Purnmagen, 3527 Heathcliff Ct. stated that he was the first resident in 2006. When purchasing their home they were told that three sections would be empty nesters. Cotswald being one of the three. He referred to the covenants and encouraged the Council to vote "no" because this was not what he and other people signed up for.

Carolyn McConkey, 3519 Heathcliff Ct. stated that she has owned two homes in 32 years. This home being the second. They were hoping this would be the last home as their intention is to stay. They were led to believe that this would remain an active adult community.

Joe Maskew, 3933 Abbotsford Dr. has been impressed with the overall product of Hills. He referred to the picture of the website which does not indicated that it is anything other than an active adult community. He would like to see options explored to reduce the impact of demographics.

June Freeman, 3529 Heathcliff Ct. referred to the article that appeared in "Senior Life" for Villages of Oak Manor and how that was deceiving if the community does not remain an active adult community.

Jane Flanders, 17207 Gunther Blvd. explained that she lives in the condominium section and is concerned with the inconsistency of the original plan and the perception with how residents are being sold homes.

Mic Mead a resident of Oak Road and not part of the Hills Community wanted to commend the residents and the civility of the comments. He also feels that the only reason that the City would consider approval of this amendment would be if there is a real need for the proposed changes.

Ray Cox, 16102 Spring Mill Rd is a realtor and has worked both with Hills and residents. He is neutral as his brother lives in the Hills community and also does not feel that the PUD amendment will appeal to families from a real estate point of view.

Hanna Hallam, 17301 Wetherington Dr. supports the other resident's comments. She feels that better marketing could be done to improve sales.

Todd Cox, 3528 Heathcliff Ct. supports his neighbor's comments. He has concerns with the amendment bringing monotony to the community. He has appreciated the product and maintenance that Hills has delivered.

Dick Mullen, 3509 Heathcliff Ct. agrees with his fellow residents. He feels that there is a solution to address everyone's concerns. The solution could be to replat the lots. He referenced Bridgewater. He recommends denying and bringing it back through the process with a better plan.

Mr. Brehm asked this Council for a continuance to address the concerns and comments with his colleagues. He did want to state that although a formal meeting did not take place with the residents. Hills had received several phone calls in which discussions took place in an attempt to address the expressed concerns.

John Dippel had questions on the exact number of YTD sales. Mr. Brehm said that according to his information there were four sales YTD. This does not mean necessarily that they have been closed on.

President Smith asked how many lots were sold. Mr. Brehm said that there were 28 lots sold (not closed) for Patio Homes leaving two remaining .

After clarification on the 44 lots being converted to Single Family Dwelling John Dippel recommended granting the petitioner continuation to address the neighborhood's concerns.

Rob Stokes asked if the petitioner would be willing to adhere to the covenants. Mr. Brehm complied. Mr. Brehm also explained the difference between the various communities within the neighborhood. Some include the exterior maintenance and some do not.

Steve Hoover explained that the residents here this evening do not want first time home buyers in Cotswold and they would like the" no play" area to remain the way it is stated in the covenants because this is what the home owners bought in to.

President Smith asked if Hills would participate in a process of a couple of Council members meet to work through these issues. Mr. Brehm would take this back to corporate.

Ken Kingshilll had a procedural recommendation. He would like to see it sent to the APC to work through the issues and then back up to City Council for consideration.

John Dippel and Rob Stokes thinks that it should stay at the City Council level as this presently meets the criteria at the APC level and could come back in the same form in December with time lost.

Community Development Director Matt Skelton deferred to Legal Counsel but believes the required criteria that have come before the APC has been met. City Legal Counsel Brian Zaiger confirmed that this does not need to go back to APC as they have done the job required of them. There is a 90 day requirement from the date of recommendation (Sept. 20, 2010). To send this back to the APC will keep this time clock ticking.

Ken Kingshill asked about a motion to deny and what that entails. Brian Zaiger stated that it may cause more filing fees to be incurred.

Ken Kingshill made the motion to deny Ordinance 10-20 as presented. Bob Horkay seconded. There was some discussion on the process and timing moving forward. Legal Counsel explained that if Mr. Kingshill's motion is voted on and carried by the majority of the Council, Ordinance 10-20 would still have to be introduced at the next Council meeting because it would be going against the recommendation of the APC.

President Smith called for a five minute recess at 8:53P.M. After reconvening at 9:00P.M. Ken Kingshill announced that he would like to withdraw his motion. Bob Horkay also withdrew his second.

Vice President of the APC Cindy Spoljeric asked to say a few words. President Smith allowed this.

Ms. Spoljeric expressed that she has hopes that this community does not feel that the APC process has failed them. She went on to explain that their recommendation is based on what they hear from the people and how a plan fits the criteria. She encouraged anyone in the future to be heard early and often if need be.

Steve Hoover made the motion to propose that a subcommittee be formed of a three members from the City Council to work with the neighbors and Hills to try and resolve differences and come away with a win/win, if possible. Once that happens this will be sent to the APC with specific changes for review. Rob Stokes seconded. Vote: Yes-5; No-2 (Bob Horkay, Ken Kingshill). Motion carried.

President Smith asked for volunteers from the Council to serve on the subcommittee. Rob Stokes, Steve Hoover and Ken Kingshill volunteered.

Ordinance 10-21: Kalorama Park PUD Amendment
Introduction-September 13, 2010
APC Public Hearing-October 4, 2010
APC Recommendation-October 4, 2010
Second Reading-October 11, 2010
Adoption Consideration-October 11, 2010

Andrew Murray described the PUD amendment. Steve Hoover confirmed that this was strictly rezoning no transferring of property. Rob Stokes asked why this was coming before the Council. Community Development Director Matt Skelton explained that this is a precondition before the dedication of transferring property at a later date.

Steve Hoover made the motion to approve Ordinance 10-21 as presented. Rob Stokes seconded. Vote: Yes-7; No-0. Motion carried.

Ordinance 10-23: Golf Cart Ordinance
Introduction-September 13, 2010
Public Comment-October 11, 2010
Adoption Consideration-November 8, 2010

John Dippel gave a brief update on this Ordinance. There was some discussion and clarification from the Council.

President Smith allowed for public comment.

Parks Department Director Melody Jones referred to the comments and explained that the comments were not formalized. She recommended that Police Chief Joel Rush be included in committee discussions. She had some concerns on the ordinance being ready for consideration in November.

Mic Mead needed clarification on what actually is being considered.

Jim Ake would like the Police Chief and Safety forces to be a part of the discussion before this Ordinance would be ready for consideration.

There were some comments and discussion from the Council.

Mayor Comments:

Mayor Cook commended the Council on being open to hearing and meeting with the public in reference to the PUD heard earlier this evening.

He updated the Council on Phase III on the Sports Facility. In addition moving forward with financing and marketing for the facility.

He also gave a brief update on U.S. 31, Grand Junction, and the facelift of 211 South Union Street.

Bob Smith made the motion to adjourn the meeting. Steve Hoover seconded. The motion carried unanimously with a Voice Vote.

With no further business the meeting was adjourned at 9:25P.M.

Deputy
Clerk-Treasurer

President