CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
MAY 4, 2009

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on May 4, 2009, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Bunder, Burch, Hunt, Keen, Roales, and Thomas.
Absent: Dietrich.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, City Engineer Buck, Police Chief Dombkowski, Street Commissioner Downey, Fire Chief Drew, Human Resources Director Foster, WWTU Director Henderson, Parks Superintendent Payne, and Director of Development Poole.

Mayor Dennis said before we get into our agenda, there is a bit of business that I would like to take care of. If any of you read the newspaper, you'll be well aware of the fact that we've had a vacancy on our Board of Works. That vacancy has been effectively filled, and I would like to take this opportunity to swear in our new Board of Works member, Sana Booker.

Mayor Dennis administered the oath of office to Ms. Sana G. Booker to serve as a member of the West Lafayette Board of Public Works and Safety.

MINUTES: Councilor Keen moved for acceptance of the minutes of the April 2, 2009, Pre-Council Meeting, and the April 6, 2009, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed *viva voce*.

COMMITTEE STANDING REPORTS:
STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY:
Councilor Bunder said thank you, Mr. Mayor. Beginning with Wastewater and also ending with Wastewater, the digesters are now being used and we are about a month away from starting up the microturbines. The food waste pilot project with Purdue University has come to an end, and we are examining the data from that pilot project. In stormwater news, the Tippecanoe County Partnership for Water Quality was recognized by IDEM for implementing our stormwater partnership. And I will share with the Council members a copy of our certificate of recognition for our Phase II Municipal Separate Storm Sewer System Program, which looks a lot prettier than I said that. Our congratulations to David [Wastewater Utility Director Henderson] and to the stormwater utility.

Mayor Dennis said nice work, David [Wastewater Utility Director Henderson].

Councilor Bunder said available from the stormwater utility is a notification of combined sewer overflow events. If you don't get enough email and you would like more, whenever the

combined sewer overflows, you get something that looks like this. So if you would like to have one of those, ask David [Mr. Henderson] about it. Also, City Council received a presentation on the creation of a stormwater utility. This went with a review of National Pollution Discharge and Elimination Stormwater Phase II permitting. I hope I said that right. That concludes my report.

PUBLIC SAFETY AND ORDINANCE:

Councilor Keen said thank you, Mr. Mayor. In the month of April, the West Lafayette Police Department received over 1,700 calls for service, which is actually an increase of 111 calls from the month previous. I can't imagine why. It probably had a lot to do with Grand Prix, I'm sure. In April, the command staff from West Lafayette visited East Lansing, Michigan, and assisted East Lansing and Michigan State University with preparations and operations for the anticipated civil uprisings related to the NCAA Final Four games that included MSU. Tactics and lessons learned from that experience assisted West Lafayette in preparations for the Grand Prix activities in West Lafayette last month. Also during the Grand Prix festivities, the Department used a considerable amount of Departmental resources, but I think in looking at it, it was probably well spent. They scheduled 121 hours of overtime for this year, 48.5 for last year, but then if you look at the number of arrests, it was considerably smaller this year. They had 26 last year and only 14 this year. So I think the presence and the step-up in patrolling the area, I think, was probably well invested there. Also during April, the West Lafayette Fire Department had a report on the flu. Several meetings have been held concerning the H1N1 influenza or the swine flu, as it's being commonly referred to. These meetings are both local and regional and involve a large cross-section of participants, such as the local health department, physicians, staff from Clarian and St. Elizabeth Hospitals, Purdue University and other schools, Tippecanoe Emergency Management Agency, Tippecanoe Emergency Ambulance Service, fire and police departments, other agencies, and, of course, the West Lafayette Fire and Police Departments. Perhaps the most noticeable local treatment protocol would be the use of filter masks. West Lafayette citizens may see firefighters arriving wearing filter masks, and then be asked to put one on themselves as part of a medical treatment process. Also, it is important to recognize that this is a respiratory virus and not a gastrointestinal one. Also during the month of April, the training for Fire Department was busy. They did classes at the annual Fire Department Instructors Conference in Indianapolis. Over half the members of the Fire Department attended, which is very good that they can have something that's so close that we can attend. Classes taken were Firefighting Operations in Standpipe-Equipped Buildings, Handling Elevator Emergencies, Searching Procedures, Art and Science of Firefighting, and there are several others listed here. That completes my report.

PURDUE RELATIONS:

Councilor Roales said thank you, Mr. Mayor. I have a letter here addressed to the Mayor and the Council from the Purdue Student Government President and Vice President, thanking us. I'll just read a little bit of this:

> On behalf of the Purdue Student Body, we are writing to extend our collective thanks for the City's investment in pedestrian safety during the weekend surrounding Grand Prix. The barricades that were used along State Street helped to keep everyone safe with no reported injuries.

They go on to say

> It's our sincere hope that these efforts will be continued next April, or whenever future conditions deem them necessary.

Having talked with the Chief and hearing about one vehicle running into those barricades resulting in a DUI arrest, it's good that we made that investment, and the students appreciate that and recognize that. So I thank the City and the administrators that helped make that happen. I think it had a very calming effect to the area down there, when I went out there Saturday morning and took a look. Classes have ended for the year. It's the first day of finals today. Students are starting the mass exodus which occurs around this time of the year, so I'd invite everyone down to try some of the great new restaurants we have in District 1. Plenty of parking. But, seriously, we have some great new places that have opened within the past year. Grey House Coffee has a very nice establishment with some unique offerings. Maru Sushi is a nice little sushi place, Green Sprout is a nice Korean addition. So if you haven't been down to District 1, and it really surprises me how many people don't come down there when they first enter this office, I'd encourage you to stop through and try some of the new restaurants while it's a little easier to get around town. Thank you, Mr. Mayor.

PARKS AND RECREATION:

Councilor Hunt said thank you, Mr. Mayor. I have quite a few thanks to extend from the Parks & Recreation Department and also from the citizens of West Lafayette. I would like to thank volunteers who helped remove several pickup truck loads of trash from along the river during Detrash the Wabash. The Harrison High School natural resources management students who planted three 8-foot white pines in the Celery Bog Nature Area during Arbor Day. It's not easy to plant 8-foot trees. The Purdue botany students who helped with the Great Annual Garlic Mustard Pull in the Celery Bog during Earth Day celebrations. The West Central Chapter of the Indiana Native Plants and Wildflower Society, called IN-PAWS, who continues weekly workdays through May. The Purdue forestry students who helped the Tree Fund with spring tree pruning. And the Purdue communications students who constructed and donated two benches for the Celery Bog footpath. Those are a few of the thanks. West Lafayette also received national recognition for the 18th time as a Tree City USA. And also the annual Morton spring dance recital was May 2 at 4:00 p.m. in Loeb Playhouse. I believe the Mayor went. There were 200 dancers, 800 people attended, and the dancers did 28 numbers. The West Lafayette Sagamore West Farmers Market opens Wednesday at 3 o'clock. It extends until early October. The next Park Board meeting will be May 18th at 4:30 p.m. in the Lilly Nature Center. Thank you.

ECONOMIC DEVELOPMENT:

Councilor Thomas said thank you, Mr. Mayor. Concerning the CDBG status for April, we are still waiting on the notification of the grant amount for the 2009-2010 program year. When we receive notification, the planning process will continue with the finalization of the plan, the public comment period, and the submission of the resolution to the Council authorizing the filing of the application and appropriation of the funds. It is anticipated that the funds will not be available at the start of the program year on July 1, 2009. Bids for the Robinson Street curb and sidewalk replacement project were received by the Board of Works, with Milestone Contractors, LP with the lowest bid of $182,770. This project will replace curbs and sidewalks, and install curb ramps on Robinson Street from Salisbury to DeHart. It is anticipated that a portion of this project will be paid by CDBG stimulus funds through the American Recovery Act. Finalization of the stimulus funds should take place by mid-May. The Development Department was also involved in continuing support of the over-occupancy public forums, we've had two to this point, and we will have more discussion on that topic. The Department continues to participate in the Campus-Community Bar Retail Coalition. The most recent meeting focused on alcohol servers and their training and certification. The Department has also worked with the Redevelopment Commission, Purdue University, and PRF to negotiate a lease for the construction of the new Purdue Crew Boathouse. The Department continues to provide support for the West Lafayette

Go Green Commission, which worked with Wal-Mart to receive a $15,000 grant to assist in making greener events. Details are still being worked out. The Department has met with a number of developers from Chicago and Indianapolis, continues to provide community information, and is working with developers on defining opportunities for development within the City. The Department was awarded a $5,000 grant from Wal-Mart to create a lecture series to assist small businesses during these tough economic times. Purdue's Small Business Center is helping create this program. The Department also continues to work with Lafayette, Tippecanoe Arts Federation, and the Convention and Visitors Bureau to implement the cultural directing plan. Lastly, there was a dedication held at the Purdue Research Park last week concerning EDS, which is a software company now housed in the new Innovation Center in the Purdue Research Park. They currently employ 120 employees, hopefully to max out to about 200-300 employees. They have about 45,000 square feet of space in the 100,000 square foot facility. The Mayor attended and did a masterful job of representing the West Lafayette City. I think it was a great event. We look forward to obviously more companies coming in to the Purdue Research Park and the Innovation Center and locating their businesses here and employing West Lafayette residents. That ends my report.

PERSONNEL:
Councilor Burch said thank you, Mr. Mayor. I have three items to report on tonight. One is our health promotion program. In an ongoing effort to boost the City's health promotion program, West Lafayette has partnered with Lafayette through the Lafayette-West Lafayette Consortium and initiated an intercity health promotion committee. Members of the committee include our City's Human Resource Director, as well as three West Lafayette and five Lafayette employees. Representing West Lafayette are Jon Munn, Diane Beasley, and Jeff Martin. The committee has met on a regular basis to initiate program implementation for the upcoming months. Item number two, formal compensation system. Research is underway for the development of a formal Citywide compensation system. Whether the implementation will occur this year or next will be determined by the project cost. Item number three, employment laws. Significant changes in employment laws and regulations have taken effect with President Obama's administration, including amendments and revised regulations to the Americans with Disabilities Act and the Family Medical Leave Act. President Obama's first federal statute was the Lilly Ledbetter Equal Pay Act, which lengthens the statute of limitations for filing an EEOC charge alleging discrimination. The Act also clarifies that claims of pay discrimination renews each time an employee receives a paycheck from the employer. That concludes my report.

BUDGET AND FINANCE:
Councilor Hunt said thank you, Mr. Mayor. The Budget and Finance Committee met in April and we discussed City investment policy, and we thank Clerk-Treasurer Rhodes for presenting the current policy. We will meet again in May.

REPORT OF APC REPRESENTATIVE:
Councilor Keen said thank you, Mr. Mayor. There was some activity, and we will be discussing that under Ordinance No. 4-09 this evening. I'll defer my comments until then.

SPECIAL REPORTS:
Mayor Dennis said I'd just like to take this opportunity to thank Sana [Ms. Booker] for being such a voluntary member of our Board of Works, for wanting to help us continue to drive this community in the right direction. A lot of times, the work that goes on behind the screen is generally not known. And there's a lot of research that has to be done, a lot of reading that has

to be done. And whatever free time you thought you had, gone. But I truly appreciate your helping us out with the City, and I appreciate your sacrifice. Thank you, Sana.

PUBLIC RELATIONS:
West Lafayette Community Beautification Award
Councilor Hunt said thank you. I have the honor of presenting this award this month. The winners of the May 2009 Beautification Award are Carl and Lynn Griffin, who live at 421 Robinson. The house is a City masterpiece and it sits on a very lovely landscaped two acres. They've nurtured this area, both the house and the landscape since 1986. Carl and Lynn were both born in West Lafayette and their gardens boast iris and lily of the valley from their parents and their family gardens, which is always nice. Perennial beds dot the landscape. Shade-loving beds and sun-loving flowers all line the sidewalk and the beds. Of their many fragrant flowers, lilacs provide spring color, and other flowers, shrubs, and trees provide color from March until November, which is not easy to plan, but Carl and Lynn have done that. They're avid birders, and their gardens invite songbirds. The wildlife adds a finishing touch to the rich floral display at the Griffin residence. Would you come forward.

Mr. Carl Griffin said thank you very much. There's certainly a lot of lovely gardens in West Lafayette. We are honored to be recognized. Gardening is one of those things that gives back to you what you put in. Thanks so much.

FINANCIAL REPORT:
Clerk-Treasurer Rhodes said you've received your State Board of Accounts prescribed reports for the month of April. I want to make a few comments, continuing comments, regarding the progress on our 2009 budget order. Our budget order is still not available, and the tax rates have not been calculated. The last milestone, I believe, was achieved May 1, which was the date that the last installment of 2008 property taxes. Once the settlement is computed, the Auditor and the State can move ahead to calculate determination of levy shortfalls. Two school corporations in our County have filed appeals for levy shortfalls, and our budget orders for all entities can't be finalized until the collections are certified for 2008. This is the first year we've had an installment plan available to homeowners for their property taxes, and this is one of the things that figures in to how we progress, working with the State to come up with a current budget. You can see the consequences of that kind of installment plan. We're really not going to have a budget order for this year until we're pretty much just beginning the process for next year. All the jurisdictions in the County are in the same boat. We also have received a notice that the Auditor has advised the State of the delinquent collections for the excess levy determinations. This is a term we haven't heard before. An excess levy is when the collections are greater than was authorized by the budget order. The Auditor has to certify the amounts to the State which represent delinquent collections. The State does not allow jurisdictions to keep property tax revenues in excess of their budget order. In this case, the Auditor has recently certified collections made for the Pay07 and Pay08 years. The State will notify all the jurisdictions about what portion, if any, of the money we already received is considered excess levy. That money will be basically put in a reserve fund and applied to the 2009 and 2010 budget orders. This is very complicated, but that is one of the reasons why the setting of budgets and the decision-making seems to take a very long time, and seems to take one turn and another. The amount of money that was certified as delinquent collections is about $269,000 for the two years. Given the collections we did receive from the Auditor, it indicates to me that the amount of our excess levy, if any, is likely to be quite small. But I think, as we spent a little bit of time talking about an excessive levy appeal the last couple of years, and we're now talking about an excess levy, they're two very different things. This, in fact, is designed to

reduce the tax burden on taxpayers, when an entity happens to receive greater revenues than were a part of the budget order and budget plan. Why does this happen? Assessed valuations can change from the time they're certified for a tax rate to the time billings and collections occur. This is to not allow the windfall collection of more money than is certified by the State. The problem is, it kind of lags. In this case, a couple years. So, to keep track of all of this, things will occasionally change in our planning. We actually would need to create a separate fund, and all that is under the direction of Department of Local Government Finance. I wanted to let you know, kind of give you a little background on that. Those are the items I wanted to cover tonight, that I think are different than our routine business.

LEGAL REPORT:
City Attorney Burns said thank you, Mr. Mayor. The legal report is on file, and I'd be happy to address any questions that anyone might have. And if not, that's my report.

UNFINISHED BUSINESS:
Ordinance No. 3-09 (Amended) An Ordinance Amending The Ordinances Of The City Of West Lafayette Regulating Rental Housing Within The City (Submitted by Councilor Bunder)

Councilor Keen read Ordinance No. 3-09 (Amended) by title and moved that it be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis said discussion?

Councilor Bunder said if I might, Mr. Mayor.

Mayor Dennis said please.

Councilor Bunder said the legal report segues nicely into a discussion of Ordinance No. 3-09 (Amended). I have been pleased with the level of discussion regarding this ordinance, and I've been pleased as well by the bipartisan character of the conversation regarding the ordinance. I believe significant progress has been made on the three main items that are in the ordinance. We are in the midst of a productive conversation regarding the language of City Code Section 117.08, that section which is designed to respond to the Appellate Court. I would look forward to a continued conversation on the sections dealing with fees and fines, looking forward perhaps to a committee that might address the size of the fees and fines, with an eye toward matching the fees and fines for the cost of the second inspector contained in the 2010 budget. Finally, I look forward to further discussion on the matter of the security deposit, and I look forward to the formation of a committee that would examine how best to protect the interests of student consumers. In light of these positive developers, I would move to table Ordinance No. 3-09 (Amended) to a date certain, and that date being September 14.

Councilor Hunt said I'd second that.

Mayor Dennis said Peter [Councilor Bunder], could you please repeat the date.

Councilor Bunder said September 14, the September meeting of the West Lafayette City Council.

Mayor Dennis said thank you.

Councilor Bunder said which is an odd number, because of the Labor Day holiday.

Mayor Dennis said that's why I didn't get my mental calendar flowing sooner. Thank you for repeating. It's been motioned and seconded. Any discussion?

There was no further discussion.

Ordinance No. 3-09 (Amended) passed, 6-0.

NEW BUSINESS:
Ordinance No. 4-09 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect [315 North Chauncey Avenue, R3W to PDRS] (Submitted by Area Plan Commission)

Councilor Keen read Ordinance No. 4-09 by title and moved that it be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis said discussion? Chandler [Director of Development Poole], if you would, please, step to the podium and provide some information to the Council.

Director of Development Poole said what we have here is an opportunity to redevelop a portion of the area closest to the campus, 315 North Chauncey. We have a site that has two houses on it currently, zoned R3W, maximum occupancy on the site is ten individuals. There is a proposed development in front of us now that has two four-unit townhouses for a maximum occupancy of eight on the site. Parking will be figured out. It will be a much cleaner site. We'll be redeveloping a nice high-traffic corner within the area. It's a good opportunity for redevelopment within the City of West Lafayette.

Mayor Dennis said and there's been conversation between you and Councilor Bunder—

Director of Development Poole said in regards to this site. We've mentioned a little bit. We haven't gotten into depth. It's been in front of APC as well. We've met with the developer. We've had our conversations.

Mayor Dennis said okay. Very good. Questions for Mr. Poole?

Councilor Keen said I just want to make a comment that this did pass APC, 11-0. Also, it is actually increasing the greenspace on the property about 6%, which takes it to about 31%.

Mayor Dennis said and it's lowering density also. Is that correct?

Councilor Keen said yes, exactly.

Mayor Dennis said other questions for Mr. Poole?

Councilor Roales said just a question. Why does this necessarily require a PD, if it's lowering the density and increasing the greenspace? Typically, you wouldn't see a PD necessary there.

Director of Development Poole said when you do a PD, you have the opportunity to take the rules and negotiate with the developer to get a much better product. And with this development having two structures on it currently, we worked with the developer toward a better look on the site. Mr. Rubin was very, very accommodating with us, working on the access points on the site, to try to tuck everything into the alleyway. A PD becomes more of a negotiation which really fits this type of development.

Councilor Roales said okay.

Mayor Dennis said other questions? Thank you, Chandler [Mr. Poole]. Further discussion?

There was no further discussion.

Ordinance No. 4-09 passed on first and only reading, 6-0.

Ordinance No. 5-09 An Ordinance Providing For Temporary Loans From A Fund Having Sufficient Balance To A Depleted Fund (WWTU to General Fund and Parks & Recreation Fund) (Submitted by the Clerk-Treasurer)

Councilor Keen read Ordinance No. 5-09 by title and moved that it be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis said discussion?

Clerk-Treasurer Rhodes said in the past, the Council provided authority for $1.5 million of loans from the Wastewater Utility to the General Fund, and $200,000 from the Utility to Parks and Recreation. Tomorrow following the claims run, we will only have $200,000 in authority left for the General Fund and $65,000 for the Parks Fund. The amount of additional authority I've requested here, $3 million for the General Fund and $350,000 for Parks and Recreation, will hopefully take us through our spring settlement, which will most likely occur near the fall of this year.

City Attorney Burns said that's why they call it the spring settlement.

Clerk-Treasurer Rhodes said I will be asking for two readings tonight. We'll certainly need the authority to meet payroll and pay the City's bills in May.

Mayor Dennis said questions to Judy [Clerk-Treasurer Rhodes]? Further discussion?

There was no further discussion.

Ordinance No. 5-09 passed on first reading, 6-0.

Councilor Keen said Mr. Mayor, I move that we suspend and consider Ordinance No. 5-09 on second reading tonight. The motion was seconded by Councilor Burch.

Mayor Dennis said any discussion?

The motion to consider suspending the rules to hear Ordinance No. 5-09 on second reading passed by unanimous voice vote.

Councilor Keen read Ordinance No. 5-09 by title and moved that it be passed on second and final reading, and the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis said any discussion?

There was no further discussion.

Ordinance No. 5-09 passed on second and final reading, 6-0.

Ordinance No. 6-09 An Ordinance Vacating A Portion Of South Chauncey Avenue In The City Of West Lafayette, Indiana (Submitted by Daniel A. Teder)

Mayor Dennis said this ordinance has been withdrawn by the petitioner. It will be revisited at the June meeting. That was withdrawn by Daniel Teder.

Councilor Roales said do we need a motion for that?

City Attorney Burns said you can generally withdraw an ordinance or a resolution any time up to the first reading. But if you want to have it back on the agenda for June—

Mayor Dennis said you have to go ahead and put it on the agenda.

City Attorney Burns said so he'll have to come back. It's actually off the agenda completely, until he brings it back. So it would actually be a new ordinance.

Resolution No. 5-09 A Resolution To Accept The New Chauncey Neighborhood Request For A Neighborhood Land Use Plan (Submitted by Councilor Bunder)

Councilor Keen read Resolution No. 5-09 by title and moved that it be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis said discussion?

Councilor Bunder said thank you, Mr. Mayor. I am happy to honor a request from the New Chauncey Neighborhood Association to propose an enabling resolution to this Council, to ask the Area Plan Commission to review land use in New Chauncey. While this may be new to us in West Lafayette, it is not new to the County. The resolution that I drafted here mimics a Lafayette resolution that was offered by Perry Brown and endorsed by Dave Heath when he was Mayor [of Lafayette]. This portion of the City, this residential neighborhood, is unique, provides a variety of opportunities, both for the City and perhaps in the State. It survives as a multi-generational, multi-class neighborhood because of the attention paid to the peculiar character of its location and its housing stock. It has been awhile, 1998, since the neighbors have been able in an intentional way to review land use in their neighborhood. I am pleased to offer this resolution in support of their request for that work with APC. I would note that Sallie Fahey [Executive Director, Area Plan Commission] is with us tonight, and I'm sure could explain better than I ever could how these sorts of things work.

Mayor Dennis said Sallie [Ms. Fahey], if you would, please. Come on up, and let us know what's up.

Ms. Sallie Fahey [Executive Director, Area Plan Commission] said Mr. Mayor, Council members, thank you. On March 4, I was approached by a citizen of the neighborhood about whether or not the Plan Commission staff could perform such a land use plan, and when in the past had the last one been done. I sent to that resident information about what had been done in the past, both in the neighborhood and how we had worked with neighborhoods in Lafayette to do similar plans. I also suggested that the first thing that needed to be done was to engage the City Council, that we would not go forward to do such a plan without the express request from the City Council to do that. So the request that you are looking at tonight in the resolution would be to ask the Plan Commission to direct its staff to do this work. I also indicated that this would get the planning process, should you decide to go forward with this, into the queue of projects that we have already in our portfolio to get accomplished. If you are interested in speed, then I would make every effort to see that we can do that as quickly as possible. Besides engaging the citizens and the property owners in the neighborhood, would clearly like to engage your staff in this process as well.

Mayor Dennis said that actually is a very valid point. There will be a public process.

Ms. Fahey said absolutely.

Mayor Dennis said it will engage the citizens, the business owners—

Ms. Fahey said right.

Mayor Dennis said we will have opportunities to have Council members, should they choose to do so, as well as staff, so it will be a fairly comprehensive process.

Ms. Fahey said absolutely.

Mayor Dennis said I don't want anybody to get confused. This is the beginning of the process, it's not the end.

Ms. Fahey said absolutely.

Mayor Dennis said just point of clarification.

Ms. Fahey said yes. Two other points. Based on probably the most similar neighborhood that we've done in Lafayette, which was the St. Lawrence-McAllister neighborhood, I could tell you that it takes at least a year to accomplish this. So that everybody has a good chance to engage in the process and work out a plan for the neighborhood's future that everybody is comfortable with.

Mayor Dennis said that's a good idea.

Ms. Fahey said then I think the resolution also indicates that, once a plan is developed, it would be adopted by the Plan Commission as a part of the Comprehensive Plan adoption by the West Lafayette Council. That would make it part of the plan for West Lafayette. It would guide your decisions in future zoning. We would follow that, then, based on this resolution, with a look at whether the existing zoning is appropriate. We do have some new zoning districts, based on the ordinance that was adopted in 1998 that might be appropriate for this neighborhood as well.

I want to make it clear that zoning is not the end-all, be-all to implement a neighborhood land use plan. There are other things that probably need to be done, some of which by the neighborhood itself, and some perhaps by other parts of the City government. But we would be certainly willing to do this work for you, should you decide that you would like it done.

Mayor Dennis said you know, I always love to hear people volunteer to do work for us. How much do you bill, Sallie [Ms. Fahey]? How much do you bill?

Ms. Fahey said we don't. We're your planning staff, so—

Mayor Dennis said there you go. Good stuff. Any questions for Sallie [Ms. Fahey]?

Councilor Hunt said I have one.

Mayor Dennis said sure.

Councilor Hunt said what exactly do you look at? Do you go block by block and see what?

Ms. Fahey said sort of the general planning process, the first thing we want to do is find a common vision amongst the residents and the owners of the neighborhood, both about what they like about their neighborhood, what their concerns are for their neighborhood, and what their long-range vision is for their neighborhood. Once we have all agreed on what the vision is for the neighborhood, then we will be doing data collection, a land use inventory, zoning, probably update the building condition survey that generally is done as a part of land use planning, and then we will begin to look at questions such as whether there are places for opportunities for redevelopment, are there places that are in need of preservation. So we would be gathering a lot of data. We'd be working with the neighborhood, presenting our analysis of that data, and from there we would begin to look at in which areas what are the appropriate land uses in what parts of the neighborhood.

Councilor Hunt said so it's part strategic plan, part analysis, and then output of a narrative that will—

Ms. Fahey said a narrative and a map.

Councilor Hunt said okay.

Ms. Fahey said yes. And then probably end, as we usually do, with some policy statements as to how this plan might be implemented over time.

Councilor Hunt said okay. Thank you.

Councilor Keen said Sallie [Ms. Fahey], is that report that comes out of this, is that a binding kind of a thing? Is that just a suggestion when it gets done? How is that used?

Ms. Fahey said under Indiana law, comprehensive plans adopted by the Plan Commission and then the legislative body become official policy of that jurisdiction. So it would be official policy, if you adopt it, of the City Council. When it comes to implementation of that plan, at least as far as one correspondence exactly between a plan and zoning, but that the Council is to take due consideration of its adopted plan, which is your policy, your guidance for zoning matters.

Councilor Keen said thank you.

Mayor Dennis said other questions for Sallie [Ms. Fahey]? Thank you for attending tonight.

Ms. Fahey said you're welcome.

Mayor Dennis said further discussion on the part of the Council?

Councilor Burch said yes, please. Councilor Bunder, how were the boundaries determined?

Councilor Bunder said the boundaries are a matter of public record. They relate primarily to that area which is both a Housing and Urban Development zone and a State historical district.

Councilor Burch said but could the boundaries move north or south or east or west?

Councilor Bunder said I honestly don't know. The greatest impact has always been the HUD money, so I'm not sure.

Mayor Dennis said I think Sallie [Ms. Fahey] might be able to help you.

Ms. Fahey said to the extent that the map is attached to the resolution, I'm assuming that the map is officially a part of the resolution. So if you wish to change the boundaries, I think you probably should do it before you pass the resolution, or you take the map off the resolution, so that adjustments could be made later. But it would be probably helpful to know what the boundaries are from the very beginning. So I think you have two choices. Either remove the map and we'll all engage together as to what the boundaries should be later on, or work on that now and then add it to the resolution.

Mayor Dennis said is that helpful?

Councilor Burch said yes. Sallie [Ms. Fahey], I've got another question. Where in your queue of projects would this fall? You said it usually takes about a year.

Ms. Fahey said we have a number of projects ongoing that are pretty much taking the full time of the staff. One of those is the US52 Corridor Study, which starts in West Lafayette and moves out into the County. Your staff, County staff, our staff, and the consultant that was hired to help us in that process are in the early beginning stages of that. That Corridor Study will also include a land use plan, and my hope was that we could segue from the Corridor Study land use plan into the long-delayed Wabash Township land use plan. I think we still want to do that, but I may be able, as some other projects finish up, to find appropriate staff, then, to begin work, if not simultaneous with the Wabash Township land use plan, then maybe shortly thereafter. So, you know, however anxious everyone is, including the Council, to start on this project, if in fact you are, then I will make every effort to try to find the staff time to get started.

Mayor Dennis said other questions for Sallie [Ms. Fahey]?

Councilor Keen said the only other question I have in reference to the map, if we did remove the map, then those boundaries could be established during the discussion process of this whole thing?

Ms. Fahey said yes, I think then that's the very first thing we would do is establish the boundaries. And we would want to involve the same people I mentioned earlier—West Lafayette staff, at least one Council member, the neighborhood property owners.

Mayor Dennis said further discussion? This will be from the audience.

Mr. Carl Griffin [421 Robinson Street] said speaking, I guess, as New Chauncey Neighborhood President, these are the boundaries that have really been established historically, and they go back ten years or so. I'm not sure I see what the advantage would be of changing things substantially, since there is some history behind them. That would be the main thing that I would be concerned about, and not slowing the process down, given that it is going to take anyway 15 to 18 months minimum from the passage of the resolution. I don't know. Would there be a major advantage in changing them?

Councilor Keen said I just know that some of the people that I've spoken to about this have some concern about the mostly southern boundary of this area. And I, for one, would feel much more comfortable if we did remove the map, so that there could be discussion about what specific boundaries would be included in this.

Councilor Roales said I'm sorry, just to clarify. They're concerned about the boundary on the southern tip of the map?

Councilor Keen said pretty much along the whole southern stretch of the—

Councilor Roales said so along Fowler and that side of the map?

Councilor Hunt said there are some houses there that [unintelligible].

Councilor Keen said yes, pretty much along Northwestern and along Fowler, in that area.

Councilor Hunt said well, Northwestern on the bottom part there aren't many houses.

Councilor Roales said I'm confused about the nature of the concern. I mean, I can't see—

Councilor Keen said well, there's a lot of business owners and property owners, specifically apartment owners, down in that area who have expressed some concern about being included in this process.

Councilor Roales said okay.

Councilor Keen said in fact, I would offer a motion that we would remove that map, so that it can be discussed as part of the whole project.

Councilor Roales said so I understand. When I look at the map, there are some higher density apartment buildings that I know of in different areas on this map that are kind of heterogeneous with what we think of as New Chauncey. I would defer to the author of the ordinance and get his thoughts on the map or not, but—

Mayor Dennis said I think we first need to hear the motion. There's been motion on the table that we exclude the map from the existing resolution.

Councilor Burch said second.

Mayor Dennis said it's been seconded. Any discussion?

Councilor Bunder said I'm not comfortable with removing the map. The map, as Carl [Mr. Griffin] mentioned, has a history, relates to both to a State designation and to a federal funding area. That would certainly have implications for any study of the neighborhood.

Councilor Keen said I just think it would leave us a lot more open for discussion in inclusion or exclusion of certain areas of people who have a lot of concern about it. If this is going to be a totally open process, then we should make it an open process by establishing the map, instead of starting out with a map that's already established.

Mayor Dennis said further discussion?

Mr. Rod Evans [commercial real estate broker] said I do a lot of work on campus. I would agree with Councilman Keen that this map, while it is a historic area, the areas along Fowler and Northwestern differ greatly from the area up around Sunset and Lincoln and Connolly. I think if you move forward with this resolution, we need to look at other universities that are in similar situations. I don't think that we can compare the McAllister neighborhood with the New Chauncey Neighborhood, because of the University. Along Fowler Street, there are several old houses that are in very poor condition. Northwestern has got several fraternities and different things along it. In my professional opinion, I would agree with Councilman Keen that the map has to go away and give Sallie [Ms. Fahey] and her group the freedom to really look at this situation. Because the way that the New Chauncey Neighborhood map is drawn currently is clearly a lot of the southern part of it and then the eastern part of it are campus proximate. I understand the maintaining of the neighborhood and I'm all for that and I think that gives a historical neighborhood, but I would agree that by leaving the map, you're really hindering the efforts of this whole purpose of this resolution.

Mayor Dennis said thank you. Further discussion?

Ms. Jan Myers [1700 Lindberg Road] said I don't live in this neighborhood. I have no axe on that, but cartography is a hobby of mine. This map and its description are not consistent. I draw a point that says the north boundary is Kingston and Meridian, and when I read the map, I see that those streets are included—both sides of the street. Then I read south says Fowler Avenue, and none of Fowler Avenue is included in the map. The same is true for the east—says North River Road. None of North River Road, neither east nor west side of River Road, is included in this map. And when I read the west side, it says Northwestern, and neither side of Northwestern is included. So I know nothing about the association. I'm taking it strictly from this map, but the map as drawn does not match the verbiage, and that, first of all, needs to be corrected from my point of view. Thank you.

Mayor Dennis said thank you, Jan [Ms. Myers]. Further discussion?

Councilor Hunt said may I, Mr. Mayor?

Mayor Dennis said Councilor Hunt.

Councilor Hunt said I have quite a lot of my district in this area, and I'd kind of like to have it studied. Fowler, if I remember right, we lost a family-owned dwelling there to a rental, and some of them along Northwestern are interesting, down there also. I would like to add a little bit, and whether that means dropping the map or expanding it, I have no preference. But I'd like to see a study of Fowler. As Mr. Evans said, it's an interesting—it looks like a transitional area.

Mayor Dennis said thank you, Ann [Councilor Hunt]. John [Mr. Burgett].

Mr. John Burgett [510 Main Street, Lafayette] said I have a question for Sallie Fahey. Sallie, do I understand that there can be different zones within this neighborhood, depending on the majority of uses—conforming, nonconforming uses, and so forth—to bring it in sync with the zoning that's appropriate for the area that's involved?

Ms. Fahey said absolutely.

Mr. Burgett said I guess that answers my question, if in fact you can have different zoning within this area that we're talking about, there would be a chance to go to R3, for example, where it's not R3 at this time, to bring the houses in, based on the common and current use of the properties there. Thank you.

Mayor Dennis said thanks, John [Mr. Burgett]. Further discussion?

Councilor Bunder said I would just note that, for those of us who have been in this awhile, it goes back to NUZO, among other things. There are a variety of land uses. I do not find this map to be novel. It's off the City website. If there's a confusion, it is my attempt to do in black and white with my computer—which you probably could do better if you had better equipment—it's a part of the record of the City. I would be happy to go with whatever map Buz [Assistant Director of Development Grady] has in a drawer. This is on the website.

Mayor Dennis said so, just out of curiosity, in the event that there's a discrepancy between the verbal description and the graphic representation by a map, which iteration—?

Ms. Fahey said I would be more inclined to go with the written description. I think the map is illustrative, and that probably the lines were drawn just so they didn't cover up the names of the streets. But, I would go by the written description first.

City Attorney Burns said and if they called boundaries of Kingston and Meridian Streets, does that include both sides of Kingston and Meridian, or does it stop there? That's where the verbal kind of needs some clarification.

Ms. Fahey said that's a valid question. You know, if it's the center line, then clearly it's only one side that would be the study. If it's written to include both sides of the street, then that's what it would do. May I make one other comment?

Mayor Dennis said sure.

Ms. Fahey said sort of a follow on to John Burgett's question. I think clearly within the area as delineated traditionally as the New Chauncey Neighborhood, there are parts of that

neighborhood that are overwhelmingly rental units and will probably always overwhelmingly be rental units. There are clearly areas along Northwestern that have University and University-related buildings on them. And none of that is likely to change, because I wouldn't think, as a planner, we would find an opportunity in those areas to do something different than is already there. I think what we would be likely to find is that there are clear areas that have a relationship to the University and its student population, and there are areas that are clearly single-family residential, and then there is the middle area, which is the part that is probably of most concern to everybody, which is, "Can we preserve it as single-family homes? Should we preserve it as single-family homes? Or are there opportunities in those areas to do one or the other?" So I sort of see this, as drawn, there are some pretty clear things that aren't likely to change on both ends of the spectrum.

Mayor Dennis said but during this process, the map or the area of land affected can be determined through the process that we'll initiate with this vote. Correct? If the map is not included.

Ms. Fahey said yes, if the map is not included. If the map is included as it is, then my cursory glance at this area, based on the map, is that probably there are areas that we aren't going to change at both ends of the spectrum, from student-oriented housing to strictly single-family housing, and that there are areas in the middle that are the areas of most concern. But I don't have any problem with the boundaries of this neighborhood, including all that spectrum of possibility.

Mayor Dennis said but, again, exploring a hypothetical, the area could grow. It could exceed the parameters—

Ms. Fahey said the area could grow, the area could shrink.

Mayor Dennis said right. Without the map, it can go either way.

Ms. Fahey said that's correct.

Mayor Dennis said other questions for Sallie [Ms. Fahey]?

Councilor Thomas said Sallie [Ms. Fahey], you said you'd be comfortable with the written verbiage versus an illustrative map, that's what would be your guiding principle?

Ms. Fahey said yes, I would take that as the gospel, so to speak.

Councilor Thomas said okay.

Ms. Fahey said assuming that that's satisfactory to legal counsel.

City Attorney Burns said is there a rule of interpretation about what you do with the boundary when it says it's bounded by Kingston and Meridian Streets. Does that mean that both sides are in, middle line, or not in at all?

Ms. Fahey said I would say if the boundary is the street, then it only includes one side.

City Attorney Burns said it goes to the middle line.

Ms. Fahey said right.

City Attorney Burns said so I suppose if we're going to be considering passing it, that would be the condition we'd be passing it under. At least that's how they would approach it.

Councilor Bunder said that's fine.

Councilor Hunt said are you going to add both sides to the narrative and try this again?

Councilor Bunder said I don't think it matters.

Ms. Fahey said if it's the Council's interest in having properties on both sides of a street boundary included in the study, then probably you want to talk about the first tier of properties. I assume you wouldn't want to go back two or three properties, but properties facing each other. From the planning point of view, we prefer not to make severe changes down the middle of a street, just because properties are more impacted by each other across the street than they are if there are property lines. There is some benefit to looking at both sides of the street at the same time, but, as discussed, I think probably if the boundary is the street, then we're only talking about one side.

Mayor Dennis said Council, we do have the option of passing the resolution with the map removed to get the process moving down the road. And that's the motion that we have on the table right now.

City Attorney Burns said and then pass the map.

Mayor Dennis said and then we can pass—should somebody decide to go ahead and present a map, we can pass that later. Is that abundantly clear? The motion still stands right now.

Councilor Burch said which is to remove the map.

Mayor Dennis said remove the map. Further discussion?

There was no further discussion.

The roll call vote:

AYE	**NAY**
Burch	Bunder
Hunt	Roales
Keen	Thomas

The vote to amend Resolution No. 5-09 and remove the map failed, 3-3.

Mayor Dennis said so now we're back with Resolution No. 5-09 in total.

Councilor Bunder said if this is in order, I would be happy to substitute whatever written description appears in the files of the Development Office of the City of West Lafayette for the map. The map is meant to be illustrative, it's meant to show you where the streets are. My

understanding is, in fact, that it is the south half of Meridian, and the south half of Kingston, but it's very hard to represent that.

Mayor Dennis said for clarification, Sallie [Ms. Fahey], if we move the process down the line now and then at some later date, we submit a more specific narrative delineating this particular area, is there a problem?

Ms. Fahey said I don't have a problem with it. I would defer to Eric [City Attorney Burns] on that regard, but I don't particularly have a problem.

City Attorney Burns said but as far as getting in the queue, the resolution passes, it's in the queue. If there's an amendment that comes later, then it's not going to slow the process down.

Ms. Fahey said right.

Mayor Dennis said that's exactly what I wanted to know. Thank you.

Christina [who declined to provide her last name or address] said I have a question about this map. I've been a resident towards the north, outside of this technical map for four years. But every year, we receive the New Chauncey Neighborhood Association information, the flyers, we pay dues every year. So to me, this is kind of a little interesting, having never seen this map and knowing that I've been thinking that I've been belonging to this association and belonging to this neighborhood, when technically, I don't. So I kind of would like to see this map revisited or the neighborhood redrawn or more clear guidelines put in, just to see that— I mean, I've been paying dues to New Chauncey Neighborhood Association, and I'm not technically part of it.

Mayor Dennis said so, again, we are back to Resolution No. 5-09 as written. Further discussion?

Councilor Burch said Mr. Mayor, I'm just concerned that this is giving special status to an area of town that, I think down the road could lead to other neighborhoods wanting to do this. And I'm concerned about future governing/taxing legal authority should this pass.

Councilor Roales said I guess I would have almost the inverse. I'm pleased when a neighborhood is so active that they have an interest in, you know, working with government and engaging government at not only the County level but the City level, to improve the City. So I'm kind of proud of the work that New Chauncey is doing, and I hope this spurs other neighborhoods to become as active in our community as New Chauncey has done over the last couple years. I think this is great.

Councilor Burch said Councilor Roales, I actually feel that because there are so many rentals in this area, that it actually appears to be anti-student.

Councilor Roales said well, I would disagree, and I think, you know, given the opportunity, which I'm sure the County will provide, Purdue Student Government would love to become involved. As you mentioned, they are a significant portion of the residents of this area and a growing portion, so I think they certainly have a stake in the future of this neighborhood, just as the long-term residents have a stake in the future. So I'm very confident in the work of the APC. They've done great work in the past, so I'm sure they'll be included in the process.

Councilor Burch said what districts are involved in this neighborhood? Is it [Districts] 1, 2, and 3?

Councilor Roales said my district is not involved in this.

Councilor Burch said your district is not involved.

Councilor Hunt said part of District 3 is involved.

Councilor Thomas said Mr. Mayor, could I ask Sallie [Ms. Fahey] to come up just one more time?

Mayor Dennis said I didn't do that. Gerald [Councilor Thomas] did.

Councilor Thomas said Sallie, from an objective standpoint, can you tell me what the downside of this is from an APC point of view? Or is there a downside?

Ms. Fahey said you're talking to an urban planner, so doing neighborhood plans is, you know, sort of one of the basic things that we do. I can't, off the top of my head, think of any downside to this. I do agree with Councilman Roales that neighborhoods that are engaged generally are much healthier from many perspectives, so if this would spark another neighborhood to want to go through a similar exercise and create a vision for itself, I think that would be wonderful. There was some momentum like that in the City of Lafayette after having worked on a few neighborhoods, other neighborhoods went, "You know, this is probably important for us to do."

Mayor Dennis said again, this is step one.

Ms. Fahey said right.

Mayor Dennis said this is the beginning.

Ms. Fahey said right. I would like some more information about the councilmanic districts. It's District 3. Are there any other councilmanic districts involved? District 2?

Councilor Bunder said only [Districts] 2 and 3.

Ms. Fahey said 2 and 3. Okay. Thank you.

Councilor Bunder said the line is Grant Street.

Ms. Fahey said very good. Thank you.

Councilor Burch said Sallie [Ms. Fahey], what historic buildings, if any, are in this New Chauncey Neighborhood Association?

Ms. Fahey said I don't know. We haven't done that inventory yet.

Councilor Burch said we need a study.

Ms. Fahey said you need a study.

Councilor Bunder said in fact, if I could, there is a study. It's in the public library, if you want to dig it out.

Ms. Fahey said yes, there is a green book study, which we have in our office, of historic properties. All that kind of data we would collect and make a part of this.

Councilor Burch said thank you.

Mayor Dennis said further discussion?

Ms. Diane Damico [Blackhawk Lane] said I liked a couple of comments that Councilor Burch made. I think that neighborhood is a special neighborhood, and I want to be one of the first people to say that I hope that they get that and that it goes very well. I think it would be very inclusive, and think the more that you do get the public involved in planning of their neighborhood, the better it is. And I want to be one of the first people to say that I hope that you will lead District 4 into doing a similar thing at some other time.

Mayor Dennis said thank you. David [Mr. Bridges].

Mr. David Bridges [North River Road] said Mr. Mayor, you said something a little while ago that this was just the first step. You know, that concerns me, because I'm wondering towards which goals we're stepping, in creating a special, almost a quasi-legal division within the City of West Lafayette for a neighborhood that—what makes it different from any other neighborhoods, I really don't know. But what does concern me is that there's a long history in this neighborhood of anti-rental properties. A long history which has involved individuals and I don't know their names, who have gone into mailboxes to see how many names were in there; who have used video cameras to take records of rental houses with a view to finding out how many cars there are and when they are there. Is this just going to be a thin end of the wedge, before we start to create what basically is a little fiefdom, in which the New Chauncey Neighborhood will pretty much govern what goes on within that neighborhood. And which can potentially have a negative effect on student housing. Because I believe that this is the ultimate goal. And if that is indeed the ultimate goal—and I may be wrong, and please correct me if I am—but if it is indeed the ultimate goal, then isn't this a form of discrimination against students? Isn't it a form of discrimination against a person who buys a house there and rents it out to students? Isn't it a form of discrimination? Are there any students who are members of this New Chauncey Neighborhood Association?

[An unidentified person apparently said yes or nodded affirmatively]

Mr. Bridges said there are? How many?

[The unidentified person apparently indicated he or she did not know]

Mr. Bridges said you don't know. Well, I'll be interested to find out. But, in other words, we are dealing with a neighborhood that, as I say, what makes it different from any other neighborhood?

[An unidentified person apparently said activity]

Mayor Dennis said let's not engage—

Mr. Bridges said so activity within the neighborhood is the definition. Okay. So those are my concerns.

Mayor Dennis said thank you. Any further comment?

Councilor Bunder said well, for the record, there are two designations. One is the Housing and Urban Development designation. It's a poverty zone. And that presents unique challenges and unique opportunities. The CDBG money is often a part of New Chauncey's common life, because it is a development area under HUD guidelines and therefore qualifies for this funding. It is a matter of fact. It is also the State Historic Preservation Office designate. It is a peculiar district because the State Historic Association has said it's a historic district. So those are the two most obvious—and perhaps not the most dramatic but the most obvious—special distinctions that are part of this neighborhood's common life.

Mr. Bridges said can I have a quick follow-up question for Councilor Bunder?

Mayor Dennis said before David [Mr. Bridges], any other public comment? Any other comment on the Council?

Mr. Bridges said you brought up the historic issue. That includes the rental housing and all the rest of it? Every tumbledown little place that's in there? What are they?

Councilor Bunder said I'm sorry, what's the question?

Mr. Bridges said the question is what is historic?

Councilor Bunder said oh, whatever the State Historic Preservation Office says it is.

Mayor Dennis said any further discussion?

The roll call vote:

AYE	**NAY**
Bunder	Burch
Hunt	Keen
Roales	
Thomas	

Resolution No. 5-09 passed on first and only reading, 4-2.

<u>Resolution No. 6-09</u> A Resolution To Approve The West Lafayette Public Library Capital Funds Project **PUBLIC HEARING** (Prepared by the Clerk-Treasurer)

Councilor Keen read Resolution No. 6-09 by title and moved that it be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis said I believe in the form of discussion, we've got a representative from the Library to come up.

Mr. Nicholas Schenkel [West Lafayette Public Library Director] said I wanted to give you a short overview and then I'll be glad to answer questions as well. With over 160,000 catalogued items available, the West Lafayette Library is growing to meet the needs of our community. Since the West Lafayette Public Library opened our new building in the autumn of 2004, over 27,100 members of the community have checked out materials at least once, and together they have checked out over 1.4 million books, music, DVDs, and other such items. In fact, our library is a leader in the State in the percent of our population using the library each year. Library service to the community's young people is strong. Circulation of books and other materials, and participation in the summer reading club, which is coming up, and year-round library programs has shown a marked increase since the opening of our new library building in '04. Our unique West Lafayette Public Library Outreach Program takes thousands of books each year directly into the hands of hundreds of West Lafayette Public Library patrons at retirement communities, local daycare centers, and homebound patrons, many of them living in the northern part of West Lafayette. The Library's foreign language collection is growing in popularity, featuring particularly Chinese, Korean, Turkish, and Spanish languages in both book and DVD formats. Our "ABC: Arts, Books, and Culture" initiative focuses on bringing visual, musical, and performance art into the community's public library and therefore into the larger community. I would point out also that cooperation with faculty, staff, and students from Purdue University in offering programming and reference work to West Lafayette residents is a hallmark of the Library's work with the larger community, and we're very glad to see that that particular cooperation is growing, as the months and the years move forward. And finally, let me point out that the West Lafayette Public Library is a leader in Statewide library cooperation. Our staff regularly participate in regional and Statewide library committee and service work. Now, as to the parking garage and to the computer usage in the library, this is, if you have a Library Capital Projects Fund report in front of you, the two page, and if you don't I can give you a copy, on the front page, it shows our estimated 2009 AV budget totals, gives the accurate numbers for 2007 and 2008. As the Clerk-Treasurer noted, we don't have a confirmed budget yet for 2009, so these are numbers that the Library Board has approved and sent on to the State for their approval. You can see that in 2007, we did not have a Capital Projects Fund. We had our first Capital Projects Fund in 2008, the year just finished, with a budget of $111,843. We've requested a budget in '09 of $114,187, and then you can see our estimated budgets for 2010, 2011, and 2012. I should point out very early that this tax rate is capped. There is no ability to raise it beyond the request that's before you this evening. In fact, this is not a tax increase, this is, if anything, a continuation of the current property tax levy.

Mayor Dennis said if I might interrupt, Nick [Mr. Schenkel].

Mr. Schenkel said sure.

Mayor Dennis said flat-lined?

Mr. Schenkel said correct.

Mayor Dennis said thank you very much.

Mr. Schenkel said on the back of that page, you can see the assessed valuation numbers. We do know that 2009 is going to be less than we had originally projected, and so we will be bringing in less income than we originally projected, and we will have to adjust the budget to take care of that. Also, because we received our property tax and other tax moneys very late in the year in 2008—and, in fact, we just did receive some in early 2009—we did not spend very

much in 2008. We made the very necessary additions that we had to to the computer services, and we made some very basic repairs to the parking garage, so that we would not have to borrow additional money for the Capital Projects Fund, at least. So for 2010, the State requires us to provide you with a three-year rolling budget plan, and that's what we've done for 2010, 2011, and 2012. As I've noted, I presume that because the assessed valuation we know will be decreased in 2009, I'm guessing—it is a guess at this point—that 2010 and 2011 may also be reduced to the minimum, I would think, of this year, and possibly even less. So the amount of tax money that we will bring in may well be less than you see. And, as I said, we'll have to adjust our budget accordingly to take care of that. The parking garage is used extensively by both the folks who use the West Lafayette Public Library and also, because of an interlocal agreement with the Parks Board of West Lafayette, it's also available for the nearby Morton Community Center. I know that they use it frequently, especially when there are certain large programs going on at Morton, it's a popular place for them to park, as well, and we're delighted to have them. We also know, just from observation, that it's used extensively after hours by other folks coming down to use the Village area. That's part of living in the Village area of West Lafayette. With the computers, I'll briefly note that over 2,200 people use the Library's public access internet PCs in an average month. That's around 27,000 uses each year, not including the wireless use, which is running around 200 individuals and growing every week. We're presuming that those 200 individuals use the wireless more than once a week, but our statistics can only tell us how many times an individual computer taps into the wireless network. Finally, thanks to cooperation with the State Library and other libraries around the State, including the folks over in Lafayette, we are now able to provide our patrons with access to millions of journal articles from 1990 forward through the INSPIRE program. This year we also now have access to over 3,000 e-books online and a robust collection of online test preparation and small business resources. Those just came online in April, and we're very delighted to be able to offer those to the community as well. Our plans for 2010 include the introduction of self-checkout for our patrons, and, if all goes well and all goes as planned, we will move to a consortium-based circulation and online catalogue system, which means that we will reduce our computing costs at the West Lafayette Library and offer what we think will be the equivalent of a metropolitan online catalogue for our patrons' use. You may well know that we now link to the Purdue catalogue, the Ivy Tech catalogue, and the Tippecanoe County Public Library catalogue through our direct links on our library catalogue. If we move to this new system, which this Capital Projects Fund would help to fund, we would be offering the catalogues of a number of other public libraries across the State. It's around 30, I believe, right now, and that number is growing. So, with the click of a button, you'd be able to find materials around the State of Indiana, and because of the State-funded intra-library loan service, we'll be able to get them to you with a reasonable amount of time. It won't be overnight, but it will be within a reasonable amount of time. Significantly, all of these community public library services are made available in part because of the Library's Capital Projects Fund. On behalf of the Library Board of the West Lafayette Public Library and our staff and our Friends, I ask for your approval of the West Lafayette Public Library's 2010-2012 Capital Projects Fund. I'll be glad to respond to any questions.

Mayor Dennis said I need a motion and second for the public hearing.

City Attorney Burns said do we have a public hearing motion?

Clerk-Treasurer Rhodes said not yet.

Mayor Dennis said I need a motion for a public hearing.

Councilor Keen said I would move that we open the public hearing for Resolution No. 6-09.

Councilor Burch said second.

Mayor Dennis said any discussion?

The motion to open the public hearing on Resolution No. 6-09 passed unanimously by voice vote.

Mayor Dennis said we are now in public hearing. Any comments from the public?

Mr. David Bridges [North River Road] said the problem is income and expenditures, isn't it? But I do have a question first to ask, and that is what percentage of the library taxing district taxpayers use the library? I know you've got data for the number of users, but do you have an idea as to what percentage people use the library? What percentage of people use it?

Mr. Schenkel said it's quite high. We do get numbers based on the census tracts, and they show us that use of our public library, in terms of number of circulations of materials going out of the library is highest in the northern part of the City and it trails down a little bit as you get further south in the City. And I'm sure there are all kinds of reasons for that that I can give you, but to answer your question directly, it's highest in the northern part of the City.

Mr. Bridges said as far as income goes, the parking garage cost quite a lot of money, didn't it? Would there be any problem with charging for some of these spaces in that area? I'm asking the question. I'm sure some people would have problems, but, you know, push is going to come to shove, and, as you say, the assessed value—who knows what's going to happen the next few years. So this is going to mean some very hard thinking about (a) raising extra funds, and (b) tightening your belt, and reconciling those two things. Just a thought. I'll probably get crucified for that comment about the parking.

Mayor Dennis said further discussion? Hearing none, we need a motion to close the hearing.

Councilor Hunt said so move.

Councilor Bunder said second.

The motion to close the public hearing passed unanimously by voice vote.

Mayor Dennis said further discussion?

Councilor Burch said Mr. Schenkel, I have a question for Mr. Schenkel.

Mayor Dennis said Nick [Mr. Schenkel], come on up.

Councilor Burch said in this year's supplemental information, I noticed that it says the West Lafayette Library currently employs 11 full-time staff members, which is down from 14 in previous years. Is that a permanent reduction or is it a reduction in total salary commitment?

Mr. Schenkel said it's a permanent reduction in terms of the budget planning for the period that this covers. I would say it's going to be a permanent reduction.

Councilor Burch said thank you.

Mr. Schenkel said sure.

Mayor Dennis said further discussion?

There was no further discussion.

Resolution No. 6-09 passed on first and only reading, 6-0.

Resolution No. 7-09 A Resolution To Transfer Dormant Fund Balances (Prepared by the Clerk-Treasurer)

Councilor Keen read Resolution No. 7-09 by title and moved that it be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis said discussion?

Clerk-Treasurer Rhodes said local government is allowed a mechanism to do some housekeeping, frequently having to do with special revenue funds that were created for a purpose. After that purpose has been fulfilled, any outstanding balances may be transferred, so that these dormant funds, which have been inactive for quite a period of time, can be closed out of our books. I'm requesting your approval to close three special revenue funds and transfer the money as specified in the resolution.

Mayor Dennis said any questions for Judy [Clerk-Treasurer Rhodes]?

There was no further discussion.

Resolution No. 7-09 passed on first and only reading, 6-0.

COMMUNICATIONS:

►Mayor Dennis said I want everybody to be aware of the fact that the Board of Works meetings have changed. They will be now on Mondays at 8:30 a.m., beginning with the May 18 meeting. The Board of Works meeting on Monday, May 18, will be at 8:30 a.m. downstairs in the lower level. Tomorrow is the regular Tuesday meeting.

►Councilor Hunt said Mr. Mayor, thank you very much. Councilor Keen began some discussion about the H1N1 flu, and I, as a nurse, feel it is my opportunity to give you a few little tips, so please bear with me. I hope this will help. My public health friends have given me a brief list of points to keep in mind, to try to slow down the spread of the H1N1 flu. First of all, I think all of us know this, cover your mouth when you cough. If you see a public health person who does that, they cough into their sleeve, which is quite effective, because it doesn't get anything on your hands. Wash your hands frequently, and again, if I can digress a minute, that means wash them with warm water, soap, scrubbing, and don't turn off the faucet with your clean hands, unless you're using a paper towel or something like that. Stay home if you're sick. Don't touch your eyes, nose, or mouth with your hands. Keep your children home from school

or daycare if they're ill. There are quite a few other issues, but there's an extremely nice videotape, narrated by Surgeon General Satcher at the Red Cross website, www.redcross.org, and click on pandemic flu. It's less solemn than the CDC's website. So, please, if you have questions, I can certainly try to answer them, but try to prevent this flu from spreading. Thank you.

►Councilor Burch said I have two communications. Speaking of healthcare providers, I would like everyone to note that this Wednesday, May 6, is Nurses Day. So a round of applause to all of our nurses for their care. My second announcement has to do with a legal notice of a pre-hearing conference and preliminary hearing of the Indiana Utility Regulatory Commission, Cause Number 43670, in the matter of the Commission's investigation into Comcast's compliance with various orders of the Commission, providing multiple Comcast business units with certificates of franchise authority to provide video services in the State of Indiana. Notice is hereby given that the Indiana Utility Regulatory Commission will conduct a public pre-hearing conference and a preliminary hearing in the above-captioned cause in Judicial Courtroom 222 of the National City Center, Indianapolis, Indiana, commencing at 2:15 p.m. Eastern Daylight Time on Wednesday, May 6, 2009. The hearing is open to the public. Thank you.

CITIZEN COMMENTS:
►Ms. Jan Myers [1700 Lindberg] said I've listened with great interest tonight as we've discussed over-occupancy or renter safety and other things—preserving neighborhoods, getting neighborhoods engaged. I would like to start off with asking in whose district does this City Council building sit? Because I don't have a map. Which among the districts?

Councilor Burch said I believe it's District 4.

Ms. Myers said okay. This City Hall is inaccessible to anyone in a wheelchair. There is not one home in West Lafayette that can be reached and safely get to City Hall. The sidewalk that goes westward along Navajo goes as far as the Police Department and stops, because it runs into curbs. If you attempt to go down to the intersection, the intersection at Salisbury and Navajo does not have its buttons placed correctly, so I can't use them, and no one else in a wheelchair can use them. But, let's assume I can try to go south on Salisbury. I don't get as far as the full length of the bank lot, and there's a huge utility pole blocking the sidewalk. If we're interested in safety, preserving neighborhoods, and engaging neighborhoods, that's but one example. And I've got a couple tonight I would like to raise. How about Mackey Arena and Northwestern Avenue. Whose district is that in?

Councilor Hunt said mine.

Ms. Myers said it's yours, Ann [Councilor Hunt], exclusively yours? Because the way Northwestern was being discussed about, I didn't know.

Councilor Hunt said well, Mackey is not in the City.

Ms. Myers said yes, but location—

Councilor Hunt said the other side.

Ms. Myers said okay. You might be interested to know that the contractor there just plunked down construction fence, closed off the sidewalk, has no sign to alert you, which should be way

up at Cherry, and the State is telling me they can't find out who gave him permission to do this. No one noticed that students—Paul [Councilor Roales] or Peter [Councilor Bunder]?—that they've just been left high and dry, to be the field office for the contractor. Not the construction site, incidentally. That is surprising the State also, and a lot of you know I stay in touch with the State a lot. Whose district has Lindberg and Northwestern's intersection, the old Smitty's corner?

Councilor Hunt said it depends which side of the street.

Ms. Myers said the northeast corner, the northeast corner, the Shell station corner.

Councilor Burch said that's mine.

Ms. Myers said okay, Vicki [Councilor Burch]. That one, the State would be willing, if the City were willing to spend about $1,000 and put a pad of concrete there, finish the four-way intersection. But, instead, I've been told by the State, that someone in the City said, "Don't do it. We'll get to it someday." Now, as a taxpayer, I'm a little amazed that my money can be sent to the State and they're willing to spend it here and we're saying, "No, don't." I'd like to know more about that one, because I use that intersection frequently. In fact, tonight coming here—a lot of you know I'm really green because I'm only an all-electric vehicle. And I go all over town. The Chief of Police can tell you; his men see me everywhere. There was a jogger ahead of me on the bicycle path along Lindberg; they proceeded to jog across Northwestern, staying on the north side of Lindberg. The State tells me that everyone who's on the bicycle path—because we do not have any pad of concrete there by the Shell station—is to cross south on Northwestern, then east across Northwestern. So you cross Lindberg going south and cross Northwestern going east, and then you're left with trying to figure out how to get to the north side of Lindberg, if you want to come to City Hall or anywhere else. You can attempt to go down the street in the bicycle path along the south side of Lindberg, and then cross in the middle of the block to get on Carlisle and so forth. Why are we doing this, if we're so interested in safety and preserving our neighborhoods? Which some of you may remember, it's been since 1990 this City was to be into compliance. In 1992, everything that was built since was to be in compliance. We have plenty of money as a City to set up a one-time barrier of $17,000 to protect Districts 1 and 2 students, but we don't have $1,000? There are a number of people who have approached me, saying, "Isn't it interesting, we're encouraging drinking, but we're not encouraging going green and walking on sidewalks?" I would like to hear how Councilors Roales and Bunder explain that one to me. Then we have the intersection of Salisbury sort of north of Lindberg. Is that still in your district, Ms. Burch? Sort of by the old Burtsfield School, but then going north on Salisbury. Is that yours, Ann [Councilor Hunt] or is that Vicki's [Councilor Burch's]?

Councilor Hunt said it's Vicki's [Councilor Burch's].

Ms. Myers said it's Vicki's [Councilor Burch's]. Okay. At that intersection, and from that point north, all of the accessible sidewalks were removed. No substitutes were put in place. And I say by substitutes, there could have been quickly a couple bags of asphalt put on the curbs of the other side of the street where there have never been cuts, to make that accessible. I've had a number of young parents say to me they can no longer take their babies in strollers—and in case you're interested, I've been inviting them to join meetings I have with the State. The Mayor is nodding. Yes, I've been doing it, and I'm going to keep doing it, because this City is so far out of date. So there's no substitute. We've told the neighborhoods, Wabash Shores and all those,

"Don't bother going up to Marsh, Pay Less. Don't bother being green, trying to walk there, unless you want to walk in Salisbury." Sagamore Parkway, along from basically the fast food row over to the intersection, is that still part of yours, Vicki [Councilor Burch]?

Councilor Burch said probably. Sure, I'll take the punch.

Ms. Myers said City Hall was yours, so I'm guessing. Anyway, I have gone from here, going via Goodwill, Miracle Fitness, and so forth, on the sidewalk. I can get on the sidewalk very nicely for a moment. There's an accessible ramp. Then I get to McDonald's. Their sidewalk has been allowed to be completely overgrown with evergreens. I don't know who's responsible for telling them, "Hey, it would be nice to see the sidewalk again." Then I get to the edge of the sidewalk at McDonald's, no alert at all, and I am left with a six-inch curb. So I either have to backtrack all the way back here to the Chinese restaurant and come back around, or jump the six-inch curb down into Sagamore Parkway. I don't consider that safe. And I don't think anyone else who tries to use that does. [Parks Superintendent] Joe Payne, I don't want you to think you're off my hook. I have at least three sites I'm very interested in—all of these have just been minor ones. If I were to do an inventory of this City, it would be even less so. All of these that I have raised, the Department of Justice is already interested in. And if you think you're worrying about budget now, the Mayor and Judy [Clerk-Treasurer Rhodes] can tell you what happens. The Department of Interior, regardless of whether a park district has received any federal funds, is governed here. There's been a lot of construction done in the parks since 1992. Who has Happy Hollow Park? Am I going to guess it's Vicki [Councilor Burch] again?

[Councilor Burch indicated that Happy Hollow Park is in her district.]

Ms. Myers said okay. Happy Hollow Park has a parking spot down by the pavilion, after you come in off of Happy Hollow Road. Should I use it, I can't fit in to the pavilion. The stripes are not in the right place, and it makes the pavilion inaccessible to anyone in a wheelchair, baby stroller, or so forth. Why that should have been done, unless it's to discriminate against handicapped individuals, I can only guess. And incidentally, I prefer the word "handicapped" to "disabled." "Disabled" means I'm unable to do something. There was quite a handicap on the Kentucky Derby Race, and someone won, so consider me handicapped. There was a new trail added in the last few years that comes out of Happy Hollow and up to Indian Trail Drive. It's got some Trolley Line name; I get lost in all these names. That ramp is not accessible for a child being pushed in a buggy, riding its tricycle, and certainly does not meet any of the ADA things. Why did the City spend money and then purposely exclude young children, medium-aged children, and anyone handicapped? Yet we had excess funds we're supposed to do some sort of band shell down there, while we're excluding people from our own parks. We have the pleasure of the Lilly Nature Center, a very nice facility. I live very close to it, like to go there frequently. It is impossible to enter that Nature Center, unless someone with very strong arms opens the door. It is an inaccessible Nature Center. And I do mean that seriously. Yes, it has flat for moving up to the door. The doors need an electric opener. There isn't even a doorbell. And I go there multiple times a week, but I can only go when there are meetings, and hope someone arrives about the same time I do. The doors are to have no more than five pounds of effort required to open them. Plus the opener. But, I mean, there is no way anyone can get through those doors who has any arm weakness, even if they're walking. Accessibility covers all things. I've covered just a few tonight, but I really ask all of you—and I don't know if Mr. [Councilor] Roales ever looks up from his email or whatever he's doing—where are we? When are we going to be engaged neighborhoods? They didn't mean all our neighbors, not just the

ones who are renters or the ones that live in historic homes, but when are we going to include everyone? I ask you all. Thank you.

Mayor Dennis said thanks, Jan [Ms. Myers].

►Mr. David Bridges said I'd like to comment on some of the issues that were brought up by the last speaker. That's if Mr. [Councilor] Roales can drag himself away, so that all the Council are listening.

Mayor Dennis said just, David [Mr. Bridges], stick to the subject matter, please.

Mr. Bridges said okay. That is, many years ago, I ruptured my Achilles tendon, and I was hopping around on crutches, and I tried to get into the Bureau of Motor Vehicles, and—you witnessed this—I literally couldn't get those doors open. I mean, they were so strong. But what I would like to suggest, you know, you've covered so many areas, if you could produce a map and annotate the different areas that you feel need attention—

Ms. Myers said I'll come back and answer that when you're done.

Mr. Bridges said well, maybe you've done it, but I think that would be a great help to all of us who are listening, and we're going all over the town with these things.

►Ms. Myers said may I comment? As of 1992, the City was to have such an inventory. I have asked for a copy, and none has even been made available for me to see. This is something that was to be done in 1992, and to have been updated frequently since. If it's been done, I'm unaware of it personally. I brought up a few sites tonight, eight in total number, just to highlight a couple things that I'm dealing with this spring, not to be comprehensive at all. The City—and if those on the Council don't know what I'm referring to, I suggest that you look under the Department of Justice, Chapter 6. I can later give you the full URL citation. There is what's called a Checklist for City and State Government, and the checklist I'm referring to in Chapter 6 is only regarding curbs. I can take you to other chapters and other things. But it is very clearly outlined as to when this inventory list is to be done, how it's to be updated, how soon the City was to implement things and so forth. Does that answer your question? It's supposedly available, but I've never seen it.

Mayor Dennis said thanks, Jan [Ms. Myers].

►Ms. Sallie Fahey said if you would indulge me, I'd like to tell you a feel-good story with a happy ending that involves a West Lafayette resident.

Mayor Dennis said knock yourself out.

Ms. Fahey said I think certainly most of us who work in government and many citizens as well understand that our community is unique because everybody works together to try to make—not just West Lafayette better or Lafayette better—but everybody works together. And that is something that truly is unique about our community. I spent most of last week in Minneapolis at the American Planning Association conference, amongst almost 5,000 of my closest colleagues around the United States. Out of those many people, I absolutely by chance ran into a woman who lives in Indianapolis, grew up in Lafayette, whose mother lives in West Lafayette. Her mother is in the early stages of Alzheimer's and had been succumbing to scam requests for

serious amounts of money. It was actually a Lafayette police officer who tracked down this woman's daughter, the woman I met who lives in Indianapolis, by going to the Jeff High School yearbooks and finding people of that name and then who did that officer know who was in the same class. By that very roundabout way, was able to contact the daughter and make her aware of these scams that her mother was succumbing to. It ended happily. The daughter now has power of attorney, the bank is involved—I think the bank probably, one of our local banks actually probably was one of the early alters—but I think this story is important, because it speaks to the kind of community that we all live in, and why, as we grow, having this smaller town feel and caring is really important for us to maintain as we get larger over time. But I thought that was a really interesting story, and I thought you might like to hear a good one.

Mayor Dennis said how about those resourceful Lafayette Police Department guys?

ADJOURNMENT:
There being no further business at this time, Councilor Keen moved for adjournment. Motion was seconded by Councilor Burch and passed by voice vote, the time being 8:25 p.m.