

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES
April 30, 2009

The Common Council of the City of West Lafayette, Indiana, met in the Lower Level Conference Room at City Hall on April 30, 2009, at the hour of 4:30 p.m.

Mayor Dennis called the meeting to order and presided.

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

Absent: Thomas.

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

Also in attendance was Mr. Marley of the Board of Public Works and Safety.

Stormwater Program Presentation

City Engineer Buck said that he and Wastewater Utility Director Henderson had asked DLZ Indiana, LLC to provide background information on recent stormwater regulations and local partnership efforts to meet the requirements of Phase II Stormwater Regulations to the Council and the Board of Works. The City of West Lafayette is in partnership with the City of Lafayette, Tippecanoe County, the Town of Battle Ground, the Town of Dayton, Purdue University, and Ivy Tech State College to deal with stormwater issues. Mike Massonne of DLZ made the presentation. Mike Keeven of DLZ was also present. The PowerPoint slides from the presentation are attached.

Mayor Dennis thanked Mr. Massonne for his presentation.

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)

Mayor Dennis read the ordinance by title and asked for any comments.

Councilor Bunder reported that there was a good meeting about over-occupancy, both useful and bipartisan. He said that progress was made in this area.

Mayor Dennis asked whether this ordinance would be tabled to a date certain. Councilor Bunder responded that he presumed that would happen.

Mayor Dennis announced to those present who were interested in this legislation that there would be no action taken at the Council meeting, aside from the vote on tabling.

There was no further discussion.

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)

Mayor Dennis read the ordinance by title and asked for discussion.

Councilor Keen remarked that the APC passed this 11-0 at its recent meeting. Two old houses are being demolished to build two four-unit condominiums.

City Engineer Buck explained that the property is at the southwest corner of Chauncey and Wiggins. There would be garage parking underneath the buildings, in addition to the four-space parking lot, so there would be one parking space per bedroom.

Director of Development Poole noted that the density would be reduced from ten maximum to eight. Councilor Keen added that it also increases greenspace by approximately 6%.

There was no further discussion.

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)

Mayor Dennis read the ordinance by title and asked for discussion.

Councilor Keen questioned if two readings would be necessary. Clerk-Treasurer Rhodes answered yes, and added that she hoped these temporary loans would be sufficient until a substantial advance draw is sent.

Councilor Burch asked if these temporary loans would be used for salaries. Clerk-Treasurer Rhodes responded that it was for salaries and City bills.

There was no further discussion.

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 read the ordinance by title, and called on Daniel Teder, counsel for the petitioners, to address the legislation.

Mr. Daniel Teder [Reiling Teder & Schrier] explained that the property in question is on the dead-end portion of South Chauncey. Wood Street LLC, a partnership of Greg Milakis and John Caron, is purchasing the property on the east side of South Chauncey from FRP Holding [Fleischhauer]. The plan is to raze the apartment building and build a new one as a planned development. The Area Plan process will begin soon, but the vacation must be done first. There are utilities on the property, notably a cable telephone which can be moved, and a sewer, to which the City will have an easement.

Councilor Roales asked what would happen to the alley which comes off the Cochran property. Mr. Teder answered that Mr. Cochran owns from the alley all the way to the street on the other side, and they will not vacate where that is. Mr. Cochran has another entrance to his property on Grant Street. Councilor Roales expressed concern about the narrow drive. City Engineer Buck said that he did not feel there would be access problems. Councilor Roales asked if Mr. Cochran had been notified of this, and Mr. Teder said that he had.

Councilor Hunt asked if the Street Department or Wastewater had any issues with the vacation. Wastewater Utility Director Henderson said that the easement would take care of any sewer problems. Street Commissioner Downey reported that the Street Department does not anticipate any problem.

Councilor Roales questioned how many times the City has vacated streets. City Engineer Buck replied that alleys and portions of streets have been vacated once or twice a year in the past, that it is not unusual.

Councilor Hunt noted that the greenspace is on the plan. Mr. Teder responded that it will be the in the planned development, for parking, ingress/egress, and greenspace.

There was no further discussion.

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

Mayor Dennis read the resolution by title, and asked Councilor Bunder if he had spoken with City Engineer Buck, Wastewater Utility Director Henderson, Street Commissioner Downey, or Director of Development Poole. Councilor Bunder said he had spoken with Mr. Poole briefly.

Councilor Bunder stated that that this sort of request is not new in the County, that it has been done in Lafayette several times, and that Area Plan is familiar with it. He said that he had spoken with Sallie Fahey of APC. Mayor Dennis explained that this sort of request is usually a collaborative effort between the neighborhood and the City. Councilor Bunder said he would anticipate that it would be collaborative. Mayor Dennis said he was unaware of this item until it was filed.

Councilor Burch asked about the purpose of the request. Councilor Bunder answered that it has been 12 years since NUZO, and 10 or 11 years since the City hired Ratio Planning to do a study of the New Chauncey Neighborhood. He said it is probably time to do another study, to see how R1U has done, to see what other pressures have come to bear. It gives Councilor Bunder a chance to introduce his neighbors to zoning planning.

Councilor Hunt questioned what the output would be. Councilor Bunder responded that he has a 36-page document from the company's work with the McAllister Neighborhood in Lafayette, which is a study of each one of the parcels in the neighborhood, showing which uses are complying, which are not in compliance. It sketches the City parks, the churches, the schools, and asked questions about the future of the neighborhood. It is more narrative than statistical.

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Councilor Keen asked about the anticipated cost and who would pay. Councilor Bunder replied that there would be no cost, according to Sallie Fahey. Councilor Bunder reported that APC would like to work in West Lafayette, because they've never done it.

The Mayor asked the department heads if this had ever been done in West Lafayette. None of them knew of such an effort by APC. In response to a question from the Mayor, Councilor Bunder said that input from department heads would probably happen as the study goes on.

Councilor Bunder mentioned that the resolution he copied was one from Lafayette, drafted by Perry Brown and signed by former Lafayette Mayor Heath.

Mayor Dennis reiterated that it would be good to do this collectively.

Mr. Teder said that he represents several property owners in the New Chauncey Neighborhood, and requested that any meeting scheduled be noticed to the property owners and himself. Mayor Dennis said that the sanctioning entity would be APC, not the West Lafayette City Council. Councilor Bunder said that APC needed someone to ask to undertake the study.

Mr. Rich Hogan [825 Robinson Street] said that he lives in the neighborhood, but is engaged on the other side of the river with the people in Community Development, and, in fact, doing some of this kind of work. He had spoken with some people at APC. Until he read it in the newspaper, he didn't know anything about it, and the people he spoke with at APC didn't know anything about it. That's why he came. He came to be educated. He said that Councilor Bunder had answered questions via email, so he was already somewhat educated before he arrived. But, he said, he doesn't know anything more than when he walked in. He suggested that a lot of people and organizations need to know more about what this is all about.

Mayor Dennis said that someone from APC would be present Monday night, to answer questions. Councilor Bunder responded that someone from APC will be at the Council meeting to explain more.

Councilor Roales suggested that Council materials are available on the City website ten days before the Council meeting, so citizens can find out about specific items of legislation. He said that the *J and C* posts notices a day or two in advance, but eight to ten days is standard for the City.

Councilor Bunder apologized to the Mayor for not going directly to him. Mr. Bunder said he had mentioned this in other venues and in the neighborhood. The New Chauncey material has been on his blog, the ChauncPAC site.

Councilor Hunt asked for clarification that the output would be a narrative report. Councilor Bunder confirmed that, and said that he could send a sample.

There was no further discussion.

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

Mayor Dennis read the resolution by title and asked West Lafayette Public Library Director Schenkel to speak to this matter.

Mr. Nick Schenkel [West Lafayette Public Library Director] distributed an informational packet about the Library's Capital Projects, the rolling three-year plan as required by the State.

Councilor Hunt asked Mr. Schenkel for confirmation that the Library request does not involve any increase in taxes. Mr. Schenkel stated that there was no request for a tax increase.

There was no further discussion.

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

Mayor Dennis read the resolution by title and asked for any questions or comments.

There was no further discussion.

COMMUNICATIONS:

► Councilor Burch provided information from a recently-published legal ad about an Indiana Utility Regulatory Commission pre-hearing on an investigation into Comcast's compliance with various orders of the IURC, providing multiple Comcast business units with certificates of franchise authority to provide video services in the State of Indiana. The hearing will be held Wednesday, May 6, at 2:15 p.m. in the Judicial Courtroom 222 of the National City Center Indianapolis.

► Councilor Hunt asked for information about the narrowing of State Street in the Village over the past weekend. Police Chief Dombkowski reported that there were fewer arrests and a safer environment than in prior years on Grand Prix Weekend. While a drunk driver hit the barricades on Friday, there was no personal injury. The Police will talk with Village business owners in coming weeks, to understand what effects there were on the businesses. He reported that City Engineer Buck would be studying the effects on traffic, and will work with the State, if the decision is to use the barricades and street narrowing for future events.

ADJOURNMENT:

There being no further business at this time, Councilor Keen moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 5:32 p.m.