

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
PRE-COUNCIL MINUTES  
SEPTEMBER 10, 2009

The Common Council of the City of West Lafayette, Indiana, met in the Lower Level Conference Room at City Hall on September 10, 2009, at the hour of 4:30 p.m.

Mayor Dennis called the meeting to order and presided.

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

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, Assistant Superintendent of Parks Ainsworth, City Engineer Buck, Fire Chief Drew, Human Resources Director Foster, WWTU Director Henderson, Parks Superintendent Payne, Director of Development Poole, Police Lieutenant Sparger, and Foreman/Equipment Operator VanMeter.

UNFINISHED BUSINESS:

Ordinance No. 03-09 (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 as amended by title. Councilor Bunder presented an "amended/final" version of Ordinance No. 03-09 (Amended), which was printed on yellow paper, and mentioned that some committees and a couple of attorneys had reviewed the ordinance. Consensus was that the changes would be reviewed at the Council meeting.

There was no further discussion.

Ordinance No. 18-09 (Amended) An Ordinance Vacating A Portion Of South Chauncey Avenue In The City Of West Lafayette, Indiana (Submitted by Dan A. Teder; sponsored by Mayor Dennis) **PUBLIC HEARING**

and

Ordinance No. 15-09 An Ordinance To Amend The Zoning Ordinance Of Tippecanoe County, Indiana To Rezone Certain Real Estate From R3W To PDRS [440 South Chauncey Avenue](Submitted by Area Plan Commission)

Mayor Dennis read the Ordinance No. 18-09 as amended by title, and noted that a public hearing on the vacation would be held as part of the Council meeting, and that this ordinance is in conjunction with Ordinance No. 15-09 which follows on the agenda.

Mr. Dan Teder, attorney for the petitioners, stated that he had given a presentation at the last Council meeting, so the Council should be aware of what will be accomplished by passage of these ordinances. Both City Attorney and City Engineer Buck have approved the easements.

There was no further discussion.

Ordinance No. 16-09 An Ordinance Requesting An Additional Appropriation – Perimeter Parkway Fund (Prepared by the Clerk-Treasurer) **PUBLIC HEARING**

Mayor Dennis read the ordinance by title.

There was no further discussion.

Ordinance No. 17-09 An Ordinance Requesting An Additional Appropriation – Cumulative Firefighting Building & Equipment Fund (Prepared by the Clerk-Treasurer) **PUBLIC HEARING**

Mayor Dennis read the ordinance by title.

There was no further discussion.

**NEW BUSINESS:**

Ordinance No. 19-09 To Rezone Certain Real Estate Within The City Of West Lafayette, Indiana And Designating The Time When The Same Shall Take Effect [202 South River Road] (Submitted by Area Plan Commission)

Mayor Dennis read the ordinance by title.

Mr. Dan Teder, attorney for the petitioner, stated that a couple of Council people have looked at the site. There is some Council concern with the R4W, as this will be the first time such a designation has been used in West Lafayette. He requested the Council to hear the presentation at the Council meeting, so that they would understand the request for R4W. He distributed handouts which will be part of his discussion on Monday at the Council meeting. Mayor Dennis asked Mr. Teder to confirm that he had talked with Councilor Roales about the concerns. Mr. Teder confirmed that, and noted that the difference may be more philosophical for the City, but that this is different, because it's an existing building, there would be no increase in density, the APC gave a favorable recommendation, and the maximum number of units will be 20, 18 one-bedrooms, and two two-bedrooms. There could be 21 bedrooms without doing a variance. Mr. Teder said that there is not the possibility of saying they will do one thing and do something completely different. Mr. Cochran, the petitioner, is a long-time community member and businessman.

Councilor Bunder expressed similar concerns to those Councilor Roales has raised. Councilor Hunt stated that she does also, adding that she has spoken with the APC and the City Engineer about this.

Councilor Burch asked Mr. Teder to clarify what R4W is. Mr. Teder answered that it is a density question. Once 15 units per acre are planned, then PD or R4W must be used. Generally, PD is done when there is no existing building. In this case, there is an existing building. In response to a question from Councilor Keen, Mr. Teder responded that River Market, State Street Towers, and another one in the general vicinity all have densities in the 15-35 units per acre, whereas this would be 20.

Mayor Dennis stated that he believes the presentation will be well received.

There was no further discussion.

Ordinance No. 20-09 - To Amend Certain Portions Of The Unified Subdivision Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect [USO Amendment #5] (Submitted by Area Plan Commission)

Mayor Dennis read the ordinance by title.

Councilor Keen reported that this is a housekeeping item, so that both the Subdivision Ordinance and the Unified Zoning Ordinance can remain identical.

Councilor Hunt said that she had been concerned about "13" district, but it is I [I for Industrial] 3.

There was no further discussion.

Ordinance No. 21-09 - To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect [Amendment #61, Omnibus] (Submitted by Area Plan Commission)

Mayor Dennis read the ordinance by title.

Councilor Keen noted that this applies to I3 zones, of which there are none in West Lafayette.

There was no further discussion.

Ordinance No. 22-09 - To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect [UZO Amendment #62, FIRM] (Submitted by Area Plan Commission)

Mayor Dennis read the ordinance by title.

Councilor Keen reported that this deals with the flood insurance program. If the City does not pass the UZO Amendment #62, the City will not qualify for the Flood Insurance Program at all.

There was no further discussion.

Ordinance No. 23-09 - To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indian, Designating The Time When The Same Shall Take Effect [Northpointe PD, PDMX to PDMX] (Submitted by Area Plan Commission)

Mayor Dennis read the ordinance by title. The consensus of the Council was that they would have a full presentation on Monday.

There was no further discussion.

Ordinance No. 24-09 - An Ordinance Setting The 2010 City Budget And Setting The 2010 Tax Levy On Property And Tax Rate (Prepared by the Clerk-Treasurer)

Mayor Dennis read the ordinance by title. He stated that the 2010 budget is lean and very similar to the 2009 budget.

Councilor Hunt stated that the Council had received an email regarding some changes in the Police Department hours, and asked for clarification. Mayor Dennis clarified that officers will change from a 10-hour shift to a 12-hour shift. There was concern that officers were perceived to get raises, but Chief Dombkowski asserts it will not. The way that shift differential works, it will not build in an arbitrary increase in pay.

Councilor Dietrich asked how the additional 102 hours would be dealt with. Mayor Dennis answered that the 102 hours will be Kelly days. Lt. Sparger said that the officers work 160-hour schedule, they will work 168 in a month, so they just take 8 hours back and call it a Kelly day. It is just another day off. Lt. Sparger noted that he and Capt. Leroux had calculated, and believe that it will save about \$2,000. Mayor Dennis added that no one gets more money. Councilor Roales noted that promotions will be a little bit more. Councilor Bunder added that additional lieutenant and additional detective positions have been added, but the people are already on staff. Clerk-Treasurer Rhodes said it is a reclassification.

Clerk-Treasurer Rhodes announced that the printed copies of the budget are available, including Form 4B and a memo that explains how to read the form. The Council was reminded that their copies of the IACT Budget Book are very useful in the budget process. Clerk-Treasurer Rhodes referred to the budget calendar, noting that September 14 is the first reading of the budget. October 8 is the public hearing on the budget, with the final vote on October 29.

There was no further discussion.

Ordinance No. 25-09 - An Ordinance To Fix The Salaries Of Appointed Officers, Employees, And Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana, For The Year 2010 (Prepared by the Clerk-Treasurer)

Mayor Dennis read the ordinance by title. There are no increases in 2010.

There was no further discussion.

Ordinance No. 26-09 - An Ordinance To Fix The 2010 Wastewater Treatment Utility Salary Schedule As Submitted By The Board Of Public Works And Safety For Approval By The Common Council Of The City Of West Lafayette, Indiana (Presented by the Board of Public Works and Safety)

Mayor Dennis read the ordinance by title.

Wastewater Utility Director Henderson affirmed that there are no increases in 2010.

There was no further discussion.

Ordinance No. 27-09 - An Ordinance To Set The Salaries Of The Elected Officials, City Of West Lafayette, Indiana, For The Year 2010 (Prepared by the Clerk-Treasurer)

Mayor Dennis read the ordinance by title.

There was no further discussion.

Resolution No. 11-09 -A Resolution Appropriating The Necessary Funds Resulting From The 2009 Community Development Application Of The City Of West Lafayette Under Title I Of The Housing And Community Development Act Of 1974, As Amended (Submitted by Department of Development)

Mayor Dennis read the ordinance by title.

Director of Development Poole stated that this appropriates the 2009-2010 CDBG funds.

There was no further discussion.

Resolution No. 12-09 - A Resolution Appropriating The Funds Resulting From The 2009 Community Development Block Grant Recovery (CDBG-R) Funds Authorized And Appropriated Under The American Recovery And Reinvestment Act Of 2009 (Submitted by Department of Development)

Mayor Dennis read the ordinance by title.

Director of Development Poole explained that these are CDBG-R Stimulus Funds, \$117,571.

There was no further discussion.

#### ADJOURNMENT

There being no further business at this time, Councilor Keen moved for adjournment and Mayor Dennis adjourned the meeting, the time being 4:53 p.m.