

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
MINUTES  
APRIL 4, 2011

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on April 4, 2011, 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, Dietrich, Hoggatt, Hunt, and Thomas.

Absent: Keen.

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

#### MINUTES

Councilor Burch moved for acceptance of the minutes of the March 7, 2011, Common Council Meeting. [The March 3, 2011, Pre-Council meeting was cancelled.] Councilor Hunt seconded the motion, and the motion passed *viva voce*.

#### COMMITTEE STANDING REPORTS

##### STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY

Councilor Bunder reported that the work on the Western Sanitary Sewer Interceptor-Division IV Project should begin in May and be completed in July. This work precedes the US231 Relocation Project. Preliminary utility work has begun on Harrison Street, in anticipation of the widening of that street from Martin Jischke Drive to Sheetz Street. Land acquisition is not yet complete for the Yeager Road Project, but the project is on schedule.

##### PUBLIC SAFETY AND ORDINANCE

No report.

##### PURDUE RELATIONS

No report.

##### PARKS AND RECREATION

Councilor Hunt presented this report, which will be on file in the Clerk-Treasurer's Office.

##### ECONOMIC DEVELOPMENT

Councilor Thomas presented this report, which will be on file in the Clerk-Treasurer's Office.

##### PERSONNEL

Councilor Burch presented this report, which will be on file in the Clerk-Treasurer's Office.

##### BUDGET AND FINANCE

No report.

REPORT OF APC REPRESENTATIVE

No report.

PUBLIC RELATIONS

West Lafayette Community Beautification Award

Councilor Hoggatt presented the West Lafayette Community Beautification Award to Ruthie and Jim Shook of Hitching Post Road.

FINANCIAL REPORT

Clerk-Treasurer Rhodes reported that the City received the final 2010 property tax settlement on March 22 from the County. Now we are waiting for the Circuit Breaker calculations for the 2011 budget, which should be received within the week. After that information is received, Clerk-Treasurer Rhodes said she would work with Councilor Dietrich to schedule the Budget and Finance Committee meeting, to review the actual-to-budget reports for 2010, so that the foundation is laid for the 2012 budget process. The March State Board of Accounts monthly reports have been filed with the Council.

LEGAL REPORT

City Attorney Burns reported that the legal report is on file, and that he would answer any questions.

UNFINISHED BUSINESS

Ordinance No. 09-11 (First Amended) Historic Preservation Commission Ordinance (Submitted by Councilor Bunder) [Introduced at the March 7 Council meeting. First vote postponed until the April 4 Council meeting.]

Mayor Dennis read Ordinance No. 09-11 (First Amended) by title.

Councilor Bunder announced that his expectation was that, after discussion at this meeting, the initial vote would be postponed until the May 2 meeting. This time would allow time to meet with City Attorney Burns on Friday, to discuss possible modifications, and would allow for additional information sessions.

Councilor Bunder moved that Ordinance No. 09-11 (First Amended) be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Hoggatt.

Councilor Hoggatt reported that the public input session was well attended, with standing room only. Councilors have had numerous conversations with their constituents and West Lafayette citizens about this ordinance.

Councilor Hoggatt offered four amendments to improve the language of the ordinance, acknowledging that this is not the final version. His amendments were color-coded, with red removing paint colors; green clarifying that there is only a primary area of an historic neighborhood; purple reflecting removal of the language which would have permitted the commission to receive funds and to purchase property; and blue creating an appeals board.

Councilor Hoggatt moved to replace Ordinance No. 09-11 (First Amended) with his version, Ordinance No. 09-11 (First Amended)-Spring Amendments. Councilor Burch seconded the motion.

COMMON COUNCIL MEETING MINUTES, APRIL 4, 2011, CONTINUED

Councilor Hoggatt provided clarification to Councilor Dietrich's question about primary and secondary areas.

Councilor Bunder thanked Councilor Hoggatt for his work, and said that he supported the amendments. The original language of the ordinance was taken by Historic Landmarks from the enabling legislation. The thought was that the ordinance should follow the enabling legislation as closely as possible to ensure that, when it was tested in court, it would win. This was Historic Landmarks' experience in Vincennes. He added that Councilor Hoggatt had done a good job in meeting many of the objections that were heard in the initial public meeting.

Clerk-Treasurer Rhodes asked Councilor Hoggatt for clarification of the amendment related to building façade (page 12, item (7)) and how it related to removing paint color. Councilor Hoggatt replied that the original language was, "the relationship of materials, texture, and color of the façade of a building must be visually compatible with the predominant materials...." In reworking to get rid of "color," he took the language from the City of Lafayette's ordinance for this particular section.

Councilor Dietrich asked, on page 7, where the "may" becomes "shall" on color, if a person chose to paint a house a different color or to paint or whitewash brick that was not previously painted, would that be permitted. Councilor Hoggatt responded that the intent is that any existing paint can be painted any color, but any unpainted brick that an owner wished to paint might be a separate issue.

Councilor Burch thanked Councilor Hoggatt for making the suggested changes.

Councilor Dietrich asked for clarification on the vote. Mayor Dennis responded that the vote is just to amend by substitution, not a vote on first reading.

Clerk-Treasurer Rhodes asked the Council to permit the title to become Ordinance No. 09-11 (Second Amended). There was no objection.

Clerk-Treasurer Rhodes called the roll call vote:

	<b><u>AYE</u></b>	<b><u>NAY</u></b>	<b><u>ABSENT</u></b>	<b><u>ABSTAIN</u></b>
Bunder	✓			
Burch	✓			
Dietrich	✓			
Hoggatt	✓			
Hunt	✓			
Keen			✓	
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYE and 0 NAY.

Mayor Dennis announced that the amendment by substitution passed. Ordinance No. 09-11 (Second Amended) would be considered by the Council.

Mayor Dennis read Ordinance No. 09-11 (Second Amended) by title.

COMMON COUNCIL MEETING MINUTES, APRIL 4, 2011, CONTINUED

Councilor Bunder asked whether those in the audience would speak tonight. Mayor Dennis asked if Councilor Bunder intended to table the ordinance until May. Councilor Bunder responded that it is.

Mayor Dennis invited people to offer their opinions.

Speaking in favor of the legislation were Persis Newman, Jim Davidson, and Chris Larson.

Speaking in opposition to the legislation, all or in part, were Karen O'Farrell and Mary Cook.

Councilor Bunder reminded those present that West Lafayette is the only Big Ten town without some sort of historic preservation ordinance.

Councilor Bunder motioned that the first reading of Ordinance No. 09-11 (Second Amended) be postponed until the May 2, 2011, Council meeting. Councilor Hoggatt seconded the motion.

Councilor Dietrich asked for clarification on page 3, item H.4., whether "interested parties" mean that homeowners in a specific district have the right to speak to issues of their neighbors' homes. Councilor Dietrich said he favors preservation of historic structures, but the fact that one neighbor could stop another neighbor bothers him. He also thinks there may be a piece missing relating to the National Historic Register regarding significance, not just age.

Councilor Burch said that she thinks it would be a good idea, once the maps are determined, for homeowners to be able to opt in or opt out of the ordinance. Should a home be sold, a new buyer should be able to opt in, if the previous homeowner had opted out. Councilor Burch stated that the ordinance should be West Lafayette's, not some other city's ordinance, although those would be useful for guidance. She further suggested that there be much more public comment on this ordinance.

Mayor Dennis stated that the reason for the delay in a vote is to have more work sessions, so that the concerns are addressed.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Bunder	✓			
Burch	✓			
Dietrich	✓			
Hoggatt	✓			
Hunt	✓			
Keen			✓	
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 09-11 (Second Amended) would be considered on first reading at the May 2 Council meeting.

Mayor Dennis said that an announcement about the public informational meeting would be put on the City's website. He asked the media to notify the public, when the announcement is made.

Councilor Hunt stated that work on this ordinance is a good example of how the Council is working together to make a better ordinance. She stated that she is pleased with the input and the dialogue, and she is glad that the Council is doing this.

**NEW BUSINESS**

**Resolution No. 01-11** A Resolution To Transfer Dormant Fund Balance (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 01-11 by title.

Councilor Burch moved that Resolution No. 01-11 be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Hoggatt.

Clerk-Treasurer Rhodes explained that the Fire Truck Lease Fund has a balance of \$11,921.85, which represents unneeded property tax levy from the debt service levy that has been in effect to pay for the fire truck financing. In 2001, equipment lease rental bonds were issued for \$615,000. The final lease payment from the City to the West Lafayette Equipment Leasing Corporation was made in December 2010. In January 2011, the trustee then made the final debt service payment on the bonds, zeroing out all the trust funds associated with this bond issue. The amount remaining includes the 2010 settlement received on March 22 is no longer needed, so this is now considered a dormant fund. Because the fund was raised by property tax levy, the balance may be transferred to the General Fund when the purpose of the fund is no longer in effect. It is housekeeping. She reported that she is pleased to see a bond issue paid off, and a debt service levy retired.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	<b><u>AYE</u></b>	<b><u>NAY</u></b>	<b><u>ABSENT</u></b>	<b><u>ABSTAIN</u></b>
Bunder	✓			
Burch	✓			
Dietrich	✓			
Hoggatt	✓			
Hunt	✓			
Keen			✓	
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYE and 0 NAY.

Mayor Dennis announced that Resolution No. 01-11 passed on first and only reading.

**COMMUNICATIONS**

► Mayor Dennis announced that at the Board of Works meeting earlier in the day, the first Snow Angel certificate was presented to Mr. Gerald Harrison of 104 Seneca, because Mr. Harrison could not attend the Council meeting, as he was teaching a children's tennis class during this

time. The Mayor read the names of the other nominees: Steve Byrn, Chad and Missy Krockover, Lisa Czerwonky, Mike Dubbs, Jim Fenn, Andrei Gabrielov, the Doug and Heather Jackson Family, the Lauren Lakes Neighborhood, Anthony Mull, Terry Ness, Sean O'Connor, Jim Penna, Shirley Rogers, Chris and Cheryl Staiger, Theta Tau Fraternity, Richard Updike, Phil Vanderpool, Jay Weida, and Thomas Wilson. Mayor Dennis expressed appreciation for their efforts, as does Street Superintendent Downey, because it makes his job a little easier.

► Councilor Hoggatt announced that this would be his last Council meeting. He stated that it has been an honor to serve, and he has enjoyed serving with the Council. While he has been a member of the community his entire life, he has an opportunity that he cannot pass up. He and his wife will be relocating in about a month.

Mayor Dennis said that one of the things that makes West Lafayette such a great place to live and govern is the political discourse. People do not always agree, but there is always mutual respect and work toward the best product for the citizens. Councilor Hoggatt has been an outstanding steward. The Mayor said it was a pleasure to have worked with Councilor Hoggatt and thanked him for his service. Councilor Hoggatt thanked the Mayor.

#### CITIZEN COMMENTS

► Ms. Jan Myers [1909 Indian Trail Drive] reported that Snow Angel Gerald Harrison clears her walk first. She discussed myths about roundabouts and roundabout construction issues.

#### ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 7:26 p.m.