CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
JULY 1, 2013

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on July 1, 2013, 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, Hunt, Keen, Thomas, and VanBogaert.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, Street Commissioner Downey, Human Resources Director Foster, Fire Chief Heath, WWTU Director Henderson, Parks Superintendent Payne, IT Director Newman, Director of Development Poole, Police Captain Sparger, and Assistant City Engineer Susong.

MINUTES
Councilor Keen moved for acceptance of the minutes of the May 30, 2013, Pre-Council Meeting, and the June 3, 2013, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed by voice vote.

COMMITTEE STANDING REPORTS
STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY
Councilor Bunder presented this report, which will be on file in the Clerk-Treasurer's Office.

PUBLIC SAFETY AND ORDINANCE
Councilor Keen presented this report, which will be on file in the Clerk-Treasurer's Office.

PURDUE RELATIONS
Councilor VanBogaert reported on events at Purdue University.

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
Councilor Dietrich reported that the 2014 budget process has begun and the committee has met, and they are now waiting for an update on capital projects.

REPORT OF APC REPRESENTATIVE

Councilor Keen reported that on July 3 the Area Plan Commission Executive Committee will be hearing the Farmhouse Fraternity Association, which is seeking approval to replat two lots and a section of a third all into one lot located at the northwest corner of State and Russell Streets. Also on July 3, the Ordinance Committee will discuss a proposed fee for establishing and nullifying rezone commitments, including whether to add a fee and how much it would be.

SPECIAL REPORTS: None

PUBLIC RELATIONS

Beautification Award

Mayor Dennis presented the Beautification Award to Don and Marie Swoverland for their home garden in Arbor Chase. They transformed a flat lot by designing a garden that uses a wide variety of trees, shrubs, flowers, and other plants.

Mr. Swoverland expressed his and his wife's appreciation of this award. He stated that they created the garden frugally by using harvested or sale plants.

Police Officer of the Quarter

Police Captain Sparger stated that on May 29, Sergeant Jason Philhower responded to a medical run and administered CPR to a person who had expired. His efforts brought the gentleman back to life, and then the Fire Department continued from there. Captain Sparger explained that Sergeant Philhower is not required to go to these calls, but he has a special skill in this area due to previously teaching CPR and first aid classes at the Red Cross, so he stopped and did what was needed. Captain Sparger said that we want everyone in the Police Department to bring what they are capable of doing to a situation to help resolve it.

Don Corrigan, President of the Police Merit Commission, presented the Police Officer of the Quarter certificate to Sergeant Philhower.

Sergeant Philhower stated that it is an honor to be given this award for something that he feels is just part of his job. He stated that it was a part of a bigger effort with the Fire Department ambulance service and follow-up at the hospital.

FINANCIAL REPORT

Clerk-Treasurer Rhodes reported that we have received the June settlement from the County auditor. It was a complete settlement with TIF funds and sewage liens. She expressed her appreciation and stated that it is a milestone we have hoped for many years. She stated that there is one more budget meeting scheduled for July 23 at 6:00 p.m., but there may be more work sessions scheduled. She noted that heath insurance is a significant factor in the planning. Clerk-Treasurer Rhodes stated that today we began developing the project plan for the Enterprise Resource Planning system installation with IT Director Newman, and we are looking forward to a kick-off with Tyler Technology on July 16.

LEGAL REPORT

City Attorney Burns stated that this report is on file.

Councilor Bunder asked City Attorney Burns to expand on the item regarding attending to the signage issue.

City Attorney Burns responded that he has met with Public Works Director Buck, and they have met with the owner of the property. He stated that they had a satisfactory preliminary meeting. Public Works Director Buck has also met with the APC to start a conversation about the overall health and strength of the sign ordinance when it comes to creating some flexibility in it so that it works better for neighborhoods. City Attorney Burns confirmed for Councilor VanBogaert that the property he is speaking of is the one at Chauncey Avenue and Wood Street, known as the "banana house." He stated that the conversation with the APC will be ongoing and expects further conversations with the property owner. It appears that the best approach to the overall situation of signage and whether or not it works well for our City is a comprehensive one as opposed to a one-off dealing with just a banana.

Councilor Bunder asked if the signs on the rental properties are part of the same package.

City Attorney Burns responded that they are a very important part of the package, and that is really where the conversation started last winter. He stated that, as he recalls, the original deadline for compliance was August. He stated that this is a top-of-the-mind issue for himself, Mayor Dennis, and Public Works Director Buck, but it will not be resolved quickly.

UNFINISHED BUSINESS:
Ordinance No. 17-13 An Ordinance Concerning The Current Refunding By The City Of West Lafayette, Indiana, Of Its Sewage Works Revenue Bonds Of 1994, Its Sewage Works Revenue Bonds Of 1998 And Its Sewage Works Revenue Bonds Of 2001; Authorizing The Issuance Of Sewage Works Refunding Revenue Bonds For Such Purpose; Providing For The Collection, Segregation And Distribution Of The Revenues Of The Sewage Works And The Safeguarding Of The Interests Of The Owners Of Said Sewage Works Refunding Revenue Bonds; Other Matters Connected Therewith; And Repealing Ordinances Inconsistent Herewith (Sponsored by Mayor John Dennis and Clerk-Treasurer Judith Rhodes)

Mayor Dennis read Ordinance No. 17-13 by title only.

Councilor Keen moved for passage of Ordinance No. 17-13 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes stated that passage of this second reading will allow this to be brought to market when the conditions are right to close the deal in a way that meets our requirements for savings. The market has been volatile, so it does not look quite as favorable as it did a few weeks ago. However, approval will allow Clerk-Treasurer Rhodes and Mayor Dennis to complete the bond documents when appropriate. She stated that we anticipate that this will save the City hundreds of thousands of dollars in interest expense through the term of these old State Revolving Fund (SRF) Loan Program sewage bonds.

Councilor Dietrich asked for confirmation that this will save money without extending the bonds.

Clerk-Treasurer Rhodes responded that this is correct. We are not extending the term; we are simply reducing the interest rate.

Councilor VanBogaert asked about the expectations of financing costs.

Clerk-Treasurer Rhodes responded that the cost of doing the deal was included in the net figures that were presented. We were originally looking at saving approximately $500,000. It is

a bit lower now, but our requirement is that there be over $100,000 in savings, net of expenses, before we would go ahead.

Councilor VanBogaert asked if there is an end date to this authorization of an acceptable market rate is not found.

City Attorney Burns responded that there is not an end date. It would be open ended to execute when the time is right. In conversation with financial advisor Jim Treat (O.W. Krohn & Associates), there are no expectation of long-term improvement in interest rates.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✔			
Burch	✔			
Dietrich	✔			
Hunt	✔			
Keen	✔			
Thomas	✔			
VanBogaert	✔			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 17-13 passed on second and final reading.

NEW BUSINESS

Ordinance No. 18-13 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (UZO Amendment #77 Extending The Date For Elevating Existing Residences In The Flood Plain) (Submitted by the Area Plan Commission)

Mayor Dennis read Ordinance No. 18-13 by title only.

Councilor Keen moved for passage of Ordinance No. 18-13 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Keen explained that this extends the expiration date from July 1, 2013, to December 31, 2013, for people to elevate their homes out of the flood plain.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✔			
Burch	✔			
Dietrich	✔			
Hunt	✔			

	AYE	NAY	ABSENT	ABSTAIN
Keen	✔			
Thomas	✔			
VanBogaert	✔			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 18-13 passed on first and only reading.

Resolution No. 12-13 A Resolution Appropriating The Necessary Funds Resulting From The 2013 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 Resolution No. 12-13 by title only.

Councilor Keen moved for passage of Resolution No. 12-13 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Director of Development Poole explained that this resolution is appropriation of the funds for the Community Development Block Grant (CDBG) for the 2013-2014 calendar cycle. It is for a total of $334,283, which is unfortunately a 12.6% decrease from last year. He stated that we were told to anticipate only a 5% decrease. He asked that the funds be appropriated as delineated within the resolution. Director of Development Poole noted that the administrative funds for the City are at zero to make sure we keep as much money as possible flowing into eligible CDBG projects.

Councilor Thomas asked for more information on the results of having this larger reduction.

Director of Development Poole responded that it is painful. He explained that the CDBG Advisory Committee instructed Dale Dixon (Housing Program Coordinator), who runs the CDBG program, that if it is more than a 5% differential when we get the final numbers, that they will reconvene through email to discuss how they want to deal with the larger cut. He stated that he believes that they cut them all by 12.6% to make sure everyone got a fair cut.

Councilor Burch asked if the administrative funds were picked up by another funding source.

Director of Development Poole responded that it is through the budget of his department.

Clerk-Treasurer Rhodes asked for clarification that the administrative funds were not drawn on the allocation from last year that was not expended.

Director of Development Poole responded that he would need to verify with Mr. Dixon on how the 2012 funds were being administered. In response to an inquiry from Councilor VanBogaert, Director of Development Poole stated that this is our final figure for the 2013-2014 cycle.

Councilor VanBogaert asked what the expectations are based on.

Director of Development Poole responded that the local U.S. Department of Housing and Urban Development (HUD) office gives some direction in planning. During meetings, we start with the

previous year's allotment and use that as a guide. Then we work the Indianapolis office, and they inform us of the anticipated reduction percent.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✔			
Burch	✔			
Dietrich	✔			
Hunt	✔			
Keen	✔			
Thomas	✔			
VanBogaert	✔			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 12-13 passed on first and only reading.

Resolution No. 13-13 A Resolution Appropriating Insurance Recovery Received For Damage To City Property (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 13-13 by title only.

Councilor Keen moved for passage of Resolution No. 13-13 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes stated that this is to appropriate insurance recovery for damage to a police vehicle. She explained that Council approves this by resolution so appropriate entries into the ledger can be made, which assists us in budget planning with the Department of Local Government Finance (DLGF).

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✔			
Burch	✔			
Dietrich	✔			
Hunt	✔			
Keen	✔			
Thomas	✔			
VanBogaert	✔			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 13-13 passed on first and final reading.

Resolution No. 14-13 A Resolution Amending The Annexation Area Contained In Ordinance No.13-13 (Sponsored by Mayor John Dennis)

Mayor Dennis read Resolution No. 14-13 by title only.

Councilor Keen moved for passage of Resolution No. 14-13 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis explained that we have changed the original annexation plan to eliminate a lot of the neighborhoods in order to focus predominately on the US 231 corridor. He stated that passage of this resolution does not secure the ordinance; this is an amended version of the ordinance. This is an evolving process as there are still a lot of people impacted by this annexation and we are still listening and learning.

Clerk-Treasurer Rhodes stated that there is also an amendment to this resolution submitted to change the parcel listing. She stated that the document labeled as Resolution No. 14-13 (Amended) that the Councilors received refers to that proposed amendment.

Councilor Keen asked when there would be an updated fiscal plan.

Mayor Dennis stated that it will come in shortly. In discussions with our fiscal officer, the revenue exists and this is something we can afford to do.

Councilor Burch asked if there would be a vote first on Resolution No. 14-13 and then the amended version.

City Attorney Burns responded that it would be appropriate to move for an amendment. He noted that the amendment is nothing more than deletion of certain names on the list. While most people look at the map, the actual annexation area is built from the parcels on this list. The parcels are the smallest building block, and while reflected by the map, they allow for an actual legal description to be completed by a surveyor. In order to avoid the costs of continually having new legal descriptions done, City Attorney Burns advised using the parcel list. He stated that when this was first filed, due to the thickness of the lines, among other things, there were some houses included that should not have been. This amendment reflects taking those out, with five properties lined out on the second page of the parcel list.

Councilor VanBogaert asked for clarification of the statutory expectation of this process.

City Attorney Burns explained that with a lot of annexations, there would not be a formal change because whatever is passed ultimately is what is passed. However, after conversation with Mayor Dennis and Clerk-Treasurer Rhodes, it seemed best to have this resolution as part of the record which clearly shows what was changed and when it was changed. He confirmed for Councilor Keen that it would be appropriate to amend by substitution.

Councilor Keen motioned to amend Resolution No. 14-13 by substitution. The motion was seconded by Councilor Burch.

City Attorney Burns noted for the record that the substitution is to substitute the complete list for the list with the line outs, as attached to the Resolution No. 14-13 (Amended) document.

Councilor Dietrich asked if the five that were stricken from the list was a matter of their successful arguing that they should not be a part of the annexation or if they were not intended to be on this list.

Mayor Dennis responded that they were not intended to be on the list. There are certain issues involving those particular parcels which make it impractical to include in this annexation.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✔			
Burch	✔			
Dietrich	✔			
Hunt	✔			
Keen	✔			
Thomas	✔			
VanBogaert	✔			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that the amendment by substitution passed unanimously.

Mayor Dennis asked for citizen comments.

There was no discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✔			
Burch	✔			
Dietrich	✔			
Hunt	✔			
Keen	✔			
Thomas	✔			
VanBogaert	✔			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 14-13 passed on first and final reading.

COMMUNICATIONS

► Councilor Keen announced that we have among us a person who was awarded the 2013 Tippecanoe County Republican Woman of the Year, and was recognized as an honoree from the 4th congressional district at the 32nd annual Tribute to Women Dinner, hosted by the Indiana Federation of Republican Women on June 21. The Tribute to Women is one way that Indiana Republicans acknowledge how her volunteer work has made, and continues to make, a tremendous difference in Indiana. He stated that we are very proud to recognize West

Lafayette City Councilwoman Vicki Burch as the 2013 Tippecanoe County Republican Woman of the Year.

Councilor Burch stated that she was stunned to receive the award and is honored to be a part of such as a distinguished group of women. She expressed her appreciation.

► Councilor Hunt reported that the Art in Bloom on June 22 was very successful with help from a lot of people, including the Engineering Department. She said that attendance increased by approximately 300 people. She hopes that people look forward to it next year.

► Councilor Bunder reported on two items concerning his New Chauncey neighbors. The first is that on July 8, the Historic Preservation Committee will meet again. The second is that on July 17, the people involved in discussion on overlay zoning will meet.

CITIZEN COMMENTS

► Thomas Kesler (479 Maple Street) stated that the curb and sidewalk work done on Maple and Lutz Streets appears to be well done to his inexperienced eye. He worries about keeping the new sod moist and hopes that his neighbors are watering it in front of their houses, as he is, so that it survives. He expressed his appreciation to Street Commissioner Downey for rolling through the alley behind his home, stating that he is always happy to see City officials out in the field, and it provided him the opportunity to describe a trash can issue that exists in the alley. He stated that he is still collecting chunks of concrete, and while doing so at Vine and Grant Streets he noticed some backyards that could use code enforcement due to trash. Mr. Kesler said that regarding the rental signs, the pink house, and the "banana house," he thanks City Attorney Burns for his earlier comments. He stated that he counted 25 of these large signs that appear to be permanently posted, and he expressed his displeasure at the posting of the signs on single-family structures.

► Sarah Mustillo (924 N. Chauncey Avenue) stated that as a resident of New Chauncey she appreciates the attention being given to the sign issue. She stated that she wants to give a resident's perspective of what this proliferation of signs is like. Ms. Mustillo presented a PowerPoint presentation [appended to the end of these minutes], starting with a map, which she stated shows the location of the houses that have these large signs within the New Chauncey neighborhood. She stated that her group counted 64 signs during a walk around the neighborhood, which has greatly increased in the last six months. She stated that you cannot turn around in the neighborhood without encountering one or more signs, and she considers it a visual assault. She stated that 17 signs were counted from the Livesay Management, and many of their properties have two signs to be seen from different angles. She showed a photo of a house that has both a Livesay advertisement and also a "for rent" sign, and she stated that this clearly distinguishes different purposes between the two signs. One is identifying the owner of the property and is an advertisement, while the other is advertising that it is for rent. Ms. Mustillo presented a photo with a view from Rubia's Flower Market, facing buildings owned by Granite Property Management, and said it is an example of being able to see five Granite signs from one location. She stated that this is a commercial area, but these are nice buildings and having five signs, one over 10 feet high and one over 10 feet wide, causes the buildings to look cheap and trashy, and it makes the neighborhood look cheap and trashy. Ms. Mustillo stated that she has had neighbors receive citations for lawns being too high, because we have ordinances in this City. For the good of everybody, we have standards of appearance. She stated that allowing landlords to violate the standards of our community, clearly codified in the City signage ordinances, makes the neighborhood less attractive to live in both to current residents and to perspective buyers. She stated that if buyers decide not to move in, it is bad

for the neighborhood because they are people who are committed to its upkeep and good of the neighborhood. She stated that when permanent residents leave near-campus neighborhoods, the neighborhoods go down, with more crime and run-down yards, and it destabilizes the neighborhood. She stated that it is not good for any of us, including the people who live there, Purdue, or for the rest of West Lafayette. She stated that as constituents, her group is asking Mayor Dennis and the Council to protect their neighborhood. Since the grass height ordinance is enforced for the good of the neighborhood, Ms. Mustillo asked that the signage ordinances be enforced as well. She noted that one photo has four signs that advertise the same thing, which have been there for months or years.

► Colin William (804 Rose Street) also spoke on the sign issue and presented a PowerPoint presentation [appended to the end of these minutes]. He stated that he and his family live in a neighborhood that has a lot of families and professionals on the street and that it is a quiet residential neighborhood. He stated that in May, his family came home from vacation to find a big obnoxious monstrosity on the house next door. He stated that they quickly established that it was not the only sign and that the only three rental houses in the span of one block had suddenly sported these warts. He asked for a show of hands for how many people would think that their neighborhood is getting better if they came home and found this. He asked that the minutes show that nobody who works for Livesay is here in the room. He stated that we have this problem, and his first question is to wonder if this is legal. He stated that in looking at the UZO sign ordinance, he found that only three forms of signs are allowable in R1 zones. Of those, building markers and home occupations do not apply to this. The third is the incidental signs. He stated that the code expressly says that it prohibits all signs not expressly permitted by this section, so if it is not an incidental sign, it is not allowed. He explained that an incidental sign is any sign that is generally informational that has a purpose secondary to the use of the sign-lot for which it is located, such as “for sale,” “for lease,” or “for rent” signs that include an agent’s name, address, and phone number. He stated that he is sure that is what Livesay and their brethren are all operating on as their defense. Mr. William stated that the problem with these is that the specified examples in the code are all transitory in nature. A “for rent” comes back down after the property is rented. Just like any other real estate sign, they are all transitory during the window when the property is available. However, these signs are permanent and mounted regardless of whether it is actually available for lease or rent at that time. He stated that that is important because outside of the narrow window when the property is actually for lease or rent, it means it is not a “for lease” or “for rent” sign, as it cannot be functioning as that. It is now a commercial sign to generate leads for the property management company, and is therefore no longer incidental as expressly defined; it is a commercial advertisement. Functionally speaking, it is a six-square-foot billboard on the side of the houses. He stated that a goal of the sign ordinance, as stated in the UZO, is to minimize the possible adverse effect of signs on nearby public and private property be allowing certain signs that are small, unobtrusive, and incidental. He said that he can assure that no one who lives on Rose Street thinks that these are small and unobtrusive. Everyone thinks they are gaudy and obnoxious, and he stated that these black and yellow things on 70-year-old houses are just ugly. He stated that this is not a trivial concern, and that as Ms. Mustillo said, this will only proliferate and has done so rapidly in the last six months. As they go up, competition between landlords will only lead to more. Those who are losing phone calls to those with the billboard signs will put up their own signs. They will deter owner-occupiers around the neighborhoods. He stated that those who drive around wanting to live close to campus will say that this is a student slum area, which becomes a self-fulfilling prophecy. If people do not buy, the prices go down, the landlords buy them, and more signs go up. He stated that this is not something they want for a residential neighborhood. He stated that this is a neighborhood of families, working professionals, and retirees and they want to keep it that way. He asked, for the protection of the

neighborhood, that the UZO be interpreted and enforced such that these permanent commercials signs are not allowed in R1 areas. He stated that they are neither incidental nor small and unobtrusive. They are detrimental to the New Chauncey neighborhood. He stated that landlords are still free to put up "for lease" and "for rent" signs as they always have, but the neighborhood does not need these permanent billboards littering the streets and dragging the neighborhood into a self-fulfilling prophecy of more and more landlords.

► Jill Suitor (101 E. Stadium Avenue) stated that she has owned rental properties in various cities, including West Lafayette, for 20 years, so she can see this from both sides. She stated that as a committed resident who has lived here for only nine years, she saw New Chauncey go through a tremendous change. She communicated with the Council when she moved in about vandalism and other issues and was unsure if she made the right choice then. She has seen the neighborhood change. She compared it to Bloomington, where she wondered where all of the students lived, and then discovered it is like New Chauncey. The students and families all live together, but you do not know who is who. She said that little by little, New Chauncey got to be this way, and almost every year students with parents stop by to ask if there is space available in their house. She stated that you often cannot tell anymore what is a rental and what is a family, and that is a good thing. There are wonderful students and there are some wonderful landlords, but not the ones who have signs up. She stated that the signs change the feel of the neighborhood. She has encouraged several people to move into the neighborhood, and that is because it felt good and felt like a real neighborhood. There are some students, which she sees as an advantage and a lovely mix when it works. At the moment it is not working again. Ms. Suitor stated that this is very important and has very long-term implications. She agrees that faculty looking to move in would look and say that it looks like a student slum on the way down. She said that it has not been that way the last nine years since the ordinances have been enforced. This is a huge change in the wrong direction and she hopes that the ordinances will be enforced. She stated that it is very hard to reverse that, once people begin to think of the neighborhood differently in a negatively way. The neighborhood has come a long way and she does not want to see it backtrack.

► James Gidson (owner, 1808 Klondike Road, Green Meadows subdivision) expressed his thanks to Mayor Dennis, the Mayor's Office, the Council, and the City for being responsive to the people who did not want to be annexed.

► David Taylor (425 Littleton Street) stated that he has been a resident of West Lafayette for 34 years, and his view outside the front door of his current residence is of an ugly, yellow Livesay sign. He stated that he also owns a rental property, the house next door to him, and he pledged that he will not have such signs on his property. He stated that the City has been taken advantage of by the entrepreneurs in the real estate business. He stated that someone stuck a sign up after deciding that the company's website could go on a sign. He suspects that they did not check the zoning requirements for signage and figured that they would put it up until someone complained and forced them to take it down. He stated that he does not know how long the pieces of the ordinances that were reviewed have been part of the UZO. However, after the trouble of making an ordinance for the good of us all, it should be enforced on every occasion, or if not, remove it. He stated that he hopes that does not happen, and asked that the ordinance be enforced. It is there to make this a better place to live, so we do not clearly differentiate just by eye-check that this is a student slum and this is a nice private residence that someone is taking care of. Mr. Taylor stated that he tries to keep his rental property looking nice because he does not want anyone distinguishing it as a clearly rental property. He stated that we have the ordinance for good reason in the zoning regulations and it needs to be enforced. This is a significant enough issue that this is one creep that has taken place with

people taking advantage of the rule and hoping they never get brought to task or taken by citation to other methods to revise their ways. There needs to be an example made here. He stated that he appreciates the letter he received as a rental property owner, but he got nothing out of it. He said that it failed to communicate anything to him, even though he was looking at the Livesay sign across the street. He said that without an example of the particular thing that is in need of attention, it was not very helpful. He asked that a way be found to encourage all of the citizens of our community to help make this a better place for us all to live. He stated that the landlords are not disadvantaged by removing this means of advertising their presence, as anyone who types "housing West Lafayette Indiana" or any variation into Google will immediately be overwhelmed with choices. So, it is not hurting them to take them down. It is helping them to help the private citizens to live in a better quality and better managed community by enforcing this very common sense rule in the zoning code. Mr. Taylor then spoke about the new curbs and sidewalks on streets throughout New Chauncey. He expressed his appreciation to those responsible in the various departments for finding the funding and the time to get that done and improve the neighborhood.

► Zachary Baiel (124 Connolly Street) also spoke on the sign issue and presented a PowerPoint presentation [appended to the end of these minutes]. He began by showing a map that highlights the non-R1 or R2 zoning, which changes some of the rules regarding the signs, so he wants to focus on those areas. He stated that the intent of the sign ordinances includes to attract economic growth and development in the area and to minimize the adverse effects of the signs. He said that the message tonight shows that they are adversely effecting people. He stated that it is noted in there that if it is a non-commercial or non-industrial zone, it should be limited to a variety of signs, and that limitation is a good thing. Within R1 and R2 there are several signs allowed, including gateway, home occupancy, incidental, building marker, and various event oriented, with some requiring a permit. He stated that an incidental sign is secondary to the use of the place, but particularly should not have a commercial message. He stated that the letter sent out clearly stated that if there is a company name, phone number, address and that sort of thing, that is a commercial message. He noted that there are locations on the map where the incidental definition is not being followed. There are zones of R3 and CBW, which is a commercial center area, which includes the new development going on Northwestern Avenue. Mr. Baiel noted that there is a maximum sign area limitation in the UZO, which is 20 total square feet per lot in an R3 zone, barring some modifiers. He explained that R3 zones allow everything that R1 and R2 allows, along with freestanding signs and wall signs with a permit. A wall sign is anything that is on a wall. He said that the Livesay signs and the Collegiate Communities signs would be considered a wall sign, and the "banana house" is also a wall sign. He explained that the wall signs are limited and regulated differently than the ones in the heart of the neighborhood, and approximately half shown on the map are in R1 zoning, so those should easily be coming down. He stated that the others are a more difficult situation. Outdoor advertising is defined as anything that does not relate to the direct subject of that lot. He stated that some of those signs could be construed as being billboards and perhaps not be in those areas as they just advertise the management company. Mr. Baiel stated that some of this goes against the strategic elements of the New Chauncey Land Use Plan. These include the goals of increasing communication, promoting the neighborhood, which is difficult due to the perception the signs give, and incentivizing the good landlords who do not violate ordinances. Another goal is to address the residents' perception that there are is not enough code enforcement, and he stated that this would be a perfect start to meeting that particular strategy. Another goal is to review properties, zoning, and building codes, which is what we are doing now. He stated that another goal is to have these meetings, to come to City Council, and meet outside of this as well to discuss if the points in the Land Use Plan are being hit. He stated that has two further questions. He asked if the wall signs in the R3 zones have a permit as required,

and how copies of the permits can be obtained. He asked what the timeline is for addressing the R1 and R2 violations, since May 31 was given as the cutoff date in the letter sent out that he saw. Mr. Baiel proposed modifying the language of the UZO. Right now it states only increases if the building is further off the street or you go faster down the road, then you can get a larger sign. He suggested language that decreases the size in the proximity to R1 and R2 zoning that are not allowed in that area. He stated that this would adhere to the intent of the UZO to minimize the adverse effect of the signs in those areas. He noted that no one has a complaint about the signs that face outward toward Northwestern Avenue and Purdue; since that is R3 commercial it is expected. However, it should be taken into consideration if someone has to stare at these signs from their R1 property.

Councilor Dietrich stated that he heard a May 31 deadline given while City Attorney Burns spoke of an August 1 deadline.

City Attorney Burns stated that it is coming soon. He stated that the letter was sent to landlords and it pointed out that sign ordinances are in effect and asked the landlords to check their properties to make sure they were compliance. If they were not in compliance the City would discuss it with them.

Mayor Dennis stated that a lot of these properties are owned by property management companies instead of individual landlords. He stated that our perception is that when the banana went up, the competitive spirit got recharged, and the other signs started popping up.

Councilor VanBogaert stated that both the letter from Mayor Dennis and the policy statement from Public Works Director Buck were both dated March 1, with a deadline for corrections and changes to be completed on or before May 31, 2013.

Al Ponders (928 N. Chauncey Avenue) asked what the penalties are for the landlords or companies that do not comply.

Mayor Dennis responded that it would follow an enforcement process of citing. If they refuse to comply they can be taken to court.

Mr. Taylor stated that we are now a month beyond that May 31 deadline that was on the letter he received. He asked what has transpired to enforce the code in regards to the objections being raised in that letter, and he asked what the action plan is.

Mayor Dennis stated that the course of action will be one of enforcement, but right now we are still negotiating with the landlords and meeting with the APC to get clarification on the ordinance.

Donna Ferguson (610 Rose Street) asked why there are negotiations with the landlords if there is an ordinance that specifies what the rules are.

Mayor Dennis responded that there are legal issues and interpretive issues.

City Attorney Burns stated that we have a timeline established by the letter, which he thought was in August instead of May. He stated that quite a few of the offending signs are clear-cut cases, but some are not so. The larger banana one is less clear than the smaller yellow ones. He stated that there will be enforcement if it is needed. The position that Mayor Dennis and himself has taken is that the purpose is enforcement. The idea behind it is not to be punitive or

money-making; it is to change behavior. Any signs that are not in compliance will be brought into compliance. He stated that he cannot say that it will be tomorrow, but it will certainly be enforced.

Councilor Dietrich stated that this is the same philosophy as applied across the board for compliance issues. It is not done with a heavy stick. It is done through cooperation and negotiation, whether it is tall grass or signs. He asked if this is correct.

Mayor Dennis stated that it is generally the approach that we have had. When we started the Neighborhood Resource Team, there were assumptions that everybody was going to be cited, fined, and mandated to correct behavior. The intent then, as it is now, whether the mistake be deliberate or accidental, is to get the behavior in check. We have taken the first step by making notification with the letter. Now the second step follows through. We have enforcement personnel that are in a position to go ahead and make contact and encourage compliance. Should that not work we will take more aggressive action.

Mr. Kesler stated that another mistake out there is the lack of tight fitting lids on trash cans. There has not been a letter of encouragement with a deadline. He stated that it has been a long term issue, and he is still picking up other people's garbage to keep it under control on his block.

Councilor Hunt responded that the trash ordinance goes into effect today. Some of the main things are the tight fitting lids and placement at the curb. Grass clippings will not be picked up due to environmental reasons. There is also a time limit for leaving the container at the curb, from 3:00 p.m. the day before until 11:00 p.m. the day of trash pickup.

Mr. Taylor asked if the tight fitting lids applies to the commercial haulers that serve the apartment complexes.

Councilor VanBogaert stated that the ordinance does not address private waste collection.

Mr. Taylor suggested that codes for sanitation and well-kept neighborhoods that applies to the service that the City provides should apply to commercial haulers. He stated that in walking around neighborhoods he often sees trash cans without lids, leading to problems with raccoons and possums.

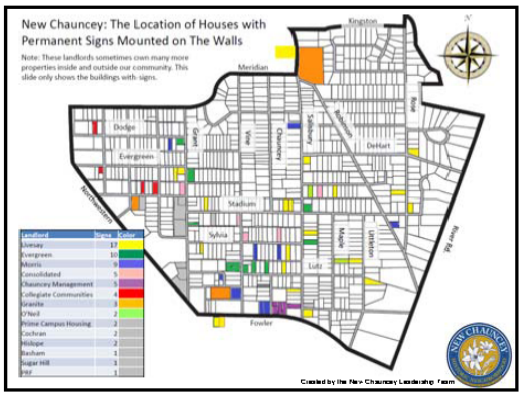
Councilor Hunt stated that this may be a public health issue.

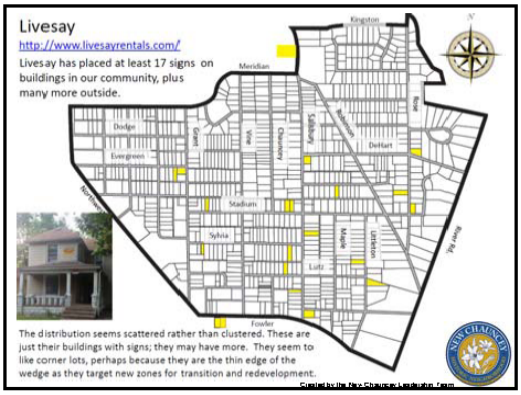
Mr. Kesler stated that the previous comment encourages him to describe a dumpster in the alley that he shares with a rental unit. He stated that there are two lids on the dumpster, but oftentimes they are flung back instead of covering the bin because people do not close them, and they do not close when the dumpster comes off the truck. He stated that this offers some clarification to what can happen with the private collection.

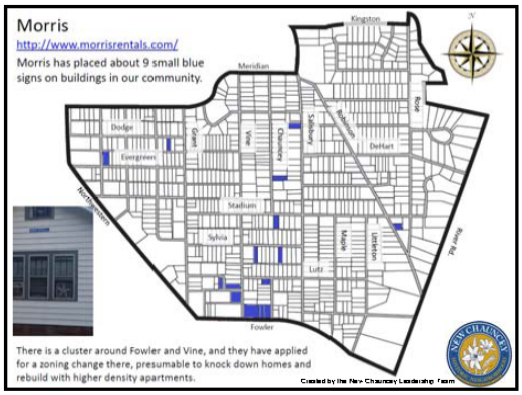
ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 7:55 p.m.

Sarah Mustillo







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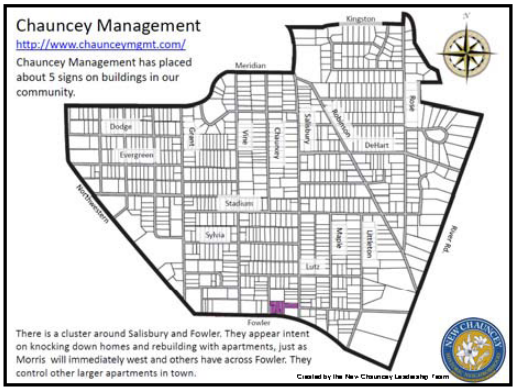

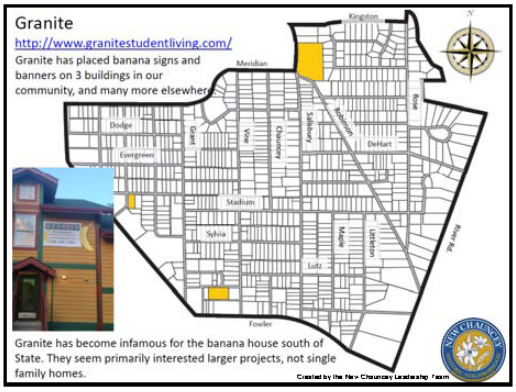

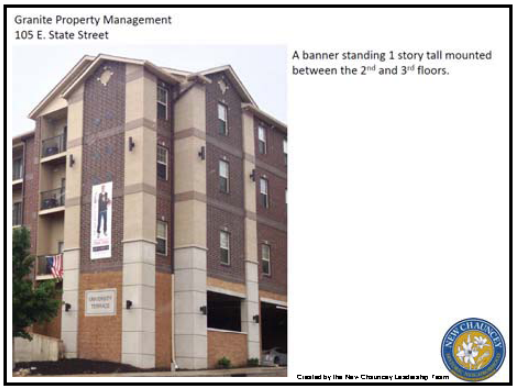

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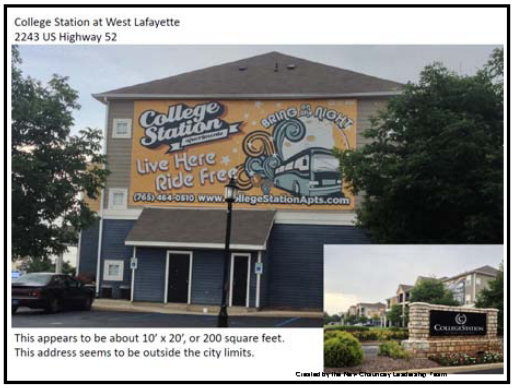


Colin William

In late May I came home from vacation to find this on the house next door

It wasn't the only one…

Created by Colin William

So I wondered, is this legal?

- Section 4-8-4 allows very few of types of signs in R1 zones:
  - Building Markers – this sign clearly is not within this category
  - Home Occupation signs – does not apply, relates only to the occupant
  - Incidental signs
- The code "prohibit(s) all signs not ***expressly*** permitted by this section"

Created by Colin William

So, what is an "incidental sign"?

- **INCIDENTAL SIGN**. Any sign, generally informational, that has a purpose secondary to the use of the sign-lot on which it is located, such as:
  - (3) "for sale," "for lease" or "for rent" signs including an agent's name, address and phone number;

Created by Colin William

What do these have in common?

- They're all transitory
  - That is, the state of being "for sale," "for lease" and "for rent", or subject to work by a contractor, is **temporary**
  - These signs, however, are **permanent**. They are mounted **regardless** of whether the house is actually available for lease/rent at that particular time

Created by Colin William

Why is this important?

- Because outside of the narrow windows when the property is available, this sign is no more than a commercial to generate leads, such that the property management firm can redirect people to other available properties
- It is no longer "incidental" as "expressly" defined; it is now a commercial advertisement
- Functionally speaking, it's a billboard

Created by Colin William

Colin William

Furthermore

- A goal of the sign ordinances of the UZO is to "minimize the possible adverse effect of signs on nearby public and private property" by allowing "certain signs that are ***small***, ***unobtrusive***, and incidental"
- I can assure you, nobody who lives on Rose Street considers these gaudy signs to be small or unobtrusive, let alone three on one block

Created by Colin William

Without restrictions…

- If permanent signage is allowed, competition between landlords will lead to further proliferation across rental properties
- These crass billboards will deter potential owner-occupiers from buying in the neighborhood, leading to the erosion of long-term residential presence
  - Ours is a neighborhood of families; it does not need to be further overtaken by renters with no long-term stake in the community

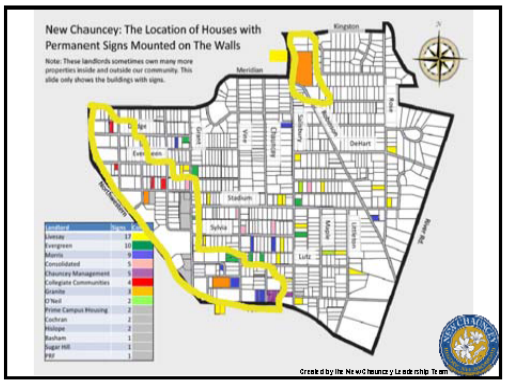
Created by Colin William

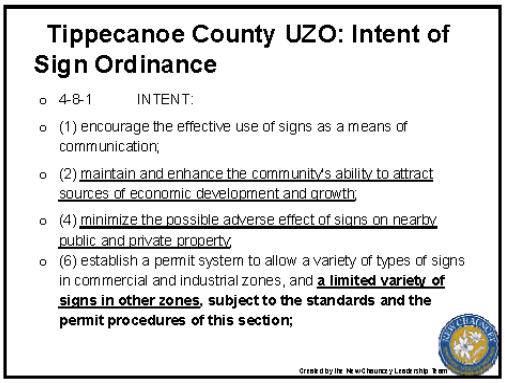
My Request

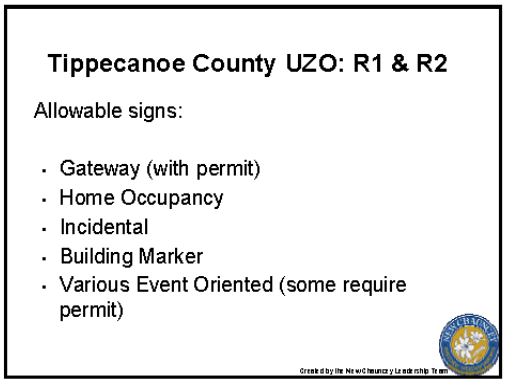
- For the protection of our neighborhood, I ask that the UZO be interpreted and enforced such that permanent commercial signs are not allowed in R1 areas
  - These are neither incidental nor small and unobtrusive, and they are detrimental to the residential nature of New Chauncey
- Landlords may still post signs when the property is actually for lease/for rent, but they must be temporary signs not mounted on the building

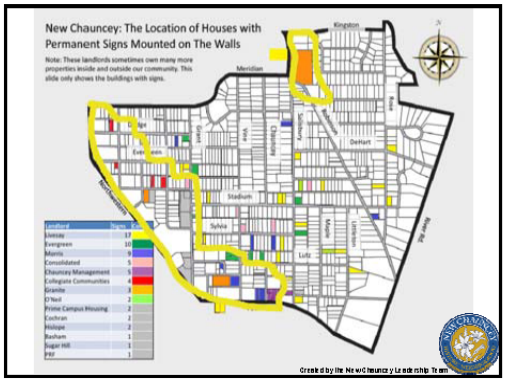
Created by Colin William

Zachary Baiel









Zachary Baiel

Tippecanoe County UZO: Sign Definitions : Maximum Sign Area

- 4-8-5 MAXIMUM SIGN AREA PER SIGN-LOT, BY ZONE: (Amend 20)
  - The maximum total sign area for a sign-lot (except for building marker signs, gateway signs, **incidental signs**, flags and event oriented signs which are exempt from this section), is calculated using the following table.

	ZONAL BASE RATE sq.ft.
R1 R1A R1B RE (Am 27) R1U R1Z R2 R2U	6
R3 R3U R3W R4W INST. USES IN RES/RURAL ZONES	20

Created by the New Chauncey Leadership Team

Tippecanoe County UZO: R3

- R3 zones
  - Allows the same signs as R1 and R2
  - Permitted freestanding signs
  - Permitted wall signs
  - Maximum square footage without modifiers is 20 sq. ft. per lot.
    - Not per building.
- Commercial Business Zones
  - All sorts of permitted signs

Created by the New Chauncey Leadership Team

Tippecanoe County UZO: Sign Definitions : Wall

- WALL SIGN
  - Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Created by the New Chauncey Leadership Team

Tippecanoe County UZO: Sign Definitions : Outdoor Advertising

- OUTDOOR ADVERTISING SIGN.
  - A sign which is a primary use, placed for the purpose of conveying information, knowledge or ideas to the public about a subject unrelated to the lot on which it is located. (Amend 8)

Created by the New Chauncey Leadership Team

New Chauncey Land Use Plan Conflicts

- Goal 1, Objective 1, Strategy 4:
  - Increase communication between the various groups involved in the neighborhood including homeowners, landlords, city officials, realtors and tenants.
- Goal 1, Objective 1, Strategy 5:
  - Increase neighborhood promotion efforts among realtors to better market the neighborhood to young families...
- Goal 1, Objective 1, Strategy 6:
  - Provide incentives based programs which allow

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New Chauncey Land Use Plan Conflicts

- Goal 1, Objective 2, Strategy 1:
  - Address the residents' perception that there is not enough code enforcement.
- Goal 1, Objective 2, Strategy 3:
  - Periodically review property maintenance, zoning and building codes to ensure the highest standards are maintained.
- Goal 1, Objective 2, Strategy 5:
  - Begin periodic or bi-annual "roundtable discussions" between neighborhood association representatives, landlord representatives and city officials.

Created by the New Chauncey Leadership Team

Zachary Baiel

Further Inquiry

- Are the current signs located in the R3 zones, permitted?
  - How can we obtain a copy of these permits?
- What is the timeline for addressing R1 and R2 violations?

Created by the New Chauncey Leadership Team

Proposal for Consideration : Modifiers

- Current UZO language increases size of sign square footage
- Amend to **<u>include language that decreases</u>** size of sign square footage **<u>related to proximity of R1 and R2</u>**
  - These types of signs are not allowed in these areas.
  - Ahere to the intent of the UZO
    - minimize the adverse effect of signs on nearby public and private property;

Created by the New Chauncey Leadership Team

Thank you!

Please let me know if you have any questions.

Created by the New Chauncey Leadership Team