

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
APRIL 6, 2009

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on April 6, 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, Dietrich, Hunt, Keen, Roales, and Thomas.
Absent: Burch.

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

MINUTES: Councilor Keen moved for acceptance of the minutes of the February 26, 2009, Pre-Council Meeting, and the March 2, 2009, Common Council Meeting. Councilor Hunt 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. To report first on sanitation, the one item of note in the upcoming month is the April 21 meeting of the Go Greener Commission, 7:00 p.m., April 21. At that meeting, the Purdue EPICS group, which is examining "pay as you throw" will present a report. I would certainly invite our attention to that matter. I will make it a subcommittee meeting for Street, Sanitation, and Wastewater. April 21, 7:00 p.m. here, the Go Greener Commission and Purdue's EPICS team. On to wastewater. The digester project is nearing completion. Mr. [Wastewater Utility Director] Henderson reports we have filled one digester with solids, and this digester is now being heated and mixed. I'll leave that to your imagination. We are beginning to fill up the second digester with solids. The first digester is almost up to normal operating temperature, and we should start to produce methane sometime in the coming weeks. The Utility has also entered into an agreement with Kennedy/Jenks Consultants to study the feasibility of taking food waste from Purdue University dining courts and treating it in our digesters. This joint venture between the City and Purdue could redirect over 20 tons of food waste a month from our landfill to our digesters, where it would be used to produce power for the Wastewater Plant. Our digesters have the capacity to serve our Wastewater customers; treat fats, oils, and grease from waste haulers; and still be able to treat almost 15 tons of food waste per day. Also, there will be a capacity evaluation of the entire Wastewater Treatment Plant this year. This will allow the department to make smart choices for expanding the plant, so that we can continue to meet our customers' needs. This concludes my report.

PUBLIC SAFETY AND ORDINANCE

Councilor Keen said thank you, Mr. Mayor. During the month of March, the West Lafayette Fire Department participated in a number of different training exercises, one of which was a training exercise with Wabash Township, and they actually did a live fire burn, actually burned a building that was set to be destroyed anyway. They did that in cooperation with Wabash Township. They're also working on plans to do the same thing with the Bridgeway Apartments complex in Lafayette, before it is demolished. That provides a lot of good training for the firefighters, and we really like to see that when they have the opportunity to do that. Two West Lafayette firefighters participated in District 4 training that was designed to test the functioning of an emergency operations center [EOC], and EOC provides support functions to incident command, and could be utilized in the event that an incident is large enough to require coordination among several responding agencies. District 4 has been determined by the State to include all of Tippecanoe County and eight surrounding counties. During that same month, the Police Department responded to over 1,600 calls, and in March, the West Lafayette Police Department participated in the American Red Cross "Heroes" Campaign, to raise proceeds for the Tippecanoe County Chapter. The department helped to raise \$2,500 for the campaign, in cooperation with the Purdue University Police Department and the Lafayette Police Department. As part of the "Heroes" Campaign, local police officers and firefighters squared off for the "Battle of the Badges" blood drive. The police officers donated 66 units of blood, and the firefighters donated 63. The traveling trophy will be on display in the West Lafayette Police Department lobby. The department's training division again was very active in March, hosting 16 hours of State certification training for department personnel in the Tippecanoe County Sheriff's Office. Officer Jeff Decker coordinated Crisis Intervention Team [CIT] training in March for officers from the West Lafayette Police Department and other local agencies. That will complete my report.

Mayor Dennis said also, towards the end of March, there was an active fire in University Farms. A garage caught on fire, and obviously, the Fire Department was dispatched. They did an amazing job of containing the fire, keeping it from spreading to the rest of the house, and possibly even carrying on further than that and going down and getting other residences involved. I believe the response time was immediate, about one minute. That was a very good job. My hat's off to the Fire Department.

Councilor Keen said and it appears to have been caused by the possibility of fireworks that were recently legalized in the State of Indiana.

PURDUE RELATIONS

Councilor Roales said thank you, Mr. Mayor. I met with the Purdue Student Government Senate this previous month, and had a good discussion with them about what West Lafayette as a City was doing that involves students. I briefed them on issues like the upcoming Grand Prix kind of protection of State Street bar areas. They were very appreciative of all the activities that we're doing as a City. It gave them a chance to provide some good input into things like the ordinance before us as well. I'd like to congratulate the new Purdue Student Government President for the next year, which is Adam Kline, and his Vice President will be Kristin Shrack. The results were just announced an hour ago, so they weren't able to be here tonight, but I've invited them to attend the next meeting. I'm sure they'll take that chance to speak before the Council and introduce their platform for the next year. The year is quickly approaching an end, as classes will be released for the summer before this body meets again. The last day of classes is May 2, the last day of finals is May 9. The year has gone by very quickly, and we're already on to the summer term. Thank you, Mr. Mayor.

PARKS AND RECREATION

Councilor Hunt said thank you, Mr. Mayor. I have several environmental issues to announce. The Spring Detrash the Wabash event was last Saturday from 9:00 a.m. to 1:00 p.m., and I haven't gotten a formal report, but I saw some of the workers, and it's really quite impressive to see people cleaning up the River and the riverbanks. Thank you very much. Arbor Day is coming up on April 24. There's a celebration from 10:00 a.m. to noon at the Celery Bog. Harrison High School students are going to plant three white pines as a windbreak along the entrance drive. An Earth Day event will be April 25. The Great Annual Garlic Mustard Pull is scheduled for 10:00 a.m. to noon on April 25 at Michaud-Sinninger Woods. Garlic mustard is an extremely aggressive plant with a very pretty flower. But you don't want it; you want to pull it out as much as you can. Nasty stuff. The Indiana Native Plants and Wildflower Society's RIP, which is Remove Invasive Plants, Squad workdays continue on Tuesdays from 3:00 p.m. to 5:00 p.m. through May. So those are the environmental things. The Sagamore West Farmers' Market will open at 3 o'clock on May 6. I don't know if you remember last year when we had hot pink flowers for the America in Bloom's West Lafayette in Bloom. Well, there's a new color this year to promote community pride, and it's red, like the West Lafayette Red Devils. We urge you to consider planting red plants this year. That ends my report. Thank you.

ECONOMIC DEVELOPMENT

Councilor Thomas said thank you, Mr. Mayor. The Department of Development attended a meeting in Lawrence, Indiana, concerning stimulus projects submitted to the City. The State of Indiana organized the meeting to review all projects and make sure the information on submitted projects is correct. The Department also continued to tour other college campuses to research developers, retailers, and companies to attract to West Lafayette. To date, there have been several leads come from those tours. The Development Department also attended the International Council of Shopping Centers meeting in Indianapolis. Three leads came from that event. Also, along with the West Lafayette Wastewater Utility and Purdue's Wastewater Department, the Department toured Kokomo's biodiesel plant. The Department has been awarded a \$5,000 grant from Wal-Mart to create a lecture series to assist small businesses during tough economic times. The Purdue Small Business Center is helping create this program. A second public hearing of the CDBG funds took place, and allocations were presented. The exact amount of the CDBG funds for 2009-2010 has not yet been released by the federal government. Department staff also participated in the Community Cultural Plan Transition Committee. An inventory of cultural sites, venues, and areas for possible new cultural opportunities are being compiled and studied. The Department also attended the City's Go Greener Commission meetings and is working with that Commission to research for and write grants and provide support for their efforts. Lastly, the Department helped arrange a meeting for the developers of the Champion's Centre, to speak with neighborhoods surrounding the site. Over 50 people attended the meeting, and good solid discussion took place. I did happen to attend that meeting. The adjective I would like to use to describe the conversations was "spirited." More discussions obviously will be held concerning that site. The Champion's Centre developer did offer the neighbors a chance to go to Champaign-Urbana and view one of the student housing complexes that they have established over there, just to get a feel for how that interacts with the city and what that looks like. We'll see how many neighborhood residents plan to attend that tour. That concludes my report.

PERSONNEL

Councilor Hunt said I don't know of any meetings that have been held. Thank you.

BUDGET AND FINANCE

Councilor Hunt said thank you very much. Budget and Finance met in March, and we heard a discussion of the Health Savings Account, that is the new health insurance for the City employees. The Council felt we needed a better understanding of that. Dianne Foster gave a very complete presentation, and I think we better understand it now. The next meeting is April 23 at 5:00 p.m. in the City Hall basement. Individuals are welcomed to attend. Thank you.

REPORT OF APC REPRESENTATIVE

Councilor Keen said no report at this time.

SPECIAL REPORTS

None.

PUBLIC RELATIONS

West Lafayette Community Beautification Award

Councilor Thomas said the City of West Lafayette for April 2009 is pleased to recognize the efforts of the New Chauncey Neighborhood Association and the street corner plantings of daylilies throughout this historic neighborhood. The first organized planting was planted eight years ago, with 50 plots identified and 200 Stella d'Oro daylilies purchased. The choice of plant was a good one, as these plants are very hardy in our climate, and maintenance is minimal. A crew of 20 neighbors headed by Scott Mills tended the baby plants, watering, weeding, and protecting them from foot traffic. The next year, another 250 daylilies were purchased and planted. After this, all new plants came from division of these hardy perennials. The group was aided with a donation from John Basham. The neighborhood undertook a major landscaping rehabilitation with the corner at Fowler and Littleton. Headed up by Carl Griffin, the joint effort with the City led to a much-improved area where students wait for the bus and many pedestrians pass by. When intersections are improved with new curbing, the neighbors rescue the plants and relocate them after the work is finished. This proactive neighborhood association is a leader in West Lafayette beautification. There are several photographs of individuals that took part in those activities. It looks like some hearty souls that were involved in this effort. We also have a plaque suitable for framing that we would like to present to, I believe, Scott Mills and Carl Griffin. If you would come forward and accept this award.

Mr. Scott Mills [488 Littleton Street] said I think this is actually one of the perks of serving on the Beautification Committee, is that right, Ann [Councilor Hunt]? We all recognize one another at some point in time. It's been fun, and Carl [Mr. Griffin] and I will accept the award, but, as Councilor Thomas said, it's been a neighborhood effort and certainly the choice of the plant has made the job much easier. I should say that the impetus to do this—we started this to dress up the neighborhood—was in part because of the growing number of rentals that we had in the neighborhood. Collectively these non-owner-occupied weren't quite keeping up with the rest. In general, we wanted to motivate everyone to do a little better job, and I think we've done that. Thank you very much.

Mr. Carl Griffin [421 Robinson Street] said I would just add that "maintenance free" is a nursery industry term, and that if you really want to know what it takes to maintain these, get up and get out into New Chauncey Neighborhood somewhere between 6:00 a.m. and 8:00 a.m. on Sunday morning between June and the end of September, and you'll see Scott Mills and one or two other hearty souls—every Sunday morning for those five or six months out of the year—weeding and doing the things to those corners where they are. Yes, there were 20 people who helped plant them, and a lot of people along the way, but Scott [Mr. Mills] has really been the

mainstay to make sure that these look the way they do. He really deserves significant appreciation for that.

Police Officer of the Quarter Award

Police Chief Dombkowski said this has become a popular program that we've done for our Department, in conjunction with the Merit Commission. The nominees are submitted to a committee that reviews them and forwards their findings to me for the award. This month, the committee of both commanders and Merit Commission members selected Officer Travis Morgan for the award. I'll read the citation that Lt. Scott Fohr, Travis' commander, wrote on Travis' behalf. It's mostly three or four different incidents over the month of March that collectively show that Officer Morgan is a true and diligent enforcer of our drug laws in the State of Indiana and in this City. From a couple of traffic stops, he turned those in to search warrants for residences on two separate occasions that ended up having numerous illegal drugs of various quantities, quite a bit of cash that was seized from those two incidents. There was a traffic stop that led to the seizure of a loaded handgun from a suspect's waistband. The individual did not have a permit, and was dealing drugs as well, and was arrested for such. And then another incident, he assisted in a WeTip investigation. That's the Prosecutor's line for anonymous information coming in—a lot of that is drug information that comes in—that led to a search warrant that also ended up with a sizeable drug seizure for numerous different drugs and drug dealing. Then the last citation from his commander Lt. Fohr is that several drug-related cases were worked, and Officer Morgan gathered valuable information on these drug activities, and he has passed on numerous bits of information to our Drug Task Force that has led to further investigations for large drug seizures. And all that mostly in the month of March alone. For that, we want to recognize him for his efforts as our Officer of the Quarter. [To Officer Morgan] I'll present you to this plaque that will hang in our lobby with your name on it, and I have a certificate for you to take home with you as well from myself and Dr. Leverenz from the Merit Commission. Thank you, Travis.

Officer Morgan said thank you very much. I'll make this quick. Anybody who knows me knows that I'm not much of a talker, so we'll wrap this up pretty quick. Again, I want to thank the West Lafayette Police Department for everything that they do for me. I've worked in other agencies before, and this is by far the best agency I've worked at. It's a great city, a fantastic Police Department, and I look forward to being here for quite some time. Thank you.

FINANCIAL REPORT

Clerk-Treasurer Rhodes said I wanted to start by letting everyone know, although it wasn't mentioned in Councilor Bunder's report, that the Wastewater Treatment Utility received its 2008 Annual Financial Management Report. There was a presentation to the Board of Works on Tuesday and another presentation to the Council at Pre-Council on Thursday. The report is available for download from the public box of the Board of Works, and anybody who would like assistance locating that document, please just let us know. The conclusions of the report were that the Utility has strong cash balances and reserves, that it has high current and projected bond coverage out through 2013, and it has stable net revenues from operations. All excellent findings. We're pleased the report was completed prior to the deadline and presented to both the Board and the Council as soon as possible, in conformance with the requirements of City Code. The second item is that I want to let you know is that progress on the 2009 Budget Order: none. In a sense none, but actually work is underway. In order for us to get the Budget Order, the County needs to be able to get a certified assessed valuation from the State. Right now, as I understand, with the cities, the final work is being done on the TIF Districts. We had an audit of our TIF Districts, and now a number of discrepancies have been corrected. We feel

it's going to be a very positive result for the TIF Districts. By the end of this week, our hope is that the Auditor would be able to submit assessed valuations for certification by the State. Then there's a pretty quick process of getting the tax rates out, which will result in the budget orders back to the jurisdictions. A final comment I wanted to make about the big story Sunday about staffing in cities, especially West Lafayette. We got a front page picture of wastewater folks again. There's a lot of information that the *Journal and Courier* had to handle, and I wanted to emphasize one aspect that they chose not to present. It had to do with a combination of space and the complexity of trying to compare two salary listings, snapshots in time, about a year apart. Over the past year, six full-time positions have either been frozen or eliminated in the City, two have been converted to part-time. There has been a real reduction in the positions that are available for hire and the positions that are budgeted. While, of course, we've had turnover and new folks join us to work with the City, in fact, the City full-time staff is decreasing. You've all received your State Board of Accounts reports for the past month of March. That's the end of my report.

Mayor Dennis said thank you, Judy [Clerk-Treasurer Rhodes]. Talk about serendipity, when we have something that generally has kind of a negative connotation to it like the Wastewater Treatment Utility providing such great information on the financial side, that's quite pleasant.

Clerk-Treasurer Rhodes said I neglected to name the firm that did the preparation of the report, which was O.W. Krohn & Associates. One of the principals Jim Treat was here to do the presentation.

Mayor Dennis said he did a good job.

LEGAL REPORT

City Attorney Burns said the legal report is on file for the month of March, and I don't have any particular comments, but would be happy to answer any questions that anyone has.

There was no discussion of the legal report.

UNFINISHED BUSINESS

Ordinance No. 2-09 An Ordinance Requesting An Additional Appropriation – Perimeter Parkway Fund (Prepared by the Clerk-Treasurer) **PUBLIC HEARING**

Councilor Keen said read Ordinance No. 2-09 by title and moved that the public hearing be opened for consideration of the ordinance. The motion was seconded by Councilor Dietrich.

Mayor Dennis said any discussion?

There was no discussion.

Mayor Dennis said we are now in public hearing. Any comment? Hearing none, we are now closing the public hearing.

Councilor Keen read Ordinance No. 2-09 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 Dietrich.

There was no further discussion.

Ordinance No. 2-09 passed on final reading, 6-0.

NEW BUSINESS:

Ordinance No. 3-09 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 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 Hunt.

Mayor Dennis said discussion?

Councilor Bunder said Mr. Mayor, thank you. I am happy to offer Ordinance No. 3-09. It is my understanding that portions of the City's ordinance regarding rental housing was deemed ambiguous or vague in a recent Appellate Court decision. Ordinance No. 3-09 moves to address any ambiguity which might have been found in that decision. I would, at this time, like to amend one portion of Ordinance No. 3-09, and I would direct our attention to the fifth of seven pages, page 5, number 3, the third paragraph at the top of that page. As currently written, the ordinance ends at "Tippecanoe County." I would like to strike the "and has one paved off-street parking space for each occupant," and replace that with a period.

Councilor Roales said I second that, Mr. Mayor.

Mayor Dennis said we'll have discussion on that amendment first.

Councilor Hunt said if I may comment?

Mayor Dennis said go ahead.

Councilor Hunt said I asked Councilor Bunder to consider this seriously, and he was gracious enough to do that. If I may call Mr. [City Engineer] Buck. Mr. Buck, would you please explain a little bit about the difficulty of hard surfaces and stormwater and overflows, please.

City Engineer Buck said sure. Even though gravel is a bit more pervious than a yard area, it still does shed stormwater off at a higher coefficient of runoff. It's not as high, though, as asphalt or concrete. There would be a significant increase in the amount of stormwater generated between a gravel lot and a paved hard surface lot. Many of those areas have grown over the years, because the gravel area is easily shifted around. Car tires move it, it's not an exact delineated area. Paving those areas would cause a significant increase in runoff to the alleys, to the yard areas. Water is going to be sent somewhere. Many of those areas are in our combined sewer area and could cause additional backups, backups into basements, certainly backups into yards, streets, and alleys. And so I'd be very concerned about sending more stormwater to those areas without a pretty thorough examination, kind of on a block-by-block basis, about whether there are localized problems, will they be made worse, or is it a sufficient existing drainage pattern that could handle that additional hard surface over the gravel area. Does that make sense?

Councilor Hunt said yes. Thank you very much.

Mayor Dennis said thanks, Dave [City Engineer Buck].

Councilor Bunder said if I may, Mr. Mayor. Thank you, Mr. Buck. Certainly I'm interested in keeping the environment in good shape. The original purpose of the line was to meet concerns of many of the constituents about what they consider to be fairly random creation of parking spaces. I think every member of the City Council has Tom Kesler's letter of the month, and I mean certainly no disrespect by that. We are often faced with the famous 4:30 on a Friday afternoon gravel dump in our neighborhoods, sometimes later than that, and it would be my hope that we could find some mechanism for making sure that the creation of new parking spaces meets some sort of permitting structure. Thank you.

Mayor Dennis said further discussion on the amendment?

There was no further discussion.

The amendment to Ordinance No. 3-09 passed, 6-0.

Councilor Keen read Ordinance No. 3-09 (Amended) 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 Roales.

Mayor Dennis said discussion? Hearing none, I might as well go ahead and add that this ordinance is not quite done. We have an April 9 work session scheduled for this particular ordinance. It will be April 9 at 3:00 p.m. here in the Council Chambers. All are invited to attend. Quite clearly, what we can do is we can go ahead and if the Council deems it appropriate, they can pass this ordinance on the first reading, we can have a work session, and then, in the event that there are amendments that need to be made, we can go ahead and take that corrective action in May. Further discussion?

Councilor Keen said Mr. Mayor, I don't know if this is an appropriate time, but I see we have a number of different landlords here. Would it be appropriate to get some input from them on this particular issue at this time, or would that be a different time?

Mayor Dennis said we could do it now, or we could go ahead and do it during the public comment section.

Councilor Keen said I'd like to hear what they have to say about it myself.

Mayor Dennis said okay.

Councilor Hunt said not just the landlords, okay.

Councilor Keen said well, anyone. They're the ones most affected by it, so that's why. Anyone.

Mayor Dennis said okay, we'll go ahead and open up the floor for public comment. Don't be shy.

Mr. William Palmer [723 North Salisbury Street] said I'm not a landlord. I have lived in my house since 1975, some 34 years now. I was also eight years on the City Council when the first occupancy sort of tweaking of the original rental ordinance was done in the early '90s. I'm very supportive of Mr. [Councilor] Bunder's version of this new ordinance, for a number of reasons. There was a time when we wrote the occupancy rules into the ordinance, when this was a localized problem. Basically, it focused on the First District south of the Purdue University

campus, and the south end of the Second District, south of Stadium Street. That no longer is the case. The problem of rental housing and overoccupancy has been expanded to every part of the City for now. Let me give you some examples. Lindberg Road between Meridian Street and Northwestern Avenue. A lot of rentals have replaced family housing in that neighborhood. Rentals are present in Barberry Heights. Near the campus, most obviously the area of Evergreen north of Stadium Street, up there behind Mackey Arena are almost all rentals now. It's a problem, and it's a problem for the whole City. There are even some rental properties popping up in University Farms. I never thought I'd see that happen. Our present ordinance, as it stands, is an enforceable ordinance; it's been enforceable for 25 years. Councilor Bunder's amendments, in answer to the recent Appellate Court statements, I think, strengthen that ordinance. Above all, I think this is a time to keep that ordinance strong, simply because the problem has spread Citywide. So I'm speaking in support of that ordinance, and I hope that the meetings next week and the discussion on the second reading of this ordinance take into concern how we need a strong occupancy ordinance now, perhaps more than we ever have. Thank you.

Mayor Dennis said thank you, Mr. Palmer. Next.

Mr. Carl Griffin [421 Robinson] said I appreciate the opportunity to speak on this. I certainly agree with Councilor Keen's comments that the Council needs to hear from the landlords, perhaps a little different turn, they're the ones who are affected the most. I think that we have to recognize that everyone is affected by this. It's not just the landlords, but it is all of us who either make our business or make our residence here. I'm speaking as a long-time resident and also as co-chair of the New Chauncey Neighborhood Association, and I am speaking to you, advocating for passage on first reading of the ordinance. I will give a few details that some of you may know, but they are pertinent. I've lived here for 41 years. I was a participant in the process several years ago, when the Area Plan Commission worked with many neighborhood associations as the two cities underwent rezoning to be consistent with the new Unified Zoning Ordinance. I remain active on the Board of the Area Plan Commission, as a representative of our City. As I grew up—this may be a surprise to some of you—living only blocks from Purdue's campus, my parents supplemented our family income, owning more than 20 rental units over the years, and providing rental housing to literally hundreds of Purdue students. In our community, there is a small number of landlords who have shown willingness to put the profit motive ahead of student safety and ahead of the lack of sustainability of overoccupying a residence and ahead of the City's laws. When irresolvable situations of this behavior come up and our ordinance has been tested in the courts, and each and every time, our ordinance has prevailed. In the findings of fact in one of the recent cases, the ordinance did receive criticism for being vague, but never in the court documents was the ordinance stated to be unenforceable. It is enforceable, and the court outcomes demonstrate this. Representative Bunder's additions of language to the previous ordinance—and if you want to turn to those pages, because I've got a brief shopping list here, where you will notice the similarities. The additions of language come directly from the findings of the court and the affirmation of the Appellate Court which specifically address (1) the appropriate frequency of filing an Occupancy Affidavit, (2) renting to four or more people when there is a claim that several are related to each other, (3) monitoring the names which appear on the mailbox and ensuring that they coincide with the rental agreement, (4) monitoring the number of cars regularly parked on the premises, (5) alertness to other irregularities that might suggest an attempt to hide the facts of overoccupancy, including how the rent payments are received and whether it's received from persons who are not on the lease agreement. These actions are all identified by the Court as those one could expect from a diligent landlord. The Court made clear that they are neither

onerous expectations nor unconstitutional. They are undoubtedly the actions practiced by many landlords in West Lafayette. I know that they are reasonable actions, because I observed this type of landlord diligence as I was growing up. They're not the actions of some landlords who put profit above the quality of life in our neighborhoods. I'm asking that you take action now, to ensure that when the landlords and lessees are signing rental agreements for the upcoming academic year, we have in place an ordinance that is not vague, that addresses the issues that have been brought up by the courts and the Appellate Court, and that makes clear the actions that would be expected of responsible tenants and responsible landlords. There are several people here tonight who will not speak, but who are here in support of this, and I would ask that those who are here in the audience in support of this simply stand. Thank you very much.

Mayor Dennis said thank you, Carl [Mr. Griffin].

Mr. Ted Wachs [238 Lincoln Street] said I used to live on Evergreen Street, which was mentioned as one of the places that is clearly affected by these kinds of issues. In some ways, we feel that we may be more affected than the landlords, as this impacts on our property and our lifestyle and a whole number of other kinds of things. I very much support the Bunder ordinance, and I would like to make a couple of points that I think, hopefully, are relevant to this. One is the time in which this ordinance can be enacted. We clearly need public input on this issue, but I think public input has to come quickly and not delayed, if only because the people who will be very much affected by this ordinance will be students, will be renters. And student rental cycle is starting now. You see things in the paper, and so this is the time to be getting student input as well as public input, basically. The longer we delay, the more likely students will be gone and will have no chance of input. And so I think, clearly, we need public meetings sooner rather than later. Now, the Mayor spoke of a meeting to be held this week. This is at 3:00 p.m. Students have classes, may not be able to attend. Others who are not students but want to have their voices heard may be working. And so, I think if there is a meeting, it should be held in the evening, when people are more likely to be able to attend. I'd further propose, and excuse the presumption, that perhaps someplace closer to campus like Morton Center, so students who don't have cars, for example, might be able to attend. I think the more attendance, the better, basically. I think the longer we delay, students will have to sign leases, and, if the amendment passes after the leases are signed, then what happens next? If the existing codes are amended, this could mean that the leases may have to be amended, which would cause confusion. Or the amended changes might not take place until the next round of leases, which I think would only increase the likelihood of further neighborhood deterioration. I mean, I think the City has said many times that it is important to preserve our neighborhoods, and the longer these kinds of situations go on, where there are problems as a result of overcrowding or other kinds of things, the more likely the neighborhood is to continue to deteriorate. And so we appreciate the City's words, but I think inaction speaks louder than words in some cases, basically, so I would like to, hopefully, have a meeting scheduled in the evening, when more people can attend, at a place that is closer. And I think that initial passage of the Bunder amendment now would facilitate discussion, since it would give people a chance to have something to react to, rather than "Let's just have input." I think people have something to react to that is very, very important, in terms of clarifying what they want to say and how they want to say it. The other point I would like to make, which sort of cuts across whatever is passed, is the issue of transparency. If I want to go to dinner and I want to avoid ptomaine poisoning, I can look in the restaurant reviews in the paper and say, you know, "This one's okay, this one has violations." If I'm concerned about crime in my neighborhood, I can look at that police blotter and say, you know, "Okay, this is a safe neighborhood, this is not." The City may be doing a fantastic job of code enforcement, but we really don't know. We see things in

the paper when something comes to court, or if we happen to talk to a neighbor who has complaints to the City about and what happened to them. It's really very, very informal. There is no systematic way. I would hope that the City would consider a monthly website report that anybody could access, that would talk about things like number of complaints the City received, what action was taken. Things like property inspection or reinspection visits, numbers of properties with code violations, how were these taken care of, basically. I think the more transparency, the more people are going to be appreciative of what the City does, and the less likelihood you'll have uncertainty and fear, which can only contribute to an atmosphere of distrust. So I would hope that we'd have this kind of open transparency with some kind of website, which I don't think would be too difficult for the City to set up. I'm sure all this information is available already. Thank you very much.

Mayor Dennis said thank you. Next.

Mr. John Burgett [510 Main Street, Lafayette] said Mr. Mayor, Council. A couple of things occur to me, and I'm always reminded of what happens when amateurs make sausage. There are a couple of things in this that I think maybe should be discussed with the City Attorney as to the legality of some of the things which are proposed. One of the things that occurs here, we talk about reporting—page 2, numbers 8 and 9—the total security deposit charged to the tenants who reside in the units, and then the total deposit returned to the tenants. I submit that this probably doesn't have anything to do with City Code, and the courts have struck down terms such as this because they're simply not related to city safety codes and cannot be incident to city police powers. The courts have also said that they cannot be upheld as an incident to the exercise of an independent municipal power. I think there's a serious question there as to whether that's an appropriate thing in this Code. I don't know that it has anything to do to health and safety. That's between the landlord and the tenants, and I think that probably it's not appropriate. On page 4, we talk about the rental conversion fee. I know, of course, where the Councilman is coming from here, but it says, "initial rental conversion fee is \$5,000." This fee may be reduced to \$2,000 if: (1) The owner has had an independent home inspection done within the past 6 months and has corrected all deficiencies...." Municipal corporations have certain powers, and certain powers are withheld by Indiana Statute, particularly 36-1-3-8(a)(5), it talks about, "The power to impose a license fee greater than that reasonably related to the administrative cost of exercising a regulatory power." IC 36-1-3-8(a)(6) restricts "The power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services." And there's a case that speaks to that, which is the one that's cited most often, and this is a case *Crown Point v High Meadow* which, for Eric's [City Attorney Burns'] purposes here, is in 362 N.E. 2d 1166 [Ind. Ct. App. 1977]. The Court talks about such things as the activity reasonably related to the cost of services performed by a facility, function, or activity of the City. It talks about the section mandates a charge, it must be reasonably related to the cost of the services performed. It says, "To hold at such a nexus is unnecessary would permit a city to levy discriminatory excise taxes not to pay for services it's providing, but merely as an indirect method of raising general revenues. Such a result is contrary to the general intent expressed by the Legislature, if the charges did not bear a reasonable relationship to the services provided or to be provided by the city." And I suggest that it's difficult to understand how the conversion fee could be \$5,000 next year, when it's been \$500, I believe, or how you could reduce it to \$2,000. If you can reduce it to \$2,000, that's proof that it's not related to the administrative cost in itself. Page 6 of the proposal talks about the various monitoring activities here, 1-7. They begin talking toward the top about whether it's occupied or not occupied. I don't think the ordinance has a definition for "occupied" or "occupancy" any place. I may be wrong about that; I didn't see it. I'm not sure what "occupancy" means. If

you've got parents over the weekend that are staying with the kids while there's a football game or if they've got guests for a couple of days—brothers, siblings visiting the University. Guys get together overnight for study groups to prepare for final exams. So what is “occupancy?” My lease speaks about occupancy in terms of number of days there's continuous residence by somebody who's not on the lease. Following the steps that are possible here in this outline, receiving rents or deposits from persons other than listed occupants. I suspect that probably a one-fourth to one-third of the checks that I get are from parents, and maybe mothers who have different names nowadays. I get checks from Asians with little bitty parallel lines and a couple of horizontal lines that's a signature on the check. I don't know who that's from. I get checks from banks. I get checks from siblings. I get checks from other people that are responsible, guardians, perhaps, but don't have the same name as the tenant. And I suggest that it's difficult to monitor, simply because you get a check with a different name on it. The comments about entering the apartments and so forth says you enter the apartments—I forget what the exact language is—but you can monitor when you go into the apartments, “entry for repairs, showing the property to prospective tenants/buyers, or other entry for any purpose.” The days when we can kick in the door at 11 o'clock at night and see what's going on in an apartment are past. There are Indiana Statutes that restrict that nowadays. IC 32-31-5-6, the landlord can enter with notice—in other words, warning—he can only enter without notice in an emergency that threatens safety. And he can only do that without the consent of the tenant under court order or if the tenant has abandoned the dwelling. And the landlord, in all other cases, shall give the tenant reasonable written or oral notice of intent to enter the dwelling, and may enter only at reasonable times, not at nights, when additional persons may be living there. Sometimes you're not in an apartment for months at a time. If the apartment is well-maintained, there's no reason or need for repairs, you don't go in for repairs, and sometimes you'll never show an apartment to a prospective tenant because the people living there are such lousy housekeepers, or because there's no occasion to show that apartment. And so some of these things that are suggested, I think that it's going to be very difficult for us to legally go in to apartments and inspect for other people living there, especially when we don't know what “occupancy” means. I suggest that there's some look that needs to be done here with the City Attorney and some discussion about the legalities of some of these things which I've outlined here. And that pretty well concludes my comments, I guess. Thank you.

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

Mr. Burgett said does anybody have any questions before I run and hide here? No? Okay.

Mayor Dennis said anybody else?

Mr. John Basham [Basham Rentals] said I commend you on trying to further this. I don't believe in overoccupancy myself. I've always tried to be on the job, whether it's night, day. I do have a question. I'm kind of an ignorant individual sometimes. About the four-year. Are we doing away with the four-year certificate? Will that be abolished?

Councilor Bunder said not by this ordinance.

Mr. Basham said not by this. Okay. So you can still receive a four-year?

Mayor Dennis said if you have multiple units, I believe, John, that you can.

Mr. Basham said okay. Again, I'm kind of ignorant. How would you recommend for us to monitor the vehicles? Stand out there? Put a gate? I mean, I'm being nice. I'm in the presence of Peter and Paul, so I'm being nice. How do you offer me any recommendations on how to monitor these vehicles. I'm directing to you, Councilor [Bunder], because it's your document.

Councilor Bunder said one of the joys of living where I live is that I'm often looking out my breakfast nook into the backyards of any number of student rentals. It is not difficult. I do not believe this to be difficult, to identify those vehicles that belong to the students. And, in fact, often they'll come over and tell you exactly who owns what vehicle, because mostly they don't want any trouble. And if they're parked in the alley, they don't want me to call the police. Football weekends, you give that a pass. It has been my observation—and I admit this is only anecdotal—that it is clear that if there are three or four people living there, there are usually three or four vehicles parked.

Mr. Basham said right. We do monitor the lots, as I described the last time we went through this about the monitoring of cars. I would recommend a sticker program. Again, I've had this, and it's a sticker program. The lots are monitored every two hours, and it kind of takes the bat out of our hand, and we give it to a private towing company and they monitor the lots. I would recommend you put that in the ordinance.

Councilor Bunder said and it might work better than paving would.

Mr. Basham said better than what?

Councilor Bunder said it might work better than paving everything.

Mr. Basham said yes, I agree with [City Engineer] David Buck on that. You get shed runoff, and you get a lot of extra amounts of water you don't need. The other thing is that John Burgett referred to receiving checks from different individuals. A lot of them don't have the same name as their parents; we get checks from trusts and all kinds. I would appreciate it if you would reconsider that. And one other thing I'm not clear on. The posting of deposits and return of deposits. Where are we going with this? Maybe you can help me with this. I don't understand. Am I wrong on that?

Councilor Roales said I'd be happy to address that.

Mr. Basham said go ahead. Because I know there are questions over here on that.

Councilor Roales said I think it was the stated purpose of the Mayor and maybe the City Attorney, but an ordinance would be brought forward to address the legal concerns of the Appellate Court. I don't think that's necessarily the intention of the Council, Councilor Bunder, or myself. What's been proposed is a little bit broader than the stated intention of the Mayor and the City Attorney, so that's not to be confused. I think that I just want to clarify a little bit of that. But that's not necessarily the only intent of the ordinance, to clarify the Appellate Court language concerns. I have had concerns since the very beginning of my campaign for this seat about the business practices of some landlords in town, in making it a structural business model to return only a small percentage of security deposits, despite the condition of the apartment when returned to the owner. And so, in an effort to provide transparency into the market, in an effort to provide the market with information. So that we can have a very functioning, fluid

apartment market in West Lafayette, I propose that we allow this data to be recorded in the public, so that students can have access to it, so it can be clear what landlord is within good business practices and what landlord is not. Now, we're going to have bad students, we're going to have students that rightfully do not receive a good percentage of their security deposit back, but all landlords have cases with these students. You own a number of units, I would expect that that would average out and your practices would be revealed as other landlords' will. I would expect your standing in the community, yours would show very favorably. But the intent of that section is to allow more information to be supplied to the market, so that the market can function effectively. Economics informs us there's three types of goods, there's search goods, experience goods, and credence goods. Search goods, you can understand the quality of it before you purchase it. This is something you purchase a lot, say soap. You know the quality of it, it's been established, you know the quality of it before you pay for it. Apartments are experience goods. You don't know the quality of your relationship with the landlord until you've purchased it, until—in the instance of security deposits—the transaction is entirely completed. And so it is the role of government to step in and make sure that information is provided into that market, so that that market can function effectually and efficiently. Apartments are a very important market in West Lafayette. They're a large percentage of our tax base. It's an important role of the City to make sure that that market functions efficiently and that it's healthy. I had input into that language. I appreciate Councilor Bunder considering that, and I'll appreciate the Council considering that.

Mr. Basham said I appreciate your comments on that. I do feel it's an invasion of privacy. I don't even give the County Assessor what my rents are, so I don't feel it's necessary to post what the deposits are and what deposits I return. That's civil rights. You're getting in to another ballgame. I wouldn't even go there on that.

Councilor Roales said well, I think that—

Mr. Basham said but I respect what you're saying.

Councilor Roales said thank you, and I respect your opinion as well.

Mr. Basham said I'm being nice.

Mayor Dennis said you're being very nice, John [Mr. Basham], and I appreciate that.

Mr. Basham said thank you, Mayor.

Mayor Dennis said Paul [Councilor Roales] isn't doing too bad either.

Councilor Roales said the previous speaker—

Mr. Basham said I'm trying to build bridges.

Councilor Roales said we do appreciate your work on our bridge concerns. I believe the previous speaker mentioned concerns about the enforceability of that section, and the legality of that section, so I'll speak to that, since you may have concerns on that issue as well. In fact, the legality of that is firmly established through the home rule section. Cities in Indiana are guided under home rule, and so that would firmly establish our right to collect that information. The right does not make it proper, but I think, you know, it's the duty of the City to make sure that

contracts are enforced fairly and completely. So if we have knowledge that contracts may be routinely violated by a small number of participants, I think it's the duty of the City and it's proper for the City to make sure that those contracts are fairly equitably discharged.

Mr. Basham said I'm willing to work this—and Councilman Roales, I appreciate what you said, and I invite you and Councilman Bunder or anybody else, come down to my office. I won't bite you. I will take you on these properties. I will show you how we interact with students and how the program is put together. I think you'll be impressed. I know some of these other landlords do a tremendous job, and I can challenge you to come down to the south end—unless the wind is blowing today—you won't find any trash on any of our properties. And there are about ten major landlords on the south end, and they do a tremendous job picking up trash. You won't find it in the south end. Come on down, and maybe we can be your role model for the north end.

Mayor Dennis said thanks, John [Mr. Basham]. Next?

Ms. Judy Tudor [West Lafayette] said I'm a landlord, I'm a resident of West Lafayette for 58 years. I'm asking that you put this on hold until you get more input, for several different reasons. Exactly for what John [Mr. Burgett] and John [Mr. Basham] have said. I think the \$5,000 conversion fee is an upgrade. I think the invasion of knowing what our deposits are, that's a court decision. When we have to respond to a tenant in 45 days, written exactly what we are taking off the deposit, I don't think that's anybody's business, except between the tenant and me. I totally disagree with you. I just think that the City has always rushed through these situations and put stuff out there. I appreciate what they do, what they try to do, but I also think you ought to put it on hold, get the public input, get the landlords' input, and I support John [Burgett] and John [Basham] in what they're saying. Thank you.

Mayor Dennis said thank you, Judy. Next. Any further comment?

Mr. Jim Cochran [229 West Fowler] said I believe that the speakers before me have pretty much summed up the facts of all of our questions and our concerns. I really believe that if we're going to look at these problems, rushing into a decision tonight may not be able to be turned back. At least give it a running chance to be passed. If there are questions about the legalities of certain things, especially on deposits, I truly believe that we need to have more input from other landlords. I'm sorry to say that I wasn't really aware of what was coming down the pike, so to speak, until last week. So I was not able to contact all of my friends and other landlords that I know, to get them here for this meeting. But I think there's other people that need to know about this, and I think that students need to have some type of input, so that they can voice their opinion. Obviously, Councilman Roales is speaking for them. In light of the fact that they may have different concerns and different views than what he's bringing to the table, and I think we ought to see what those are. Thank you very much.

Mayor Dennis said thanks, Jim [Mr. Cochran]. Next.

Mr. John Howard [Livesay Property Management] said I've been a citizen of Greater Lafayette for 22 years. I also just kind of got ahold—in fact, I didn't really read through this until before I came, but in home rule, I haven't seen that for about 20 years. That's a real old thing. I'd have to review home rule, but I would like to mention on the point you brought up, I would be careful about—and I'm not an attorney—interfering with free trade, or we'll really get into some lawsuits. That's kind of where I think I'm coming from a little bit. I think, whether I agree with the

ordinance or not, I'm not quite fully aware, although I've been here this long, to understand the import of what we're really trying to accomplish with overoccupancy. I'm not sure how extensive the problem is, you know, what is the overoccupancy today. I know that things have changed, life has changed, family structures have changed, housing has changed, owners have changed. I know Sylvia Street is, last time I looked which was six years ago, was all rental except for one house who owned a rental unit on there, yet it was still zoned lightly, maybe three unrelated, which gives a less efficiency to scale, when you have a huge four, five, six bedroom house when you can only put three unrelated people in it. And so in some respects, you're shooting yourself in the foot, when you don't look at what you might need to rezone and make your use of housing more effective than what you have. Part of what I'm hearing tonight, too, is it's no different that when a subdivider goes in and wants to put a new subdivision in, and all the people that currently live there don't want the next group of people to come in, because there's more density involved. You know, things change, makeups change, and this is definitely this \$5,000 conversion, if we're going to subrogate the right of someone to turn around and rent their house because they can't afford the \$5,000 conversion fee. That's kind of what I'm talking about. You have to be careful what you're really trying to accomplish and where you're trying to accomplish it, and who you're trying to accomplish it with. As far as this ordinance goes, it looks to me like this is a body of law that says, "Okay, we want to do this, we want to control overoccupancy, and we're going to punish the offenders, and you're probably going to be the offenders, because you're the manager, the owner, or the tenant, and, by the way, we need you to enforce this for us, we need you to police this for us." So, in summary, my take on this and where we need to have the discussion, is on the items previously mentioned, but I'm running a business, and we've got over 500 rentals, 1,500 kids we're dealing with. Turnover for us at that period of time is very busy. So does this thing put a burden on us, and what actions have we taken so far to handle the ordinance in the way that we think? We do have a permit system. We do have tow trucks that patrol the lots. We have a schedule, it's only two times a year where we have our maintenance people check for overoccupancy, and if they go in for maintenance repairs, they do keep an eye on things like that. So it's just, when I think the working of this ordinance, when we as businesspeople, I think there's a fear factor here when you see things trying to be defined more by maybe being built up and responsibilities being compounded and fines being increased. Then the enforcement is something vague like, "Are you diligently monitoring this?" Well, what is "diligently?" If things are vague, it's really vague out here on the receiving end of who could be receiving large fines at the hands of—for what reasons exactly? In pleading, I would just plead for the discussion, especially when it comes to those things that we've already mentioned like check writing controls, having to do more work for deposits. Those depositors have redress through the courts, they have states overseeing things like that. I think that's pretty much my perspective on that.

Mayor Dennis said thank you. Next? Okay, I think we're done.

Councilor Keen said Mr. Mayor? In listening to the number of people who spoke here tonight, I have some serious issues with this ordinance as it's written as well. I would agree that it's very ambiguous. I also believe it's very subjective in a way that promotes a very socialistic-type government within our community. I think that that is not an avenue that we need to go down. I think most of all, because of the questionable legalities within this ordinance as it is written, I would like to move that we would table this ordinance until such time as we can get some answers to some of the questionable legal issues that are within this ordinance.

Mayor Dennis said need a second.

Councilor Dietrich said second.

Mayor Dennis said it's been motioned and seconded that this ordinance be tabled until we can do further research.

City Attorney Burns said I've got a clarification question. Is that to postpone to a definite time, which would be a debatable issue. If you postpone it to a specific Council meeting, that would be debatable. If you just table it in general, then that would be not debatable. So the question is what is your intention?

Councilor Keen said my intent was not to set a specific time. My intent was to table it until such time that legal questions and other issues within the ordinance as it is written can be resolved.

City Attorney Burns said okay. Then that would be a motion to table and not debatable at all.

Mayor Dennis said again, we have the second?

City Attorney Burns said yes, we do.

The roll call vote on the motion to table Ordinance No. 3-09 (Amended):

AYE	NAY
Dietrich	Bunder
Keen	Hunt
	Roales
	Thomas

The motion to table Ordinance No. 3-09 (Amended) failed, 2-4.

Mayor Dennis said we now have a motion, it's been motioned and seconded, and it is Ordinance No. 3-09 (Amended). Any further discussion from the Council?

Councilor Dietrich said I have one point I would like to make. I will be voting against it, but for the mere fact that we've heard from both those in favor and those against ask for more time. We scheduled one meeting. I think Mr. Wachs makes an excellent point. It's going to be very difficult to get an adequate sampling of students, of property owners, both landlords and property owners, into one meeting to try to set this up. I think rushing this through is going to make us bigger headaches than anything we can do. The timing concern is also by both sides who indicated it's a very difficult time. The lease cycle has started, both for the students and for the landlords. So I think for those factors alone, without passing any judgment on the document itself, I don't think we're allowing adequate time in the right time of year for this.

Councilor Keen said can I also say I think it's irresponsible at best for this Council to be considering any kind of passage of this as it's written at this point in time, without further information being given.

Councilor Hunt said Mr. Mayor, may I make a comment?

Mayor Dennis said sure.

Councilor Hunt said the reference to Mr. Wachs, I got an email from Mr. Wachs and his wife today, saying please do not delay. So I think that's a misinterpretation. I wrote down just from

his comments tonight, he did not want to delay this. I think the idea of having public hearings immediately is very good. We had an ordinance two years ago that we were considering, and we had a public hearing at Morton, and we put it in *The Exponent*, put it all over, and we had good student attendance. Many people attended, but we had students attendance. I taught nursing for many years, as probably you are tired of hearing, but many times, we had curriculum issues, and documents were brought forth, and we usually voted on it twice, just like we'll vote twice on this ordinance. Giving the voting group something to react to is a good way to whittle down and improve a curriculum document or an ordinance. So that's why I do not want to table and I think we should past this on first reading, remembering that we have another vote we have to take on this, and that will require a public hearing also. And we'll have that formal one, we have one Thursday, and it is not at all difficult to schedule other ones. We certainly did that for the smoking ordinance many times.

Councilor Dietrich said Mr. Mayor, I have one more comment.

Mayor Dennis said okay.

Councilor Dietrich said it seems to me that there's going to be some impact that the landlords are going to have to be able to discern what impact this is going to have on the renters. For us to go to the students on Thursday and ask them for their input without knowing exactly what the financial impact is going to be on the back side, is going to be very difficult. In essence, I think we're all in favor of less people, less density, and those kinds of issues coming into play, but until they've had an opportunity to evaluate and assess what the trickle down is going to be in the rental agreements, it's going to be very difficult for the students to give an adequate opinion.

Mayor Dennis said further Council comment?

There was no further discussion.

The roll call vote on first reading of Ordinance No. 3-09 (Amended):

AYE	NAY
Bunder	Dietrich
Hunt	Keen
Roales	
Thomas	

Ordinance No. 3-09 (Amended) passed on first reading, 4-2.

Councilor Bunder said Mr. Mayor, if I might.

Mayor Dennis said after me. I cannot stress enough that there will be a work session on April 9 at 3:00 p.m. That doesn't necessarily mean that that will be the only one. Quite clearly, we're going to have to make some special arrangements, so that we can get as much public input as possible, so that whatever we end up crafting of Ordinance No. 3-09 (Amended) is something that's going to be good for both sides. You turn, Peter [Councilor Bunder].

Councilor Bunder said thank you, Mr. Mayor. As I mentioned at Pre-Council and I'll say again to this body now, it is my expectation that there will be a variety of discussions. The unspoken agenda behind all of this is to make sure that this issue continues to be addressed. I introduced the resolution only after some time had passed between an initial meeting of the overoccupancy committee. Rather than end up with an unintended moratorium on prosecution, I thought it

might be best for us to move forward with discussion that would meet the criticism of the Appellate Court, making it possible for this City to enforce an ordinance which I believe is, in fact, sound and has, over the years from 1997 to 2009 proven to be sound in the courts. I applaud everyone's comments tonight. I thank them for it. We will have further discussion. If I am persuaded that the schedule of discussions will not allow us to proceed to action on this ordinance in May, I will be happy to postpone it to a date certain. But I'm not going to allow it to be allowed to be postponed to a date uncertain. And one final comment. I know that I am probably perceived as a silly priest, but, Mr. Burgett, in my real job, I hire sausage makers. It is not hard for me to find legal opinion, either locally or in the City of Indianapolis. So I would simply offer that as a note. I ought not to be underestimated. Thank you.

Councilor Hunt said Mr. Mayor. May I make one more comment please?

Mayor Dennis said if I said no, would you listen to me?

Councilor Hunt said yes, I would. In an email I got from Mr. Burgett today, he mentioned that a couple of emails on the website were incorrect, and I've asked the Mayor's assistant to change that, and I believe she has. I will validate that early in the morning. But please feel free to comment. Email, phone calls, they take up much of our time. And so I certainly welcome them. Thank you.

Mayor Dennis said anybody else? Thank you.

COMMUNICATIONS:

► Councilor Dietrich said I'd like to echo the recent letter to the editor in the *Journal and Courier* applauding the Street Department workers and their diligence. I had two neighbors in my neighborhood bring it to my attention that a couple of weeks ago on a very windy day, it was our recycling day, which spread the plastics all over the neighborhood. Each of us thought we'd come back to the need to have to pick up around our own yards, and one of our neighbors witnessed the Street Department recycling person walking the curblane, picking up each individual piece. I thought this was above and beyond. It could have been corralled again by the homeowners and picked up the next week, but it was nicely done.

Mayor Dennis said Mr. [Street Commissioner] Downey, nicely done.

CITIZEN COMMENTS:

► Linda Anderson of the Go Greener Commission said that the Go Greener Commission has been really active. I wanted to come let you know one of the things we're doing. I'm active with the Eliminate Plastic Waste Committee, and we have planned a day, on April 18, called A Day Without A Plastic Bag. This is the Bag Monster. You may be familiar with this. This monster has been plaguing our town. You may have found small ones under your sink or in the neighborhoods. We're planning this day to bring awareness to the problem of plastic bags and disposable plastic. We have three locations in West Lafayette where we're going to give away reusable shopping bags, and several local businesses have donated shopping bags, plus our local Junior High has made 450 shopping bags from t-shirts. We gathered a lot of used t-shirts. I brought one of these for each one of you, and that will help keep the bag monster away.

The Bag Monster said I have been living in West Lafayette since the 1970s, when I was invented by Mobil Oil. I have many brothers and sisters and cousins who I need to support here and represent. I'm made up of 500 plastic bags, which is the average amount used by each

American every year. I don't think that's that many. I mean, look at me. Am I really that big? I feel like I'm a pretty nice size. Now the Go Greener Commission really wants to get rid of me, but I don't see how they're going to do that. Why would they get rid of me? First of all, I'm everywhere. I'm in the oceans, I'm in the streams, I'm under your sink, I'm so useful. You take me, you use me, you throw me out. The other thing they think is a really big deal is that hundreds and thousands of sea animals die because they eat me. Now there's got to be a billion more out there for you guys. You can have those. Is it really my fault that a couple of sea turtles came up and tried to eat me and died? I mean, come on, really, what's the big deal? I did a calculation, and if every person in West Lafayette reduced their plastic bag use by just one bag every year, that would reduce the cost of waste disposal by \$1,000 a year. Now what's \$1,000? If you guys start using those ugly canvas bags she's been handing out, that would reduce the waste disposal cost by \$500,000. I can't even hire a private jet for \$500,000. What's the big deal, really? And just to counteract that, I got some plastic bags for everybody. I'd like to give you these. Please use those instead. They're much better. They're so cool. You can just throw them out when you're done. Now I've got to get to the ocean and swim around for a while with the sea turtles, but thank you very much for listening to me. I've already been thrown out of San Francisco. Please don't throw me out of West Lafayette. I'm the Bag Monster. Thank you.

► Mr. Carl Griffin [421 Robinson Street] said speaking again for the Neighborhood Association, our landlords are very important parts of our economy, and we do have to find something that is legal, defensible, and fair, and we would certainly advocate for that. But on a less controversial note and perhaps somewhat lighter, closer to the bags, Boiler Blast and Clean Sweep happened this past weekend, and some people need to be recognized for that, for collaborations. The City collaborated with Purdue, Boiler Volunteer Network, and with New Chauncey Neighborhood, and actually extending beyond New Chauncey Neighborhood. [Director of Development] Chandler Poole saw to it that there were some trash bags donated to the trash pickup of the neighborhood, which, John [Basham], did not go south of State Street. It was north of State Street, but it really did make a difference. [Street Commissioner] Dave Downey and his crews picked up a lot of stuff that got moved out to the streets and would not normally have met the requirements for trash pickup. It got picked up anyway today. And Clarian/Arnett donated 1,000 pairs of gloves that were worn by many, many Purdue students. There were numerous New Chauncey volunteers, and several hundred student volunteers. It's been going on for several years, and I'm sure that it will be improved upon in subsequent years. But it was a great collaboration, and thanks to the City.

Mayor Dennis said thank you, Carl [Mr. Griffin].

► Mayor Dennis noted that there are two new pieces of art in Council Chambers. Through an arrangement with Tippecanoe Arts Federation, we are displaying *Flower* and *Tree* by Candice Hartsough McDonald for the next few months. We are grateful to TAF for their assistance is brightening up City Hall.

ADJOURNMENT:

There being no further business at this time, Councilor Keen moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 7:58 p.m.