

CITY OF WEST LAFAYETTE
COMMON COUNCIL
AMENDED MINUTES
SEPTEMBER 6, 2011

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on September 6, 2011, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Bunder, Burch, Dietrich, Hunt, Keen, Thomas, VanBogaert.

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

MINUTES

Councilor Keen moved for acceptance of the minutes of the July 28, 2011, Pre-Council Meeting, and the August 1, 2011, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed *viva voce*.

COMMITTEE STANDING REPORTS

STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY

Councilor Bunder presented this report.

Go Greener Commission Chair Damico explained one goal of the Commission, to increase the ratio of recycling to trash to 50:50.

PUBLIC SAFETY AND ORDINANCE

Councilor Keen presented this report.

PURDUE RELATIONS

Councilor VanBogaert presented this report.

PARKS AND RECREATION

Councilor Hunt presented this report.

ECONOMIC DEVELOPMENT

Councilor Thomas presented this report.

Councilor Bunder said that, back when we did the Westminster expansion, there was discussion about PILOTs, payments in lieu of taxes. He asked if there was any information about what Westminster will do with its new building, or whether or not IU will make PILOT payments. Clerk-Treasurer Rhodes answered that Westminster did increase its contribution. They have made annual contributions to the City since the late 1970s, when the Presbyterian Housing Authority financing was converted into what we now know as Westminster. They did increase their contributions by 50%. They remain the only nonprofit in our community to make annual donations to the City. Clerk-Treasurer Rhodes said she commends them for it. Councilor Bunder asked if IU Clarian could be persuaded. Mayor Dennis responded that it is not just IU Clarian. There are several not-for-profits in the area. The City has done research,

looking at call volume measures and gathering the City's data together, so that there can be a logical presentation to some of the other nonprofits, to see how willing they might be.

PERSONNEL

No report.

BUDGET AND FINANCE

No report.

REPORT OF APC REPRESENTATIVE

Councilor Keen mentioned that Ordinance No. 22-11, rezone of 516 Northwestern would be discussed later in the agenda.

PUBLIC RELATIONS

West Lafayette Community Beautification Award

Councilor Bunder presented the West Lafayette Beautification Award to neighbors Dick and Helen Arnold, and Bob and Elizabeth Beck of Glenway.

FINANCIAL REPORT

Clerk-Treasurer Rhodes stated that the State Board of Accounts reports have been filed with the Council. This month there are two more steps in the budget process, the public hearing at this meeting, and the County Council vote on September 14. The County Council has to vote 'yes' for the City to be able to go on in the process. Clerk-Treasurer Rhodes said that she met with County Councilmen Gutwein and Kemper a few weeks ago, answered many questions, and believes that they will make a positive recommendation to the County Council.

LEGAL REPORT

City Attorney Burns stated that the legal report has been filed, and Councilors have received copies. There were no questions or comments about the report.

UNFINISHED BUSINESS

Ordinance No. 16-11 An Ordinance Establishing The Rental Housing Inspection Fund And Appropriations (Prepared by the Clerk-Treasurer) **PUBLIC HEARING**

Mayor Dennis read Ordinance No. 16-11 by title.

Councilor Keen moved that Ordinance No. 16-11 be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes explained that this ordinance is on second reading, after the public hearing. The ordinance enables the City to comply with Public Law 212-2011, which requires that all fees associated with rental housing inspections be deposited to a separate fund, and that fund used to disperse payments to defray expenses of performing the inspections. The companion ordinance, Ordinance No. 17-11, completes all the revisions to the 2011 budget. Ordinance No. 17-11 will enable the City to remove expenditures and revenue that have been in the General Fund, separate those into a special Rental Housing Inspection Fund through the appropriations, adjust expenses from the General Fund that will now go into the EDIT (Economic Development Income Tax) Fund, and make budget adjustments and appropriations.

Councilor Burch moved to open the public hearing. Councilor Keen seconded the motion. The motion passed *viva voce*.

Mayor Dennis announced that the public hearing was open for comments.

There were no comments.

Councilor Keen moved to close the public hearing. Councilor Burch seconded the motion.

Mayor Dennis closed the public hearing, acting with the consent of the Council.

Mayor Dennis read Ordinance No. 16-11 by title.

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 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 16-11 passed unanimously on final reading.

Ordinance No. 17-11 An Ordinance To Revise The 2011 Budget For The General Fund And The Economic Development Income Tax Fund (Prepared by the Clerk-Treasurer) **PUBLIC HEARING**

Mayor Dennis read Ordinance No. 17-11 by title.

Councilor Keen moved that Ordinance No. 17-11 be passed 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 this ordinance focuses on the reduction of the Development budget in the General Fund and in the EDIT Fund, and the reappropriation of other accounts in the EDIT Fund. This completes the entire transaction.

Councilor Keen moved to open the public hearing. Councilor Burch seconded the motion. The motion passed *viva voce*.

Mayor Dennis announced that the public hearing was open for comments.

Mr. Jim Hass (663 Pawnee Park) asked, since EDIT is paid out of EDIT Income Taxes, who estimates that revenue. Clerk-Treasurer Rhodes answered that the revenue estimates for

EDIT are based on a certification of income tax distribution to the County, and then it is allocated among the eligible units. Normally that information is received in the fall, but the estimate for 2012 has not been received yet. Mr. Hass asked when the actual transfer of funds occurs. Clerk-Treasurer Rhodes replied that there are monthly remittances from the County, once they are certified. For the most part, the County maintains a regular schedule. There may be additional disbursements, due to balances remaining, either from a County-level review or from the State level. Mr. Hass questioned whether payments have ever been held up due to a State fiscal emergency. Clerk-Treasurer Rhodes responded no, although the State has changed its formula. Looking at the last two tax return seasons, the State used to make estimates and then make those distributions. A new law was passed, and now the State has a new formula, in which it will hold up to 50% of what the City or any government unit is to get, just as reserve, in case the State should ever distribute too much. The State created a large float for themselves in income tax receipts, but that is the new paradigm. The City will only receive its monthly distribution, not any special or supplementary distributions for a long time.

Mayor Dennis announced that the public hearing was closed, acting with the consent of the Council.

Mayor Dennis read Ordinance No. 17-11 by title.

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 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 17-11 passed unanimously on final reading.

Ordinance No. 18-11 An Ordinance Setting The 2012 City Budget and Setting The 2012 Tax Levy On Property and Tax Rate (Prepared by the Clerk-Treasurer) **PUBLIC HEARING ONLY**

Mayor Dennis read Ordinance No. 18-11 by title.

Mayor Dennis stated that there would be a public hearing only, not for vote by the Council at this time. The budget has been presented to the Council a couple of times. This is a lower budget than in 2011. The plan is for a 1.5% raise plus a \$500 flat rate increase for employees.

Mayor Dennis declared that the public hearing was open, acting with the consent of the Council.

There were no questions or comments from the Council or the public.

Mayor Dennis declared that the public hearing was closed, acting with consent of the Council.

Mayor Dennis stated that the budget would be presented at the October 3 Council meeting for final vote.

Ordinance No. 19-11 An Ordinance To Fix The Salaries Of Appointed Officers, Employees, And Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana, For The Year 2012 (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 19-11 by title.

Councilor Keen moved that Ordinance No. 19-11 be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis asked for discussion or questions. He restated to the Council that the salaries reflect a 1.5% raise plus a \$500 flat rate increase for employees.

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 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 19-11 passed unanimously on final reading.

Ordinance No. 20-11 An Ordinance To Fix The 2012 Wastewater Treatment Utility Salary Schedule As Submitted By The Board Of Public Works And Safety For Approval By The Common Council Of The City Of West Lafayette, Indiana (Presented by the Board of Public Works and Safety)

Mayor Dennis read Ordinance No. 20-11 by title.

Councilor Keen moved that Ordinance No. 20-11 be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

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 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 20-11 passed unanimously on final reading.

Ordinance No. 21-11 An Ordinance To Set The Salaries Of The Elected Officials, City Of West Lafayette, Indiana, For The Year 2012 (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 21-11 by title.

Councilor Keen moved that Ordinance No. 21-11 be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

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 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 21-11 passed unanimously on final reading.

NEW BUSINESS

Ordinance No. 22-11 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (Rezone 516 Northwestern PD, CBW, R3W, and R1U to PDNR) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 22-11 by title.

Councilor Keen moved that Ordinance No. 22-11 be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis said that this ordinance and the next two deal with the Wang Hall project. This one, Ordinance No. 22-11 is a rezone. Ordinance No. 23-11 deals with vacating a portion of Garfield Street, and Ordinance No. 24-11 would approve vacation of a portion of an alley. They are all related.

Mr. Joe Hornett of Purdue Research Foundation thanked the Mayor, Director of Development Poole, City Engineer Buck, Councilor Hunt, Councilor Bunder, members of the Redevelopment Commission, Mr. Carl Griffin, Mr. Ted Wachs, Mr. Daniel Flavin, APC Executive Director Fahey, and APC Assistant Director O’Gara for their involvement with this project. Wang Hall represents a \$38 million investment in the community. This project will result in a minimum of \$9 million of new assessed tax value. The building is 145,000 square feet overall, 55,000 square feet of which will be used by the Purdue School of Electrical and Computer Engineering. The remaining 90,000 square feet will be mixed use, providing space for retail and other commercial businesses. The building has not been without controversy, and because of that, there were four discussions over the summer with people from the New Chauncey Neighborhood Association, as well as a general neighborhood meeting. The discussions were frank and open, and yielded a much better project. Neighborhood concerns are understood better, and the neighborhood understands Purdue’s development plans overall. This is potentially the first of seven mixed-use projects that the Purdue Research Foundation hopes to undertake in and around the Purdue campus. Mixed-use developments would be more compact, adding to the quality of life, and a commercial master plan. Mr. Hornett said that it is their hope to make this City one of the premier college towns in the United States, not just for students, but for the faculty and staff, and for the residents of West Lafayette, as well. One of the things that came out of the neighborhood meetings was what might be possible. The building is here and now. What might be possible is in the future, and those discussions are continuing, as is the work, in that regard. Mr. Hornett said that they believe that the project is a landmark project, as it represents a new way of delivering academic facilities. Had Wang Hall been developed as a stand-alone facility, it would have been approximately 40,000 square feet and cost \$18 million. For that \$18 million investment now, Purdue University and the citizens of Indiana are going to pick up another 15,000 square feet, more bang for the buck, at a time when the State is cutting back on facility expansion across the State, because of its own budget constraints. It is historical in that regard. The dialogue that began offers hope for redevelopment in the neighborhood. The Staff Report of the Area Plan Commission summarizes the project the best, according to Mr. Hornett. That report stated, “The 516 Northwestern Avenue Planned Development represents a significant and positive change in the history of redevelopment in the New Chauncey Neighborhood. Purdue University, rather than simply acquiring land and developing outside of local zoning regulations, has instead sought to partner with the Purdue Research Foundation and build a project that is rooted in the community, sensitive to its neighbors, and innovative in its design both architecturally and in terms of the site layout.” Mr. Hornett said that they believe that the project as presented is good for Purdue; they believe it is good for New Chauncey; and they believe it is good for the City of West Lafayette.

Mr. John Hirschman of Browning Investments presented an overview of parking issues as they relate to the Wang Hall project. Browning Investments is involved with Purdue Research Foundation on the development. Ms. Diane Damico asked whether bicycle lockers were considered in the plan, and Mr. Hirschman’s response was that there are bike racks planned for three locations along Northwestern, but not bike lockers. Mr. Tom Kesler asked if the 675 parking spaces mentioned in a recent newspaper article are those in pink on the map. Mr.

Hirschman said that the pink area is showing the 675 future spaces. Ms. Michele Tomarelli asked if there are spaces reserved for the bank. Mayor Dennis said that the bank will be part of the development, and that those spaces are shown separately.

Councilor Hunt discussed parking matters, and her and Councilor Bunder's investigation into the sufficiency of parking spaces. Councilor Hunt said that PRF would buy parking spaces in the Northwestern Garage from the University.

Speaking in opposition to Ordinance No. 22-11, Ordinance No. 23-11, and/or Ordinance No. 24-11, all or in part, were Ms. Michele Tomarelli, Mr. Al Pounders, Mr. Ted Wachs, Ms. Lauren Olson, Mr. Tom Kesler, and Ms. Carol Czaja.

Speaking in support of Ordinance No. 22-11 was Ms. Zonda Bryant.

Councilor Bunder said that he and Councilor Hunt could look like fools for supporting Ordinance No. 22-11, and that they are as wary and skeptical as earlier speakers. They were surprised that the University and the Research Foundation engaged a negotiator to work with the New Chauncey Neighborhood and the City on the issues. He thanked Mr. Jim Schellinger, who served as the negotiator, and those who attended and participated in the meetings.

Councilor Hunt thanked those who have provided input and time into this project. She said she has received several emails in favor of the project, in addition to hearing from those who oppose the project. She said that this would be a LEED silver-level building with a rain garden in the parking lot. The greenspace plan will be reviewed by the City's greenspace administrator. The traffic plan and contractor parking has been a concern. The APC Staff Report indicates that the West Lafayette City Engineer is responsible for the traffic plan, and City Engineer Buck has assured Councilor Hunt that he will have a plan for contractor parking, that contractors will not be allowed to park at the site. Councilor Hunt said Mr. Hirschman and others have been responsive to the parking concerns. She said that this is a difficult decision, and that there are both advantages and disadvantages to the project, but that she is hopeful and trusts Purdue Research Foundation.

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 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 22-11 passed unanimously on first and only reading.

Ordinance No. 23-11 An Ordinance Vacating A Portion Of Garfield Street In The City Of West Lafayette, Indiana (Submitted by Purdue Research Foundation, Sponsored by Mayor Dennis)
PUBLIC HEARING

Mayor Dennis read Ordinance No. 23-11 by title.

Councilor Keen moved that Ordinance No. 23-11 be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Bunder asked for clarification of the procedure for this ordinance, that there is not a plan to have two readings at this meeting. He indicated that he would object to the suspending the rules. Mayor Dennis responded that the vote to suspend the rules to consider the ordinance on second reading would have to be unanimous, so that will not be offered.

Councilor Hunt asked if the Street Department and other City officials have objections to vacation of the street [Ordinance No. 23-11] and the alley [Ordinance No. 24-11]. City Engineer Buck answered that the main challenge is with the alley, where sanitary utilities will need to be kept active during construction and relocated as a part of the project. They have a working plan to be able to do that successfully. City Engineer Buck said he has no traffic concerns. Street Commissioner Downey answered that the Street Department has no objections to vacating the alley, as there is no trash service in the alley; everything is picked up on Hayes Street.

Councilor Keen moved to open the public hearing. Councilor Burch seconded the motion. The motion passed *viva voce*.

Mayor Dennis announced that the public hearing was open for comments.

There were no comments.

Councilor Keen moved to close the public hearing. Councilor Burch seconded the motion. The motion passed *viva voce*.

Mayor Dennis announced that the public hearing was closed.

Mayor Dennis read Ordinance No. 23-11 by title.

Councilor Bunder asked for confirmation that this vote is the first of two. Mayor Dennis said yes.

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 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 23-11 passed unanimously on first reading.

Ordinance No. 24-11 An Ordinance Vacating A Portion Of An Alley In The City Of West Lafayette, Indiana (Submitted by Purdue Research Foundation, Sponsored by Mayor Dennis)
PUBLIC HEARING

Mayor Dennis read Ordinance No. 24-11 by title.

Councilor Keen moved that Ordinance No. 24-11 be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

There was no discussion.

Councilor Keen moved to open the public hearing. Councilor Burch seconded the motion. The motion passed *viva voce*.

Mayor Dennis announced that the public hearing was open for comments.

Ms. Patti O'Callaghan said that having the neighborhood in the discussion was vitally important for the neighbors to express some concern, so that they could go to negotiation. She said she appreciated, even when it was difficult in a David and Goliath situation to go up against Purdue, it turned out to be a negotiation, and she appreciated that. It is important for the Council and the neighbors to be vigilant to ensure a quality project. She thanked the Council and the neighbors for expressing their concerns.

Councilor Keen moved to close the public hearing. Councilor Burch seconded the motion. The motion passed *viva voce*.

Mayor Dennis announced that the public hearing was closed.

Mayor Dennis read Ordinance No. 24-11 by title.

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 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 24-11 passed on first reading.

Mayor Dennis thanked those who attended to address these ordinances. He said he knows that there are passions on both sides. The Council will meet again in October for the second reading on Ordinance No. 23-11 and Ordinance No. 24-11.

Ordinance No. 25-11 An Ordinance Adopting An Amendment To The Deferred Compensation Plan For The City Of West Lafayette (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 25-11 by title.

Councilor Keen moved that Ordinance No. 25-11 be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes said that the State of Indiana Public Employee Deferred Compensation plan has now adopted rules that enable the City to offer employees the opportunity to make Roth contributions on an after-tax basis to the Deferred Compensation Plan, as well as to continue to make pre-tax basis contributions. Clerk-Treasurer Rhodes asked for Council approval and two readings, so that this option could be offered to employees at the next payroll.

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 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 25-11 passed unanimously on first reading.

Councilor Keen moved to suspend the rules to consider Ordinance No. 25-11 for final reading. The motion was seconded by Councilor Burch.

The motion to consider Ordinance No. 25-11 on second reading passed unanimously *viva voce*.

Mayor Dennis read Ordinance No. 25-11 by title.

Councilor Keen moved for passage of Ordinance No. 25-11 on final reading, and the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis called for discussion.

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 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 25-11 passed unanimously on final reading.

Resolution No. 13-11 A Resolution To Amend The 2010 CDBG Appropriation (Prepared by the Department of Development)

Mayor Dennis read Resolution No. 13-11 by title.

Councilor Keen moved that Resolution be passed 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 there is \$3,587 of CDBG money for a recipient organization that is no longer a viable program. The Development staff, working with the City's HUD representative Grant McFann came up with a plan to utilize the funds. They were transferred into an "other" category, and will be transferred to the Sidewalks & Public Facilities Fund, where the money will be used.

Councilor Thomas asked if the money was allocated to Family Services. Director of Development Poole answered that it was designated for Family Services Self-Sufficiency Program. Councilor Thomas said that it would be his preference to use the money for a service agency, a better use of the funds than sidewalks. Mr. Poole said that he had discussed that with Mr. McFann, who said the use for sidewalks was appropriate. Mr. Poole said that he understood Councilor Thomas' concern, but it was HUD's plan to allocate the money to sidewalks.

Councilor Dietrich asked if the allocation to sidewalks was because it was easier or because it could not be allocated to another social service program. Director of Development Poole answered that it went into an account called "Other" until a determination could be made. After Mr. McFann reviewed the current plan, he suggested that the money be transferred into the Sidewalks & Public Facilities Fund. Councilor Dietrich asked if that was Mr. McFann's preference or the mandate, the City's only option. Director of Development Poole responded that it was his preference, especially since he knows what the City does and reviews the City's plan every year, and he made the suggestion.

Councilor VanBogaert asked if the City were to decline to make the transfer, would the funds disappear, or would Development have an opportunity to renegotiate their placement. Director of Development Poole answered that the funds would be held in limbo, and the City might lose them. Councilor VanBogaert asked if there would be an opportunity to renegotiate. Mr. Poole answered that he could bring the matter back up, but there is no guarantee that the City would have the funds in the end. Councilor VanBogaert asked if there were real risk, in Mr. Poole's opinion, of losing the funds if the City were to hold off on the transfer for 30 days. Mr. Poole said he could not guarantee it, but he was willing to go back, if it is the Council's wish.

Councilor Dietrich asked what the span was as set up originally. Director of Development Poole answered that it was 2010-2011, and that grant cycle has ended. City Attorney Burns asked for clarification of the time. Mr. Poole repeated that it was 2010-2011, and that the grant cycle ended June 30. Councilor Dietrich asked if there were a "must spend by" date in most grants. Mr. Poole answered that it has to be identified and then be able to spend it. Right now, it is in limbo, because it was in the "other" category, to try to save the funds for our use. Councilor Dietrich asked how long it would take to get an answer from HUD, as to whether there is leeway with the allocation. Mr. Poole said he could make the call tomorrow, to see if something can be worked out, if that is what the Council would like.

Councilor Thomas asked if Mr. Poole had said the transfer was HUD's suggestion, as it seemed to him that the Council could direct it, since the City knows the best use of the funds. Mr. Poole said he would be willing to have the conversation with HUD, if the Council would prefer.

Councilor Hunt said there is good evidence that the Council thinks, in these difficult economic times, that the money should be used for social services. There is verbal evidence of the Council's concern. Councilor Hunt asked of the Council would table this.

Mayor Dennis said it could be tabled until next month, since the \$3,587 is about 20 feet of sidewalk. City Engineer Buck said that he would be willing to switch future money designated for sidewalks to social services, if that would appease the Council, so that the funding that is being reprogrammed for sidewalks and curbs with this transfer could be taken out of a future funding project. It is not a large sum of money, and will not make a huge dent on the size projects that Engineering does for curb and sidewalk replacements. Mr. Buck said that he could understand that, to a social service organization, it would be significant. He suggested that, in the future, if there is the same amount to program to one of those agencies in a funding year to come, the 2010-2011 not be risked to be lost over a small amount. Mayor Dennis asked Mr. Buck for clarification that Engineering would make up the difference. City Engineer Buck said yes, that \$3,587 of the 2011-2012 funds for sidewalk and curb replacement would be allocated to a deserving social service organization.

Ms. Patti O'Callaghan (927 North Salisbury) encouraged the Council to reserve the money for social services. The Council knows how CDBG works, that most of the money supports infrastructure, but 15% is reserved for social services. At a time when the federal government is cutting CDBG, she is pleased that City Engineer Buck is willing to promise something in the future, but she is not certain what the federal government will do in the future. CDBG was already cut 16%. To have any of the money earmarked for social services used for 20 feet of sidewalk, when people need to have the social services more than ever, we need to reserve all the money for social services. She hoped the Council would do that.

Councilor Burch asked to which social service agency the \$3,587 would go. Mayor Dennis answered that would be determined when the approval is received. Councilor Burch asked if the Council would go through the list of social services again. Director of Development Poole said the CDBG Advisory Committee would work and decide which agency would receive the money, and how best to reallocate the \$3,587. Then the revised plan would be brought to Council for approval, after which HUD would have to accept the plan and another Council resolution would be offered. Councilor Hunt said, in the past, the Council members have contributed to the determination. Mr. Poole said that happens after the Advisory Committee determination. Then the Council votes on the allocation resolution.

Councilor Bunder thanked Councilor Thomas and Councilor Dietrich for making the point on this matter. His concern is that \$3,587 will not buy a lot of sidewalk, but it might buy something else that is good for poor people, and he would like to do that. Councilor Bunder said that the people who make up the Advisory Committee did not know anything about this, as evidenced by two emails and a conversation from members of the committee. It would be good, if the Advisory Committee were to have a role in the allocation process, since they were invited to serve and the City takes that role seriously. It does not have to be a complicated thing.

Mayor Dennis asked what the options are. Director of Development Poole said to table it. Then he would take the matter back to the CDBG Advisory Committee, determine how to reallocate the money, amend the plan and have it approved by the Council, then have HUD approve it, after which the Council would approve a resolution allocating the money. Mayor Dennis asked what the timeline for expiration is. Mr. Poole said he did not know. Mayor Dennis asked what would happen if Mr. McFann were to say it had to be done by the end of the month. Mr. Poole answered that the City would have to figure out a way to make it happen. Councilor Hunt said they could have a special meeting. Mayor Dennis said it could be approved at the Pre-Council meeting. Mayor Dennis asked Clerk-Treasurer Rhodes if the decision is to allocate the money to sidewalks and curbs, could Engineering transfer money to CDBG social services. City Attorney Burns said that would have its own set of time and complications. Director of Development Poole said it would be more complicated. Clerk-Treasurer Rhodes said that the Pre-Council meeting is on September 29, so the resolution could be postponed to that date. Director of Development Poole said he would make the call. Councilor Hunt asked there were consensus from the Council, if the 29th is too late, could there be a quick meeting. Councilor Dietrich said the government does not move quicker than 30 days for anything.

Councilor Dietrich moved to table Resolution No. 13-11 to the September 29, 2011, Pre-Council meeting. Councilor Hunt seconded the motion.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote on the motion to table Resolution No. 13-11:

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

Clerk-Treasurer Rhodes stated that the vote was 7 AYE and 0 NAY.

Mayor Dennis announced the motion to table Resolution No. 13-11 until the September 29 Council meeting passed unanimously.

COMMUNICATIONS

► Councilor Bunder noted that Mr. Lee Trachtman passed away last night. He was a man with a park named after him and a real public servant to the City.

CITIZEN COMMENTS

► Mr. Tom Kesler (479 Maple Street) said that he is a pessimist about the project on Hayes Triangle. He believes that the Council support for the project has reduced the value of his home to zero, because now the property on which he lives is now commercial. He said he is trying to start his study on the value of the land that he lives on. The Council has changed his perception of his residence in New Chauncey.

► Mr. Jim Hass (663 Pawnee) congratulated Councilor Bunder, Mayor Dennis, and the rest of the Council on engaging the University and PRF in dialogue. They are, he said, by far the largest landowners in the township. In ancient years, former Councilor Pat Carr calculated that over 60% of the land in the township was owned by Purdue or a Purdue-related entity. They are the company in the company town, or the 500-pound gorilla in the room. He said he was glad that the Council and the Mayor were able to bring the community concerns and re-open the dialogue. The University is a huge international enterprise now, and we forget sometimes that they have a presence here, that they have a history here, and they affect the people who live here very much. Even though the dialogue has started, it has not finished. It must be maintained, as no one person answers for the institution. He wished the Council and the Mayor good luck on that. As to the specific project, Mr. Hass said, the University has grown tremendously over time. When his grandfather came to Purdue in 1929 to work in the Chemistry Department at Purdue, there were about 3,000 undergraduates. A few years later, Mr. Hass' grandfather built a house in Hills and Dales, within eyesight of one of the Big Ten stadiums. Those people would like to protect the value of their homes and protect their way of life. Other landowners would like to realize the value of that. As that changes, Mr. Hass said, our job is to figure out how to manage a future path in between allowing change but trying to preserve the good things going on. Serious dialogue and serious thinking. He is impressed that, in an election year, the Council and Mayor had a 7-0 result on the budget and a controversial project, which could go ahead anyway, without assent from the Council. Mr. Hass said he loves West Lafayette.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 8:29 p.m.