CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
MAY 6, 2013

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on May 6, 2013, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided. He announced that we will not be hearing anything about annexation at this meeting. That meeting is scheduled for May 20, 2013. He stated that if anyone wants to speak about annexation, he would rather those comments be saved for the special meeting specifically for annexation.

The Pledge of Allegiance was repeated.

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

Absent: Keen

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, Public Works Director Buck, Police Chief Dombkowski, Street Commissioner Downey, Human Resources Director Foster, Fire Chief Heath, WWTU Director Henderson, Parks Superintendent Payne, Director of Development Poole, and IT Systems Administrator Wheeler.

MINUTES
Councilor Burch moved for acceptance of the minutes of the March 28, 2013, Pre-Council Meeting, and the April 1, 2013, Common Council Meeting. Councilor Thomas seconded the motion, and the motion passed by voice vote.

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

PUBLIC SAFETY AND ORDINANCE
There was no report. Councilor Hunt commented on the good feature story in the *Journal & Courier* about the Fire Department's training session involving using the Jaws of Life on a vehicle donated by Subaru.

PURDUE RELATIONS
Councilor VanBogaert reported on events at Purdue University.

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

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

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

BUDGET AND FINANCE
Councilor Dietrich presented this report, which will be on file in the Clerk-Treasurer's Office.

SPECIAL REPORTS
Council Appointment: Human Relations Commission
Councilor Hunt nominated Yaman Kaakeh for the Human Relations Commission and reviewed her resume. Councilor Dietrich seconded the motion.

Mayor Dennis noted that Ms. Kaakeh graduated high school at age 11 and was a full PhD professor at age 19.

There was no further discussion.

The motion passed by unanimous voice vote.

PUBLIC RELATIONS
a. Cumberland Elementary Third Graders
Mayor Dennis welcomed a group of third graders and their teachers from Cumberland Elementary School.

The group shared an art project that was part of a grant from the Indiana Arts Commission to encourage more fiber related arts. They gave a brief presentation about what they learned from the project and expressed thanks for having their artwork publically displayed.

Mayor Dennis thanked the group and stated that we have had a lot of compliments on the artwork displayed near the Mayor's Office.

b. West Lafayette Community Beautification Award
Councilor VanBogaert presented the West Lafayette Community Beautification Award to Rita and Scott Blankman for their home garden on Summit Drive, which includes a putting green.

The Blankman's expressed their appreciation, and Mr. Blankman noted that there are many nice gardens in the neighborhood.

FINANCIAL REPORT
Clerk-Treasurer Rhodes announced that the last step in completing the plans for the year forecasting was receiving the circuit breaker deduct report from the County Auditor. The deduct on the main operating funds for the City will be approximately $754,000. It is only a 3% increase from last year, and she stated she is grateful that it was on a 50% ramp up as has been experienced in the past. She stated that since 2010, we have received approximately $2.5 million less to operate and provide basic services because of these service breaker deduct programs. She stated that the financial reports have been provided to Council members.

LEGAL REPORT
City Attorney Burns stated that this report is on file.

UNFINISHED BUSINESS:
Ordinance No. 07-13 (First Amended) An Ordinance Repealing And Replacing Chapter 67 (Refuse, Garbage And Weeds) Of The West Lafayette City Code (Sponsored by Councilor Ann Hunt and Mayor John Dennis)

Mayor Dennis read Ordinance No. 07-13 by title only.

Councilor Burch moved for passage of Ordinance No. 07-13 on its first reading, and that the vote be by roll call. The motion was seconded by Councilor VanBogaert.

Councilor Hunt reviewed some issues with the trash ordinance. She stated that the trash fees have not been raised in over 20 years. Calculations were studied, including increased gas prices, with input from Jim Treat (O.W. Krohn & Associates), with the conclusion that a reasonable fee is $16.00 per month. She stated that she does regret the fee raise, but it has not been done in years. She stated that in order to meet best management practices for stormwater, tight-fitting lids are requested, but she will make an amendment to remove the requirement for permanently attached lids so that not everyone in the City will need to buy new trashcan. In addition, there will be no pickup for grass clippings, as the Indiana Department of Environmental Management (IDEM) has a position statement stating that grass clippings contribute to yard waste pickup and the trash volume. Councilor Hunt stated that there will be time limits for placement of yard waste at the curb, as well as the trash and recycling. Some people tend to put those items out several days in advance of pickup. She stated that she has discussed this with Councilor Dietrich, and right now the time limit is that trash, yard waste, and recycling can only be set out the evening before at 7:00 p.m. and it has to be back in by 11:00 p.m. the day of pickup. The reason for the limit is that many people do yard work on the weekend and the yard waste is left out at the curb on Sunday even if they do not get pickup until the following Friday. She shared a photo of yard waste in a bike lane and stated that it sat there for a week.

Councilor Burch stated that she will again vote no on this ordinance. She stated that her reasoning goes back to when State Representative Randy Truitt was serving on this Council and discussion centered on increasing trash fees at that time. At that time, it was calculated that a trash fee of $14.25 would have covered the cost of Street and Sanitation. Councilor Burch stated that regrettably, the dialog at that time evolved into a pay as you throw program which outraged many citizens, even while it satisfied a few individuals who felt they had a moral right to impose their world views on others. Aside from being cumbersome and costly, the pay as you throw program would have placed an unacceptable burden on the citizens of West Lafayette. Fortunately, the Mayor had the common sense to veto that ordinance. Now, once again, we are considering virtually doubling the current fee. While in itself, it might prove bearable, it must be placed in the context of new stormwater fees that will go into effect January 2014, and the increased Indiana American Water rate. She asked when the next fee increase is going to hit. Councilor Burch stated that with the economy still trying to recover, this Council should not be delving deep into the pockets of West Lafayette taxpayers. She stated that her opinion is that City government's first priority should be to improve the efficiency of its operations and cut unnecessary spending. She stated that for those reasons she is voting no on Ordinance No. 07-13.

Councilor Dietrich stated that he wanted to propose an amendment to Section 67.05. He stated that because schedules and lifestyles, 95% of people do yard work on weekends. To ask them to hold that back and bring it out again later in the week is unrealistic. He stated that he does like the idea of having it put in containers as he has first-hand experience of what leaves, sticks, and grass can do to drains. However, the timing of the placement, to bring it out early in the morning days after the work was done, especially for substantial cleanings, is unrealistic. Councilor Dietrich moved to change the

second sentence of Section 67.05, paragraph a. to remove yard waste. It would read, "Waste and recyclable containers or items of waste may be set out for collection after, but not before, 7:00 p.m. on the evening immediately preceding…" He also stated that he wants to change the wording from "returned to their proper position" to "removed from the street," because he does not know if there is a proper position back at the home as everyone treats the cans differently. Councilor Dietrich stated that in response to the photo from Councilor Hunt, it is an unfortunate situation when there are bike lanes in front of the homes, but this does not address bike lanes in any capacity. He stated that it talks about the placement, about the curb in front of homes, and that it should not impede traffic flow of vehicular or pedestrian traffic on any street, sidewalk, or alley, with no mention of bike lanes. He stated that he spoke to the administrator at the high school, and there is City right-of-way on the inside of the sidewalk because the sidewalk was directly against the curb. The City has approximately a 4.5 foot right-of-way inside that area. Most sidewalks are placed away from the curb with a green space where people can put their trash. He stated that these people would have to put them back in their yard, which is different. He stated that the main thrust of his amendment to remove the "yard waste at 7:00 a.m." restriction. He stated that people should be allowed to place it out there when they can, and having it in containers and bundles is a good idea, but the timing is just wrong. He stated that it would make too many of our friends and neighbors into violationists.

Councilor Burch seconded the motion.

Councilor Hunt stated that she appreciates Councilor Dietrich's concern about this. She stated that, even at her age, she does a lot of gardening and never puts it out before the time. It is sometimes awkward, and it has to be left on the back patio or in the driveway. She stated that she feels that if are putting millions of dollars into funding a stormwater utility, to put items in the curbs is defeating the purpose. She questioned what new expensive equipment would be required to clean it up. She stated that she understands and sympathizes with his concerns, but she respectfully disagrees.

Councilor Dietrich stated that Councilor Hunt is making the assumption that it will rain constantly from Sunday through collection day. He stated that whenever it is out there, whether it is 7:00 a.m. the morning of or not, the rain runoff risk is there. Containers and bundles will prevent a lot of that. He stated that there is no way around some spillover, but the best we can do is put it into containers.

Councilor VanBogaert asked for clarification that this would remove the time, but putting materials in containers is still expected.

Councilor Dietrich confirmed that the only issue he has is the restriction of time and placement. He encourages the bundling and containers. He would rather people not need to touch the items twice. To do the yard work then hide it and bring it back out again is duplicating lot of effort.

Blaine Drayer (4842 Little Pine Drive) stated that a friendly addition to the amendment would be to have the placement of the refuse within the City's easement, not to surpass the curb, which would prevent blocking the stormwater drains and keep it off the sidewalks. He stated that would take care of the problems discussed. He would also remove the time limitations on yard waste.

In response to an inquiry from Councilor Burch, Mayor Dennis clarified that the intent of the amendment is so that if yard work is done on weekends, that it may be set out without needing to bring it back in until time of pickup.

Councilor Dietrich stated that the waste and recycling would still be confined by the times and dates given.

There was no further discussion on the amendment.

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 3 AYES and 3 NAYS.

Mayor Dennis stated that he is in the position of breaking the tied vote. He voted AYE for the amendment.

City Attorney Burns announced that the amendment passes on a vote of four in favor, three opposed.

Councilor Hunt stated that she has two amendments. The first is regarding waste containers, and it removes the permanently attached lids. She read that the paragraph for Section 67.09, paragraph a. would read, "Suitable containers for waste pickup shall be of a galvanized metal, rigid plastic or other suitable material that is leak-proof, has two handles, includes a bale, is watertight, has a capacity of no more than 96 gallons and shall be kept in a sanitary condition. All containers under this chapter must be equipped with tight fitting lids that cover the container. Bags may be approved if they are of significant strength to prevent leakage and prevent scavenging by animals."

Councilor Dietrich asked for confirmation that the amendment would take permanent out of "All containers… must be equipped with permanent, tight fitting lids…"

Councilor Hunt stated that the word permanent is gone, as she does not want people to have to buy new trash containers.

City Attorney Burns clarified that the amendment would remove the requirement of a permanent lid, it would also remove the requirement of an attached lid.

Councilor Hunt responded that is correct, but it does need to be tight fitting.

Councilor Dietrich seconded the motion.

Councilor Bunder asked if the tight fitting lids would be enforced. He stated that there are issues where students blame landlords, landlords blame students, and both blame the City when there are no lids. He stated that he put 30 photos on his City Council Facebook page from his walk home where lids are absent in most cases. He stated that he will vote yes, but hopes that it is actually enforced.

Councilor Hunt stated that she has spoken with Captain Sparger and Rick Walker from the Neighborhood Resource Team, and while they realize there is some difficulty, they will try to enforce it.

There was no further discussion on the amendment.

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 6 AYES and 0 NAYS.

Mayor Dennis stated that the amendment passed unanimously.

Councilor Hunt stated that it is usual that ordinances like this go into effect immediately when signed, but in this particular case the City needs some time to advertise and prepare to implement it. She moved to change the implementation date to July 1, 2013.

Councilor Burch seconded the motion. She confirmed with Clerk-Treasurer Rhodes that this allows enough time to advertise without undue pressure.

Clerk-Treasurer Rhodes added that this also allows time to contact those who are on the reduced trash program to advise them of the change of requirements.

There was no further discussion on the amendment.

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 6 AYES and 0 NAYS.

Mayor Dennis announced that the amendment passed unanimously.

Councilor Dietrich stated that to address Mr. Drayer's comment, Section 67.05, paragraph c. would be the logical location for that, and it would clean up a lot of the language. If it says, "when placing containers for pickup… shall be placed on public right of ways," it would address the situation near the high school where the sidewalk abuts the curb, and places it behind the sidewalk in that case. It seems to be a logical place and absolves a lot of the issues discussed.

Mayor Dennis stated that a lot of the toters that we use now are designed now so that they—and it would be really challenging in some situations."

Councilor Hunt stated that the plan in the future is to have an automated truck with one man driving the truck and also picking up, and she is not certain if those utility vehicles would reach.

Mayor Dennis stated that it is also a problem if there is anything in the way such as trees, shrubs, or mailboxes.

Councilor Dietrich stated that it seems that the next step of having all of the waste containers be similar to the yellow-lid containers. He asked if that was a probability.

Mayor Dennis responded yes, in a perfect world.

Councilor Dietrich stated that it seems that we should make all the changes at once, and if we are going to move to that it should be included in this ordinance.

Discussion ensued among Councilor Dietrich, Mayor Dennis, and Street Commissioner Downey as to the requirements for waste containers. The discussion concluded with Street Commissioner Downey summarizing that as long as standard trash cans made of rigid material are used, there is no need for people to buy new trash containers at this time. There is more work to be done, and we do not yet have the automated equipment. The purpose of the requirements is to prevent people from using, for example, cardboard boxes instead of trashcans.

Andrew Hirsch (625 Crestview Place) stated that his 95 year old mother-in-law takes out her own trash. He requested that the 7:00 p.m. time be moved to 5:00 p.m. so that trash can be taken out while there is still daylight in the winter.

Councilor Hunt stated that she can deal with that.

Councilor VanBogaert moved to amend Section 67.05 to replace 7:00 p.m. with 5:00 p.m. Councilor Dietrich seconded the motion.

Thomas Johnson (1400 North Salisbury Street) asked what is done when people plan to be out of town on trash day.

Mayor Dennis stated that oftentimes people hold their trash until they return or they make arrangements for someone to take it out for them.

Mr. Johnson stated that he can understand not wanting the trash out for several days.

Councilor Hunt stated that that is the reason plastic bags, with the stated requirements, are allowed because they would not need to be brought back in.

There was no further discussion on the amendment.

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 6 AYES and 0 NAYS.

Mayor Dennis announced that the amendment passed unanimously.

James Britton (725 North Chauncey Avenue) stated that this is a circus of an ordinance that is disguised as a tax hike. He stated that he supports taxes, and they are needed to operate a city efficiently. He agreed that there have been big cost increases in the last 20 years with carting trash around. Mr. Britton stated that he respectfully disagrees with Councilor Burch, saying that the elephant in the room is recycling. Trash costs money to throw away and is not getting cheaper, while recycling actually brings in net revenue. He asked where the ordinance promotes reduction in waste, other than disallowing grass clippings. He stated that pay as you throw programs have proven to save cities money, and to him it is not a moral issue. He feels that an economic incentive is required for people to want to raise the level of recycling, otherwise the increased fee angers people who are not getting anything extra for their money. He restated that he does not disagree that the fee needs to be increased, saying that he would pay $20 or $30 to have a City employee get rid of his junk. He reiterated that recycling is not a moral issue, but a financial one since the City generates revenue when it sends the recycling to Chicago. Mr. Britton stated that he recently became a member of the Go Greener Commission, and this issue was not brought to the Commission until last month. He stated that he finds it hilarious and extremely frustrating that something of this magnitude was not brought to the Commission for discussion. He stated that there are a lot of people that know about environmental issues and the related economics, and this issue was thrown at them broadsidedly. He disagrees with this ordinance in that in sells itself short and there are far bigger matters at hand.

Councilor Burch stated that she agrees with recycling. It is important and we need to be educated, reminded, and shown what is recyclable or not. She disagrees about the comment regarding the Go Greener Commission just hearing about this ordinance last month as she had attended several meetings where the ordinance was discussed.

Mr. Britton stated that, to be clear, it was new to him as a member joining in February.

Mr. Drayer questioned if the economic impact upon local merchants was looked at regarding Section 67.10, which concerns breaking down boxes. He stated that there may be people who will no longer have merchants deliver large pieces of case goods because there are boxes that cannot be broken down, and would turn more to purchasing over the Internet to avoid additional charges, causing revenue to leave the community. In response to a comment from Mayor Dennis, Mr. Drayer stated that not all merchants use private contractors for trash pickup.

Councilor Bunder stated that hopes the City continues to evolve in trash and recycling, but he will vote against this revision of the ordinance. He stated that there are two reasons for this. One is that it does not help us be greener. Purdue has gotten a reputation as a green place, honored by a number of national organizations for it. Members of the faculty were recently admitted to the American

Academy of Arts and Sciences for environmental work. He stated that our biggest employer is green, but the City is not quite that green. He wishes that we could be greener rather than the chartreuse color we are currently. Councilor Bunder stated that the second reason he will vote against it is due to it being essentially a tax increase, and it is a regressive one. He does not mind raising the trash fee, but wishes we could have people pay for what they throw away.

Mayor Dennis asked for the vote on Ordinance No. 07-13 as amended.

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 4 AYES and 2 NAYS.

Mayor Dennis announced that Ordinance No. 07-13 passed on second and final reading.

City Attorney Burns provided a memorandum with a list of six scrivener's errors that he would like the Council to consider at this time, purposely waiting until the very end. He stated that these include misspellings, misuse of a word, and the sixth item regards wording of Section 67.10.

Councilor VanBogaert motioned for unanimous consent that the scrivener's errors be adopted for Ordinance No. 07-13 without objection. Councilor Dietrich seconded the motion.

City Attorney Burns stated that it may be by voice vote.

Clerk-Treasurer Rhodes stated that, regarding item number six on the list, action had been taken. The issue that was left for Section 67.10 was that Thomas Kesler had pointed out that the wording should perhaps be "rinsed and drained" rather than "drained and rinsed." She stated that now would be the time to take action to change that wording.

City Attorney Burns stated that he had misunderstood communication regarding that, and asked to omit item number six.

Mayor Dennis took the consent of the Council to remove item six.

There was no further discussion of the scrivener's errors memorandum.

The motion passed by unanimous voice vote.

NEW BUSINESS

Ordinance No. 08-13 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (UZO Amendment #75 Zoning Commitments) (Submitted by the Area Plan Commission)

Mayor Dennis read Ordinance No. 08-13 by title only.

Councilor Burch moved for passage of Ordinance No. 08-13 on its first reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

Councilor VanBogaert stated that he has concerns about moving forward with commitments. He is concerned that parcels will be wound up with commitments on them, and wants clarification on why this would be preferred to a planned development. He questioned if it is our interest to promote this type of zoning action, and stated that it broadly disincentivizes us from making necessary changes to antiquated zoning distinctions. He clarified that he would like another introduction to what these commitments are and asked Public Works Director Buck for his personal opinion on whether supporting these commitments in our policy is a strong decision.

Public Works Director Buck explained that in recent years, the City has had an number of planned developments come as rezone cases before the Council, and that is custom zoning for a particular project on a piece of land. He believes that the State legislature took it up as property rights issue to look for a simpler process for allowing different uses on a piece of property by rezoning to a general classification with a set of commitments that would be written and run with the land. In a way it is custom zoning, but only on the use.

Councilor VanBogaert stated that it seems the specificity of the commitment is what is important because if the commitment rides with the parcel in perpetuity, and it is a complex commitment, it is not much different from a planned development in that subsequent developments on that property would have to conform to the commitment, similar to particular zonings.

Public Works Director Buck explained that if a property has a zoning commitment put on it, then under State statute, removals of the commitment would only go through the Area Plan Commission (APC). The Council would not see it again. He stated that the information provided by the APC for Ordinance No. 08-13 deals only with the language that would change the zoning ordinance. He stated that UZO Amendment #75 has simple language to change the ordinance, adding a section to state that, “An Administrative Officer shall not issue an improvement location permit until all commitments applicable to the property have been duly recorded in the office of the Recorder of Tippecanoe County, Indiana.” It has nothing to do with how commitments are going to function. The information he provided by email contained a bylaw amendment and information put together by the Ordinance Committee and the APC to discuss how they would handle applications that involve rezoning with commitments. There is a notification to the Administrative Officer so that the City will in some way get a notification that an application has been filed for a commitment or a change to one.

Councilor VanBogaert asked for confirmation that the State legislature is an enabling statute that can be refined more thoroughly on the local level.

City Attorney Burns stated that it is fairly specific. It can be refined a little, but he was surprised at the specificity that it lays out. He stated that this process is purely statutory at this point, and nothing that the local APC has done has attempted to change it, they have only tried to make regulations within it. For example, the bylaws are purely an APC decision. The actual ordinance does nothing more than give the City’s Administrative Officer a little bit more power, which would presumably then mean that

the Council would be more informed as things go forward. Commitments are there because State law says they are, and the Council's task becomes deciding whether to allow a rezone that has a commitment.

Councilor VanBogaert stated that he had been unclear on if the Council would recognize commitments or to recognize certain authorities of our Administrative Officer relative to those commitments. He stated that his understanding now is that these commitments exist and would be advanced regardless of action taken by the Council.

City Attorney Burns stated that he agrees with this analysis and it will be taken on a case by case basis, and a commitment will be one of the factors the Council considers when deciding whether to approve a rezone. City Attorney Burns confirmed for Councilor Dietrich that the Council only gets to weigh in on the first time through, and added that the Council members would make their votes with that knowledge. However, the Administrative Officer would find out about changes to any commitment and the related public hearing, so the Council members would have a venue to voice their opinions, just not their votes. He stated that regarding the scope of it, by current APC bylaw, the Commission has a list of limitations on commitments. The APC tried to limit the scope of the types of things that commitments can made upon.

Public Works Director Buck stated that the list is important because it is a long list and is very precise in limiting the types of things that local commitments can contain. He added that this is a way for a property owner to understand their limitations and not spend a lot of money designing a full project outside of those limitations.

Councilor Bunder stated that this means we are stuck with commitments, and the State has a lot of intentional specificity. He stated that it is good that Public Works Director Buck, as Administrative Officer, receives additional information. He stated that he would be suspicious of anything that came with a commitment.

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 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 08-13 passed on first and final reading.

Ordinance No. 09-13 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (UZO Amendment #76 Agricultural Rental Halls) (Submitted by the Area Plan Commission)

Mayor Dennis read Ordinance No. 09-13 by title only.

Councilor Burch moved for passage of Ordinance No. 09-13 on its first reading, and that the vote be by roll call. The motion was seconded by Councilor VanBogaert.

Public Works Director Buck stated that he is not sure how much this affects the City as this adds use of agricultural catering halls, and there are not currently agricultural zones within the City. In response to an inquiry from Councilor VanBogaert, Public Works Director Buck stated that there is a small amount of 'A' zoning in the proposed annexation area.

Councilor Hunt stated that, as a nurse, she sees this as a public health issue. It is important that catered kitchens have food that is approved rather than pitch-ins that may lead to food poisoning.

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 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 09-13 passed on first and final reading.

Ordinance No. 10-13 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (Morris Rentals, LLC, Morris Rentals PD) (R3W to PDRS) (Submitted by the Area Plan Commission)

Mayor Dennis read Ordinance No. 10-13 by title only.

Councilor Burch moved for passage of Ordinance No. 10-13 on its first reading, and that the vote be by roll call. The motion was seconded by Councilor Hunt.

Joe Bumbleburg (Ball Eggleston PC), representing the petitioner, stated that this project came with immense amount of interesting and good planning. It is for a three-story building of 14 units and 28 bedrooms at 202/208 West Fowler Avenue. It was done with making the New Chauncey Neighborhood Plan applicable. It passed the APC with a vote of 12 – 0 and he stated that the staff report is quotable in places regarding the historic context, architectural sensitivity required, and how it would fit with what would be in the general neighborhood. He stated that it is a good plan for this

particular site and he requested approval. In response to an inquiry from Councilor Thomas, Mr. Bumbleburg confirmed that it is one parking space per bedroom.

Councilor Bunder stated that through the process of the New Chauncey Neighborhood Plan, there was criticism that it was just a resident plan. With this project, we begin to see how this is a neighborhood plan and how it could work to the benefit of all. He thanked Mr. Bumbleburg and his client for their consideration of the Plan in their proposal.

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 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 10-13 passed on final reading. He then asked the Council if they would be open to rearranging the agenda and moving to Resolution No. 07-13 as there are many people present from the New Chauncey area. There was no objection.

Resolution No. 07-13 A Resolution To Amend The Comprehensive Plan For Tippecanoe County To Include The New Chauncey Neighborhood Plan As A Land Use Element (Submitted by the Area Plan Commission)

Mayor Dennis read Resolution No. 07-13 by title only.

Councilor Burch moved for passage of Resolution No. 07-13 on its first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Councilor Bunder stated that he is glad to speak to this resolution. He stated that for some people, this is not a happy evening, and he owes it to them to read at least one email. He stated that Ted Wachs emailed and asked to read it into the record: “This Plan is a major loss rather than win for those homeowners living in that part of New Chauncey between Grant Street and Northwestern Avenue. For those homeowners still living in the area, that section of the neighborhood will become essentially uninhabitable as the APC plans are implemented and the existing houses and torn down to be replaced by high-density, high-rise buildings.” Councilor Bunder stated that he has now read that into the record, but would like to now speak in favor of the Plan and offer some words of thanks. Councilor Bunder thanked Dr. Carl Griffin who had the idea of having the Council pass a resolution calling for a land use plan as a way of encouraging neighborhood preservation and guiding redevelopment. Councilor Bunder thanked Executive Director Sallie Fahey and Assistant Director Ryan O’Gara of the Area Plan Commission for their professionalism and perseverance throughout this four year process. He noted that he first presented this to the Council in May 2009. He thanked Roland Winger and Tim Shriner for assisting, in following the initial inconclusive vote on the original

plan, in the reassembling of the land use steering committee. He thanked Charlie Shook, who had done this community many a good turn and did so again by tactfully moderating a renewed conversation between our friends who represented local commercial interests and the New Chauncey residents. This revised Land Use Plan is a tribute to his skill. He thanked Dr. Jay McCann, saying that Mr. McCann did a better job than he ever could in seeing to it that this Plan made it back before the Council tonight, and his talent as a political scientist extends beyond book learning and he admires his work. Councilor Bunder stated that, finally and most importantly, he would like to thank the next generation of his New Chauncey neighbors who believes that this multi-class, multi-generational, near-campus neighborhood is as important an attraction for West Lafayette as any lake or mountain might be. Their ambition for this community is refreshing. Too often we are told what cannot be done, and their enthusiasm is contagious. Councilor Bunder stated that he will probably still question Purdue's lack of interest in its near-campus neighbors, and he will question the City's will or skill in shaping the near-campus neighborhood into one like those enjoyed by so many other university communities. But he does not question the energy and determination of his younger neighbors, nor their desire to see this Plan through the many years and several stages of planning ahead. Through historic preservation, which is now going on two years, overlay zoning, the creation of the partnerships envisioned by the long-awaited investment entity—all of these will take us to a successful conclusion. He expressed his particular and heartfelt thanks to them, without them we all may have been willing to settle for less. He concluded by thanking Mayor Dennis for indulging him.

Mayor Dennis expressed his thanks to Public Works Director Buck, Director of Development Poole, and Ryan O'Gara for their work.

Councilor Thomas thanked and congratulated Councilor Bunder. He stated that someone with less mettle than Councilor Bunder probably would have folded under four years of this ongoing saga, but he stayed with it and represented the neighborhood well. Councilor Thomas also thanked Jay McCann, stating that the evening we hammered this through, he also represented the neighborhood in stellar fashion. He thanked Charlie Shook, stating that he was a great negotiator, working with both sides of the table to craft out a deal that everyone could move forward with.

Councilor Dietrich stated that he had a question regarding Page 13 of the New Chauncey Neighborhood Plan. The opening line says, "In 2010, the City of West Lafayette was home to 29,596 people in 26,527 households." Then lower on the page it talks about the number of housing units being 12,591. Councilor Dietrich stated that he does not understand the difference between a household and a housing unit.

Ryan O'Gara (Assistant Director, Area Plan Commission) responded that that is straight out of the census.

Councilor Dietrich stated that given those numbers, there are a lot of one-person households out there. He asked what a household is.

Mr. O'Gara stated that it is a census designation and something people check on their taxes. He stated that he is not a census expert but he can look into it and get back with Councilor Dietrich.

Councilor VanBogaert stated that students who are unmarried who may be living multiples to a unit are individually counted as households as single filers. They are not jointly acknowledged as being together as a household. He added that about a third of the City's population are Purdue students.

Councilor Thomas asked for clarification that a student is considered a household.

Councilor VanBogaert stated that he believes by the count taken here…

Mr. O'Gara stated that he believes that is correct. He stated that Kathy Lind is the census data expert at the office and should be able to explain.

Councilor Dietrich stated that he did not understand how it is possible for 89% of our people to be households when there are many with several kids.

Mr. O'Gara stated that he would be happy to arrange a meeting between himself, Ms. Lind, and Councilor Dietrich. At her request, he stated that Councilor Burch or anyone else interested may be included in the meeting.

Mr. Britton stated that this is a bittersweet evening. He stated that New Chauncey neighborhood, 257 acres nestled in the heart of West Lafayette, has so much potential. Sadly, due to various factors throughout its history, it has been stuck in the status quo, lacking a historic preservation district, a master plan, cooperation from the University, or a real downtown with establishments for all ages. The City of West Lafayette and New Chauncey have been held back from becoming a world class, walkable, near campus community. Mr. Britton stated that that is all about to change for the better. After a long, drawn-out process that saw its fourth anniversary this past Saturday, and caused a row between outnumbered residents versus property developers, the Tippecanoe County Area Plan Commission (APC) has passed the New Chauncey Neighborhood Land Use Plan after a consensus steering committee quickly devolved into majority rule of developers. Mr. Britton stated that some of the neighbors, including himself, formed a neighborhood residence committee. Working with a group of public rhetoric graduate students to formulate a vision plan and counteract a failed consensus process, the group met on several occasions to educate the neighborhood about the developer's attempts to take away one-fifth of the low-density neighborhood for medium and high-density housing. In a surprise twist, after the neighbors came out in big numbers, the APC failed to pass the original plan at its February meeting, and allowed for an extension to April. This allowed the neighborhood committee more time to formulate their plan and brought about a final meeting with the original steering committee, composed of residents Jay McCann and Councilor Bunder, whom he thanked enormously for their efforts over the last four years. He also thanked developers Tom Frey, Loren King, Shane O'Malley, and Patti Weida. The plan was ultimately revised with a less intrusive plan of encroachment from Northwestern/Fowler corridor. The New Chauncey Neighborhood vision statement, developed by Purdue graduate students and their advisor Jennifer Bay, added as a supplement to the APC's Plan, addresses neighborhood preservation, redevelopment, business development, environmental preservation, partnership with Purdue, safety improvement, and an oversight committee. As of last year, the neighborhood was composed of 60% rental and 40% owner-occupied residential structures. Of the rentals 61% are single-family, 17% are two-family, and 22% are multi-family structure. The 61% and 17% numbers mean that over three-quarters of the rental stock in the neighborhood is one- and two-family dwellings. He stated that presumably, most of those homes are of the era of his own, which is an early twentieth century, with quality construction, hardwood floors, unique architectural detail, etc. These homes were built to last, as opposed to the sort of homes constructed today in sprawling, homogenized, unsustainable suburban tracts, where the neighborhood is defined by the proximity to the nearest big box store or strip of national chain restaurants. This is clearly an unsustainable business and community model. The prospect of these single-family dwellings being destroyed forever is very worrisome. This new compromised map is still an eminent threat to many historic homes that have become neglected by property managers, along with beautiful maintained owner-occupied homes. Opening the door to such a large amount of medium and high density development, that is not even guaranteed success, means that once these homes are gone, they are gone forever. West Lafayette is home to great things: a world class university, the best public high school in Indiana, an urban forest with some areas over 150 years old,

extensive bike paths with more to come, as well as wooded trails. But it falls short of being a world class, walkable community like our Big 10 peers. Mr. Britton asked where is the grocery store, the bakery, the local café, or the European bistro for a dinner out before a Purdue Convocations performance. Tonight's City Council meeting features the first reading of the New Chauncey Plan, with the next steps being a likely vote in favor of, followed by an overlay plan from the APC that will specify building styles and a zoning map. Mr. Britton questioned, as a side note, if we really need a permanent billboard on the side of a building. He stated that residents have organized, at a grass-roots level, by means of countless living room planning sessions, email exchanges, public forums at Morton Community Center and the County Office Building, and a social network that he formed called New Chauncey Next Door. Mr. Britton expressed his thanks to Councilor Bunder and Mr. McCann for their amazing efforts over the last four years, and to Zachary Baiel for acting as the magnet that has brought more neighbors into the conversation. He stated that this Plan needs to be comprehensive and include the entire City, not just New Chauncey. We need to ensure historic preservation and include younger generations; the children are what matter. He stated that this Plan needs to include students, and he questioned if they were every consulted. It needs to include Purdue, and he questioned what happened to Purdue Research Foundation's (PRF) involvement and their promises of sending people to the corners of the country to look at what a world class city should look like and be modeled after. He stated that he realizes that the look and feel will be part of the next overlay and zoning plans to be produced by the APC. As a result, the world has only just begun. He stated that tonight's City Council meeting sets into motion a plan that will shape our generation as well as many subsequent ones. This should not be taken lightly, and with any luck will bring together the entire City as part of a master plan. The neighbors will continue to meet and push for an oversight committee that includes the input of all property owners in the neighborhood, Purdue administration, as well as students, and the entire community of West Lafayette. Let us not allow short-term profit takers decide our future, but instead work together in this good City that can be a carefully planned world class one.

Zachary Baiel (124 Connolly Street) stated that particular focus on the Land Use Plan by the media and agents in the community has been centered on the land use map. However, the actual Land Use Plan, for those who read it, is rich with information such as tree locations, sewer systems, conditions of alleys, rental versus occupied homes, etc. He thanked the APC and the steering committee for providing all of that great information about the neighborhood. He stated that beyond the map and the information, this document serves as a strategic plan for the neighborhood. Its goals are broad—neighborhood preservation, redevelopment, business development, environmental preservation, partnership with Purdue University and the Purdue Research Foundation, safety and infrastructure improvements. He stated that those goals are wonderful to have. As anyone who has worked with a strategic plan knows, one must evaluate, reevaluate, and evaluate again the strategies to make sure objectives are being met, and then evaluate those objectives to make sure desired goals are met. He stated that this is an active process with no room for passivity. This cannot be another document gathering dust in City Hall, only to be taken down and examined for historical reference. That would be a disservice to the hundreds of hours put in by the APC, the members of the New Chauncey Land Use Plan steering committee, and most of all to the residents of West Lafayette who call New Chauncey their home. He stated that as a member of the New Chauncey Neighborhood oversight committee, we will be doing this strategic plan justice by staying engaged with ourselves, our neighbors, our neighborhood, and most of all, our City. Mr. Baiel reviewed some of the particulars of the Plan by reading the vision statement, and the goals and objectives. Mr. Baiel stated that with that vision statement, New Chauncey sounds like a community of choice, and that is what we desire to be. He wants to make it clear that density is not the only question we need to ask ourselves in regards to developments in the neighborhood. Just because a development meets the specified zoning does not mean that it should exist, rather ask how the development achieves the vision of the neighborhood. One of the objectives is that redevelopment projects in the neighborhood must be appropriate in scale and character with the neighborhood and adjacent neighborhoods. This goes back to the original

vision statement—"Is this building too big for the neighborhood?" should not be the only question, but rather "Does the development improve the character of New Chauncey and surrounding neighborhoods?" He stated that another objective is to redirect development pressure in the neighborhood to more exclusively student-oriented neighborhoods. He stated that this is not currently being done with the 720 Northwestern project. He asked how many single families or individuals will move into this building that are not Purdue students, and stated that he assumes that the number of single family residents will go up in the next census poll. Mr. Baiel stated that with neighborhood business development, we are trying to attract and sustain desired businesses in the neighborhood, and trying to discourage purely student-oriented businesses developed in the neighborhood by districting such development to more appropriate areas of the City, such as possibly the Chauncey area, also known as the Village, or Purdue West. He stated that this does not, in his opinion, include chain or franchises, and stated that you do not build a community of choice with fast food and derivative developments. He stated that sadly, today he read about the first floor plans for the 720 Northwestern building, and it includes Subway, Jimmy Johns, and a bookstore. He stated that he hopes the anchor tenant, Fresh Market, will succeed because a grocery store in the neighborhood would be great. He encourages everyone to include art in and around their property. He stated that a particular safety improvement objective is to ensure the infrastructure meets the needs of the neighborhood, and that it is sufficient to meet current and future needs. He stated that when the rain is too much, the wastewater from our homes is dumped directly into the Wabash, untreated. Our current infrastructure does not meet the goals of today, let alone the goals of tomorrow with the addition of 490 new beds and toilet users of the 720 Northwestern building. He stated that another safety objective is to support and expand transit and alternative transportation, and stated that we will be hearing the bicycle ordinance. He hopes that more people are encouraged to seek alternative modes of transportation, including cycling. He stated that, in closing, this is a strategic plan for the neighborhood, and the map is but a portion of it. He hopes that we start asking more of these questions and evaluating the developments that do occur in the New Chauncey Neighborhood, to make sure that it is desirable and sought after as a community of choice.

Jay McCann (902 Vine Street) said that speaking as a member of the steering committee, he thanked Councilors Bunder and Thomas. He also acknowledged Councilor Hunt for her participation. He stated that he had two bigger picture points to mention. He stated that we have been at this for some time, but he sees this as a beginning. What is envisioned in the Plan, when looking at the implementation chapter, is a lot of ambition. He stated that you see actors who are not used to working together, hopefully getting all in sync. It will be interesting to see what unfolds and will take a lot of leadership. He stated that his second point is that he witnessed a lot of indigenous enthusiasm in this process, and that may not have been seen had this been kept on schedule. So, the four-year time period allowed for the flourishing of what we all see here tonight, with a lot of neighborhood engagement. Mr. McCann stated that he thinks if you want to build a city of choice, a place where you want to live, that is a necessary ingredient. He thanked all the participants and the Area Plan Commission for bearing with us all this time.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

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

	AYE	NAY	ABSENT	ABSTAIN
Keen			✔	
Thomas	✔			
VanBogaert	✔			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 07-13 passed on final and only reading.

Ordinance No. 11-13 To Rezone Certain Real Estate Within The City Of West Lafayette, Indiana And Designating The Time When The Same Shall Take Effect (Timberstone Development, LLC) (PDRS to R1) (Submitted by the Area Plan Commission)

Mayor Dennis read Ordinance No. 11-13 by title only.

Councilor Burch moved for passage of Ordinance No. 11-13 on its first reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Dan Teder (Reiling Teder & Schrier, LLC) explained that the request is a rezone from PDRS to R1, approximately a 160 acre tract, formerly known has Lauren Lakes. He stated that a favorable staff recommendation was received, and an APC vote of 11 – 0 in favor for this matter. He stated that the existing plan called for 517 lots on this acreage, with 81 R1 lots, 219 R1A lots, and 217 R1B lots. The rezone will have approximately 400 R1 lots of at least 10,000 square feet and at least 75 feet of lot width. This will return the site to the way it originally was. The roadways and green space in the planned development will not substantially change. Mr. Teder stated that they want to follow the design and product of Arbor Chase, which has been one of the most successful subdivisions in West Lafayette. He stated that part of the problems there have been that first-time homeowner product and the financing is very difficult in today's economy. That is the reason the smaller lots and that type of product does not sell and has not been developed. He stated that this planned development is abandoned, which means nothing can be done with it unless it is rezoned.

Mr. Drayer stated that he is a resident in the proposed area and he wonders why it was it was abandoned when two years ago they had come together after months of working with the developer to do the PDRS, and concessions were made on the part of the homeowners for the amenities that were supposed to be there. He understands that they did not get the plan over to the APC, and that is why it became abandoned. He stated he was never able to get a copy of it himself, he only saw it at one of the meetings. Mr. Drayer stated that even after repeated requests for this development plan, it was refused. He does not believe that the builder negotiated in good faith at that time. He stated that Mr. Teder speaks about it being a difficult time to sell houses, and Mr. Drayer stated that he can see how it can be difficult for Timberstone to sell houses when they are made mostly out of Styrofoam. It is the quality of construction that sells homes, and in this bad economy people are not going to buy a home for that kind of money that can be entered with a box cutter. Mr. Drayer stated that he was aghast when he read the review from APC stating that public notice had been given that this petition will be heard at Council, and said that the only notification he got before the APC was a certified letter three days before the meeting. He stated that the public placard had been put way back from the road, parallel to the road, and at 40 mph it could not be read. He stated that as far as being well publicized for other petitioners to be here, he is not surprised that he may be the only one from the Lauren Lakes neighborhood to be here. Mr. Drayer stated that after consulting with fellow Purdue staff and faculty that live in the neighborhood, none of them knew that this was occurring. He stated that he would heartily suggest that Council vote this down. He believes that the builder and the representative acted in poor faith and did not act in good faith with the neighborhood organization that had spent many

months to try to coordinate in the past, and it is due to their negligence of providing a plan to the APC that this went out of being a PDRS.

Mr. Teder stated that he respectfully disagrees with everything Mr. Drayer said. Mr. Teder stated that he represents a client that is probably the most successful developer and builder of single-family homes in the Midwest, is very reputable, and the homes that have sold have been exceptional. He restated that they want to do something similar to Arbor Chase, which is a fine development with fine houses. There has been no intent to change or hide anything. The rules and regulations were followed, the sign was posted, the notice was sent out appropriately, and they spoke to anyone who wanted to talk to them. He stated that they were there approximately 1.5 years ago to rezone land that adjoins this to R1, and that has 65 lots out of 130 that have been not sold in that area. So, the economy and products have changed, and people seem to want what exists at Arbor Chase.

Mr. Drayer stated that has not been to Arbor Chase, but it is probably a fine neighborhood. He stated that what was promised when he bought his house was a different builder. He knows that his house was built with 75% solid wood sheet goods with very little Styrofoam. He stated that he looks at the promises made two years ago, and he sees none of them. He stated that a report from the neighborhood organization says that they were having difficulty with the builder paying their percentage of the lots that they owned. In the additional area mentioned by Mr. Teder that got rezoned, work was to be done to extend the road to begin that work, and nothing has been done. It has become an area to dump the earth from excavations for the foundations on the homes that have been sold. He stated that they spent a large sum of money renaming the neighborhood, but they have not done anything that they promised to do.

Councilor Dietrich asked how the Council voting no on this proposal would satisfy Mr. Drayer's concerns or help him as a homeowner there.

Mr. Drayer responded that they should have to go back and reapply for the PDRS and not allow it to be moved to R1. He stated that this would help as a homeowner, due to the amenities that were promised. He has not seen the plans for what they are going to do with the R1. They say they are going to keep the amenities the same, but those had changed so many times during the discussions with no hard evidence of what was going to be done. Mr. Drayer stated that he cannot believe them anymore because the group has not been honest with this neighborhood. Even if they have done wonders elsewhere, they have not experienced that. He spoke again about the difficulty of seeing the placard. He stated that there were no objections at the APC meeting because nobody in the neighborhood knew this was happening, and he was the only one who was available for this meeting.

Councilor Burch stated that she has been out there, and there is an issue with weeds and trash, and she has asked several times that whoever is responsible clean it up. She stated that her other comment is that new single-family homes would enhance Winding Ridge. She stated that she feels Mr. Drayer's pain, but agrees with Councilor Dietrich about not being sure how voting against this would make the neighborhood better.

Mr. Drayer stated that without it being a planned development, the R1 designation means that they do not have to hold to that lot number. They have to hold to that lot size, but the green spaces can go away. He stated that he expects this group of individuals to do that and none of the green spaces and other things that were going to make that a neighborhood will be there anymore. He stated that if it loses the PDRS it will no longer be required for them to do anything but maintain that 75 foot frontage and that lot size. They will lose the open space and picnic shelter area, and all the things that would create that community and camaraderie and make it more than just a bunch of buildings thrown into the middle of a field.

Councilor Burch stated that she has made several requests to the Mayor and Public Works Director Buck for a property trail and bicycle path connecting that area to Prophet's Ridge. She hopes that down the road that a multiuse path will come to fruition and that will help.

Mr. Teder stated that he again disagrees. The small lots that were the majority of the planned development does not work on something of this scale, and that is why he continues to mention Arbor Chase. He stated that this amount of acreage cannot be developed without green space because there has to be detention storage, there are wetlands with trees in it, and that is not going to change. He stated that APC was concerned about the roadways because there needs to be more connections, and that is in the plan. He stated that the R1 is the most restrictive other than a planned development, but it does give some flexibility in how that product is going to look so it can change with the marketplace.

Mayor Dennis stated that this argument could go constantly back and forth, and the purpose of the legislative body is to make an informed decision on the existing ordinance.

Councilor Hunt asked if Mr. Teder could at least assure the Council that the weeds will be cut on a regular basis.

Mr. Teder stated that he will contact the homeowner's association, of which the developer is a part of, because they are responsible for cutting the weeds. He stated that he will guarantee that he will get back with the Council as to the response of when that will be done.

Councilor Hunt stated that the homeowners should not have to pay to have someone else pay to cut the grass when the developer owns the land.

Mr. Drayer stated that regarding Mr. Teder's statement about the lots in the PDRS is accurate in what they had proposed, but that was a downgrading of the original PDRS. It was their request to make those lots smaller. He stated that the neighborhood originally wanted all R1 lots, with the amenities that had been promised to them.

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 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 11-13 passed on first final reading.

Ordinance No. 12-13 An Ordinance Establishing A Safe Passing Distance Between Motor Vehicles And Bicycles (Sponsored by Councilor VanBogaert)

Mayor Dennis read Ordinance No. 12-13 by title only.

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

Councilor VanBogaert stated that he was approached by a civic organization last month about pursuing this policy. He stated that this is something that has happened in more than 20 states so far, including Indianapolis, Fort Wayne, and South Bend in Indiana. Tonight, they are considering a similar ordinance in Carmel, Indiana. He stated that this ordinance is a matter of clarification as to how bicycles are promoted. He stated that he knows that some bicyclists are being ticketed for being on the sidewalk because we need to be sure that they are following the law and riding in the street, but as we do that we need to make sure we raise awareness with motorists and bicyclists about how everyone should interact with each other. He stated that this three foot distance is meant to be a reminder to everyone, and is also in line with what other states have done. This particular language is modeled after what was adopted in South Bend. He stated that he hopes to get discussion tonight and then get feedback from the Traffic Commission on May 21. He stated that he had a discussion last week with Councilor Dietrich about some ways the language could be improved and be made the most effective for creating a safe environment.

Mayor Dennis stated that bicycling has evolved. It used to be a recreational pastime, but it is now becoming more of a primary mode of transportation. He stated that it is important to give consideration to awareness on both sides of the conversation.

Councilor Burch asked if Councilor VanBogaert would consider a motion to reword the ordinance based on Councilor Dietrich's discussion of this at Pre-Council. She stated that she is concerned about the enforcement.

Councilor VanBogaert responded that he actually thinks Councilor Dietrich's suggestion is more expansive and protects bicyclists even more in terms of strengthening the enforceability of the ordinance, and he would welcome his amendment.

Councilor Dietrich stated he had spoken to Police Chief Dombkowski about this. His amendment is to put a period after the word "distance" in the ordinance, so that it says, "… may not overtake or pass a bicyclists unless there is a safe distance." He stated that the issue he has regarding the three feet is that we are going to be forced to enforce this based on current motor vehicle laws, so it seem logical to him to merely talk about a safe distance, and then generally talk about three feet being a safe distance. He stated that his first suggestion would be, "The operator of any motor vehicle driving on the roadways of West Lafayette may only overtake or pass a bicyclists when there is a safe distance allowed."

Councilor VanBogaert asked if Councilor Dietrich means when there is a safe distance between the motor vehicle and the bicycle, and Councilor Dietrich confirmed that. Councilor VanBogaert stated that he thinks that is a friendly amendment.

Councilor Burch seconded the motion.

Councilor VanBogaert stated that he would like opinions from the audience, but he thinks that it strengthens the enforceability and the protection of the proposal.

Stewart Frescas (421 Brown Street, West Lafayette Bicycle Pedestrian Committee), Michael Dick (3048 Georgetown Road, Bicycle Lafayette), Pat Boling (610 Carrolton Boulevard, Wabash River Cycle Club), Thomas Kesler (479 Maple Street), Susan Schechter (1001 Ferry Street, Lafayette; Bicycle Lafayette), Jordan Williams (1112 North Street, Lafayette; Purdue student), Pam Hermes (3333 Hamilton Street), Zoe Neal (1001 Ferry Street, Lafayette), and Howard Grabois (610 Carrolton Boulevard) all spoke in favor of keeping the three foot language in the ordinance. Additionally, Michael Dick submitted a petition containing 276 signatures from people supporting the ordinance in its current form. The reasons given for keeping the language include that the specific distance removes ambiguity and subjectivity, it sets an objective standard, and it educates motorists and increases awareness of the need for the distance; that there are already laws for safe distance but the three feet measure will provide the visual of a yardstick; that the point of the ordinance is have a firm number and removing it would weaken it; and that it is also in line with what other communities have adopted.

Councilor VanBogaert stated that he likes the thought of keeping the distance but also include language that expands the enforceability.

Councilor Burch stated that, to play Devil's Advocate, we have three feet from where, and what about the bicyclists staying in the bike lane.

Councilor VanBogaert stated that the way the language is now, it is three feet between the motor vehicle and the bicycle. State law says the bicycle is entitled as a vehicle on the road to the lane.

Councilor Burch stated that she is glad to hear that Bicycle Lafayette is encouraging riders to obey traffic laws. She stated that we have both naughty motorists and naughty bicyclists who do not obey the rules.

Councilor Dietrich withdrew his amendment. He stated that it does make more sense to accomplish in the same process to say both a safe distance but no closer than.

Ms. Hermes suggested wording of, "… may only overtake or pass a bicyclist when there is a safe distance, which in no case shall be less than three feet clearance between the motor vehicle and the bicycle." She stated that is similar to what she has seen on other ordinances.

Councilor Dietrich stated that his issue with that is that there are times when traffic is going less than ten miles per hour and less than three feet is still safe and sometimes the bike is passing the vehicle. He stated he is not sure the three feet should be an absolute in the ordinance.

Ms. Hermes responded that to her three feet is always a minimum because motorists cannot see the obstructions that the bicyclists can see.

Councilor VanBogaert motioned to amend the language as read by Ms. Hermes. Councilor Dietrich seconded the motion.

Councilor Burch asked whose judgment we go by for the three feet, and asked if it is subjective or objective.

Councilor VanBogaert stated that it would be the law enforcement officer.

Andrew Hirsch (625 Crestview Place) stated that bicyclists can carry cameras, so there can be objective evidence. He stated that in many cases that evidence will not be there, but at least three feet is an objective measure where a safe distance is a matter of opinion. He stated that this will be helpful in returning this community to have the status of a bicycle friendly community.

Ms. Schechter stated that earlier we heard the importance of having a tight lid on the garbage can even though it might not always be enforceable. It does not stop us from saying we should have lids on the garbage cans, and in the same respect, just because we may not always know if it is three feet, telling motorists to give cyclists at least three feet is a step in the right direction for public health.

Mayor Dennis asked for a voice vote on the amendment as read. The amendment passed unanimously.

Councilor Burch asked Councilor VanBogaert why this was brought to the Council first as opposed to the Traffic Commission.

Councilor VanBogaert responded that the Traffic Commission did not meet in April and with the need for two readings there is still opportunity to get the Commission's feedback and discuss it in June. He stated that May is also Bike Month, so it was appropriate, and he felt it was the right time to go forward.

Councilor Burch stated that she is still concerned about the enforcement. She stated that as she was driving to City Hall tonight, there was a bicyclist coming straight in front of her and she had to stop. She stated that because of that, maybe she is not feeling generous. She would have also preferred to go before the Traffic Commission first. She stated that due to those objections, she will vote no on this first reading, which does not mean that she will not vote yes on the second reading.

Councilor Hunt stated that she was impressed with the education being done by Bicycle Lafayette and she appreciates it.

Councilor Thomas stated that some very eloquent young people spoke at the last Diversity Roundtable. One question asked was what was needed in the Greater Lafayette area, and the response was a more bike friendly environment. He stated that he saw on the news that there was a study done on bicycle friendly states, and Indiana ranked 42nd, so we have some work to do.

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 5 AYES and 1 NAYS.

Mayor Dennis announced that Ordinance No. 12-13 passed on first reading.

Ordinance No. 16-13 An Ordinance Providing For Temporary Loans (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 16-13 by title only.

Councilor Burch moved for passage of Ordinance No. 16-13 on its first reading, and that the vote be by roll call. The motion was seconded by Councilor VanBogaert.

Clerk-Treasurer Rhodes stated that this loan is to provide funds to make the Police and Fire Departments pension payments through the end of June. It is to be paid back by December 31, 2013, to the Wastewater Improvement Fund. She requested two readings tonight.

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 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 16-13 passed on first reading.

Councilor Burch moved to suspend the rules and hear Ordinance No. 16-13 on its second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

The motion passed by unanimous voice vote.

Mayor Dennis read Ordinance No. 16-13 by title only.

Councilor Burch moved for passage of Ordinance No. 16-13 on its second and final reading, and that the vote be by roll call. The motion was seconded by Councilor VanBogaert.

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 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 16-13 passed on its second and final reading.

Resolution No. 05-13 A Resolution To Approve The West Lafayette Public Library Capital Projects Fund Plan (Prepared by the Clerk-Treasurer) PUBLIC HEARING

Mayor Dennis read Resolution No. 05-13 by title only.

Councilor Burch moved for passage of Resolution No. 05-13 on its first reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Nick Schenkel (West Lafayette Public Library Director) acknowledged the Library Board and the Friends of the Library members in attendance. He requested that the Council hold and approve a public hearing on the West Lafayette Public Library's 2014-2016 Public Projects Fund Plan. He explained that this is a rolling three-year capital projects fund, as required by State legislation. He stated that they are asking for a $0.0133 tax rate, which has not increased for several years. He stated that the library is busier than ever, both for reading and for other activities. It is the library's 90th year. The parking garage is a busy and active place. Mr. Schenkel reported that the digital media center is beginning to take off after being introduced in January. He stated that all of the cost sharing and cooperative development to provide eBooks and more traditional print books through Evergreen Indiana are growing as well. He stated that it is a good, healthy library, working to meet many needs. The Capital Projects Fund helps with computer services, keeping the garage and building in good shape, and meeting Americans with Disabilities Act (ADA) compliance issues.

Councilor Burch moved to enter into a public hearing for Resolution 05-13. The motion was seconded by Councilor VanBogaert.

The motion passed by voice vote.

Thomas Kesler (479 Maple Street) said, "Well, I do intend— I would like you aware that I have learned recently that the library has a subscription service for some technology education, I think its called Lynda, and I hope to use it in the near future. I looked at it on the web from my home, it didn't show me very much, so I can see the place to go is the library. So, I'm hoping to learn some— Although I worked in computing, there was a lot about personal computers that I had not studied, and I hope to get that through the library. Thank you."

Mr. Baiel said, "As an avid supporter of the public library system, here and in Lafayette, I just want to recommend, obviously, the approval of this particular budget. West Lafayette does a great job with the various services that they offer and continuing to expand and use the available space that they have. I know that the Dig Me, the digital media center, is a nice addition to the library. So, I just want to say they're doing a great job and I'm happy to hear that it's a healthy library system and that we continue to use it. Thank you."

Mr. Drayer said, "I would just like to say that the library system is phenomenal here. I've enjoyed it since I was a kid. I grew up on the other side of town and my dad worked at the University. I did finally pay off those books that I had. My kids enjoy it. The only complaint I've ever had about the library is it's not open enough times. So, the more money we can give them, the better."

There were no further comments.

Councilor Burch moved to close the public hearing.

Taking the consent of the Council, Mayor Dennis closed the public hearing.

Councilor Burch thanked the library for supporting the grant select database.

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 6 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 05-13 passed on final reading.

Resolution No. 08-13 A Resolution Authorizing The Filing Of An Application With The U.S. Department Of Housing And Urban Development, For Community Development Block Grant Funds, As Provided In Title I Of The Community Development Act Of 1974, As Amended (Submitted by Department of Development)

Mayor Dennis read Resolution No. 08-13 by title only.

Councilor Burch moved for passage of Resolution No. 08-13 on its first reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Director of Development Poole explained that this is the annual submission to the U.S. Department of Housing and Urban Development (HUD) for Community Development Block Grant (CDBG) funds. He stated that we are an entitlement City, but we have to tell them we would like the funds that we receive.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

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

	AYE	NAY	ABSENT	ABSTAIN
Keen			✔	
Thomas	✔			
VanBogaert	✔			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 08-13 passed on final reading.

Resolution No. 09-13 A Resolution Appropriating Insurance Recovery Received For Damage To City Property (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 09-13 by title only.

Councilor Burch moved for passage of Resolution No. 09-13 on its first reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Clerk-Treasurer Rhodes stated that this is to appropriate insurance recovery for damage to a squad car.

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 6 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 09-13 passed on final reading.

COMMUNICATIONS

► Councilor Hunt stated that this is National Nurses Week and asked that everyone thank a nurse this week.

Councilor VanBogaert stated that it is also Teacher's Appreciation Week.

CITIZEN COMMENTS

► Mr. Kesler expressed his thanks to the Street Department for wrapping up the Boiler Blast project in which he participated. The crew took the piles of concrete and twigs that the students organized on Columbia Street. He thanked Animal Control for removing an issue in one of the alleys of New Chauncey very quickly after his phone call. He also thanked Assistant City Engineer Anderson for his feedback on questions regarding construction on Maple Street. He stated that he hopes the increase in the trash fee will lead to some enforcement and that it is not only going to inflation on gasoline and

other costs. He has shared examples of things that need enforcement in the alleys of New Chauncey. Mr. Kesler also stated that he sees some of those large rental signs on single-family rental homes have come down, but there are still some there. He asked if there was a progress report on that topic.

Mayor Dennis responded that the letter did go out, and it is a good sign that we have made progress, and we will continue to encourage compliance.

► Mr. Drayer stated that regarding the bicycle paths and distances, he would really like to see better enforcement of the laws that are in effect. He sees many college-age individuals riding upon sidewalks, a definite violation of City ordinance, which goes unchecked continually. He stated that we heard many people in the bike group speak, and he is sorry they are not still here, but he has had bicyclists pass his vehicle at less than three feet. He stated that his children are taught the bicycle rules, and they notice those who do not follow them. He stated that we need to do more to educate children on the proper rules and regulations.

► Chris Kulesza (190 Burke Court, Apt. 111), Vice-President for External Affairs for the Purdue Graduate Student Government (PGSG), thanked Mayor Dennis for partaking in Graduate Student Appreciation Week, which was well attended. At the final event, the picnic, they ran out of food. He gave a legislative update from the last PGSG meeting of the semester, stating that they passed their budget and are looking at approximately $160,000 to $170,000. Over 70% of that will go toward professional, travel, and research grants. Additionally, they passed legislation encouraging expansion of the green card program for international students at the undergraduate and graduate levels. He stated that they are well aware that there is an issue of “brain drain,” with many students not being able to stay in the United States under current laws, even though they studied here and would like to stay. They are looking ways to advocate for students who graduate here to stay here much more easily.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 9:37 p.m.