CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
JULY 7, 2014

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on July 7, 2014, 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, Hunt, Keen, Thomas, and VanBogaert.

Absent: Councilor Dietrich

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

MINUTES
Councilor Keen moved for acceptance of the minutes of the May 29, 2014, Pre-Council Meeting, and the June 2, 2014, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed by voice vote.

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

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

PURDUE RELATIONS
Councilor VanBogaert reported on events at Purdue University including Purdue being the recipient of a $12 million grant from the Department of Energy to advance research in converting plant biomass into a liquid hydrocarbon fuel.

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 Bunder reported that there is a meeting of the Budget Committee tomorrow night.

REPORT OF APC REPRESENTATIVE
Councilor Keen stated that he will defer comments for items later in the agenda.

SPECIAL REPORTS:
2014 Tax Abatement Compliance Review – Development
Director of Development Poole reported that there are currently nine active tax abatements and all of them are exceeding or close to achieving their goals. He stated that when reviewing them, he was very pleased by the total salaries that some of the companies are putting in, in excess of $10 million. Some of the investments in real estate or equipment are in excess of $15 million.

Councilor Keen motioned to accept the abatement reports. Councilor Burch seconded the motion, and the motion passed by voice vote.

PUBLIC RELATIONS:
a. Beautification Award
Councilor Bunder presented the Beautification Award to Sheila and John Graveel who live at 1101 Sunset Lane. He described the landscaping and shared pictures.

Ms. Graveel expressed their appreciation for the award and stated that they love making the yard and neighborhood more beautiful.

FINANCIAL REPORT
Clerk-Treasurer Rhodes reported that we are the midst of the budget work sessions. In addition to tomorrow evening, there is one scheduled for next week. There may be additional sessions. The budget will be filed for first reading at the August Council meeting.

LEGAL REPORT
City Attorney Burns stated that this report is on file. In response to a question from Councilor Burch, City Attorney Burns explained that the item regarding domestic animal code enforcement was to provide clarification to the Neighborhood Resource Team (NRT) on restrictions that the Unified Zoning Ordinance (UZO) and the City has.

Councilor Bunder asked for an update on the Lutz Street Fire.

City Attorney Burns responded that he called Kent Frandsen, the attorney who has been retained to handle the matter, and asked for an update. He stated that Mr. Frandsen indicated that he has spoken to attorney who represents Mr. Stein and there was an agreement that he would hear back from him by a week from this Wednesday.

UNFINISHED BUSINESS:
Ordinance No. 17-14 An Ordinance Changing The Classification Of The City Of West Lafayette From Third Class To A Second Class City (Sponsored by Mayor John R. Dennis)

Mayor Dennis read Ordinance No. 17-14 by title and asked that it be tabled until September when we expect to have the census data.

City Attorney Burns explained that we have a request in to the US Census Bureau and have been advised that it may be completed in August. The earliest that we would be ready to proceed would be September and he recommended postponing this matter definitely until the September 2, 2014 Council meeting.

Councilor Keen moved to postpone Ordinance No. 11-14 definitely until the September 2, 2014 meeting, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Hunt asked when there will be something from the APC to do the redistricting if this passes. She asked if it would still take two votes.

City Attorney Burns stated that it would only be one vote. It is similar to an annexation, as with last time it was voted in the first time and then actual districts were assembled and put into a graphic form. Then that is attached and made part of the final ordinance. The redistricting itself is part of Ordinance No. 17-14.

Councilor Hunt noted that next year is an election year and the original filing is in February for running for office.

City Attorney Burns stated that we have a deadline near the end of November in order for the actual districts to be put into all the systems. It has to go in locally and it has a cursory State approval process. He believes that the maps will be made available before the Council is asked to vote a second time. If September comes and we are not in a position to have those maps, there are the months of October and November to deal with it.

There was no further discussion.

The motion was adopted by voice vote.

NEW BUSINESS:

Ordinance No. 18-14 An Ordinance To Amend Ordinance No. 24-13, To Fix The 2014 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. 18-14 by title only.

Councilor Keen moved for passage of Ordinance No. 18-14 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis stated that this ordinance that is in regards to amending a salary in the Engineering Department.

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. 18-14 passed on first reading.

Councilor Hunt and Clerk-Treasurer Rhodes discussed that some people work 37.5 hours and some work 40 hours per week based on if they get a 30 minute paid lunch or not, as well as different operation shift schedules.

Clerk-Treasurer Rhodes requested that Ordinance No. 18-14 be heard on second reading tonight because there is an expectation that a hire will be made as soon as possible.

Councilor Keen moved to suspend the rules and hear and consider Ordinance No. 18-14 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch, and the motion passed by voice vote.

Mayor Dennis read Ordinance No. 18-14 by title only.

Councilor Keen moved for passage of Ordinance No. 18-14 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

There was no discussion.

Clerk-Treasurer Rhodes called the roll call vote:

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

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

Mayor Dennis announced that Ordinance No. 18-14 passed on second and final reading.

<u>Ordinance No. 19-14</u> An Ordinance To Amend Ordinance No. 05-14, 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 2014 (Submitted by Mayor John Dennis)

Mayor Dennis read Ordinance No. 19-14 by title and noted that this is part two of Ordinance No. 18-14.

Councilor Keen moved for passage of Ordinance No. 19-14 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes noted that along with the salary change for the Engineering Department, there is a change on Page 4 that changes a title in the Police Department to Neighborhood Resource Officer.

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. 19-14 passed on first reading.

Clerk-Treasurer Rhodes requested a motion to suspend the rules and have the second reading.

Councilor Keen moved to suspend the rules and hear and consider Ordinance No. 19-14 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch, and the motion passed by voice vote.

Mayor Dennis read Ordinance No. 19-14 by title only.

Councilor Keen moved for passage of Ordinance No. 19-14 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

There was no discussion.

Clerk-Treasurer Rhodes called the roll call vote:

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

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

Mayor Dennis announced that Ordinance No. 19-14 passed on second and final reading.

<u>Ordinance No. 20-14</u> To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (Walk His Way, LLC) (R1 to R3W) (Submitted by the Area Plan Commission)

Mayor Dennis read Ordinance No. 20-14 by title only.

Councilor Keen moved for passage of Ordinance No. 20-14 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Hunt stated that the APC Staff Report indicates that if this is rezoned for this purpose that it will remain as the function of this plot.

City Attorney Burns responded that is correct. He explained that the commitment process is just that; when the commitment is made the use that is committed to will stay or it will have to be rezoned. There can be an alteration to a commitment but that would only be at an APC meeting that we would receive a notice of and be able to attend. In general it will not have another use without further action. He confirmed that an alteration would not come to the Council, as per State law. He stated that it is as ironclad as anything can be.

Councilor Burch state that the Council has received a lot of positive feedback on this projects and she appreciates hearing from the citizens.

Councilor Thomas asked if there is an annual estimate on how many individuals this facility will serve.

Catherine Benner (30 Robinhood Place), petitioner, responded that it would serve 20 to 25 people throughout the week. The hours are from 7:30 a.m. to 5:30 p.m. and the individuals would be there either a half-day or a full-day. She explained that this is not a drop-in service; it is pre-arranged and scheduled.

Councilor Bunder asked if this property is on the tax rolls currently and if it will come off the tax rolls if this is approved.

Ms. Benner confirmed for City Attorney Burns that this is a not-for-profit.

City Attorney Burns stated that as a not-for-profit, it would come off the tax roll as long as its purpose is not-for-profit. He stated that it is the same process as we are seeing with the Faith West process where it needs to ask for that exemption and it goes through the Council Assessor with a potential for a hearing.

Councilor Bunder explained for the audience that one of those ongoing questions, problems, and conversations that the City has is regarding whether or not non-profits will make payments in lieu of taxes. There are many properties that are outside of our property tax base.

Ms. Benner stated that one of the benefits of this adult day service being a not-for-profit is that, although she cannot give exact dollar amounts that will be saved by the community, it is a savings over going into a nursing home full-time prematurely. This type of care service is a bridge that allows for keeping someone at home a little longer and in a better situation for the family. It keeps the family more intact. She stated that it is a community win-win. She stated that there may be tax dollars to look at, but looking at a bigger picture as far as nursing home costs when it seems like everybody is going into a nursing home, then this is a save for the community.

Councilor Keen asked for a brief synopsis of what the facility will do.

Ms. Benner stated that she would be glad to read something as to what Joyful Journey is about and what they plan to do. The information she provided included that it is a non-medical social daycare program to serve adults who need daily supervision or who might otherwise have to enter a nursing home prematurely due to caregiver fatigue or unsafe conditions. She stated that in 2013 approximately 2,000 Hoosiers received care at an adult day center, and only five states

have lower rates of utilization than Indiana does. Indiana has higher utilization of nursing home care than 41 states. She stated that Joyful Journey intends to have a guest to caregiver ratio of four or five to one. Caregivers can rest assured that their loved one is in the hands of trained, companionate, and knowledgeable staff. Each guest will be encouraged to engage in fun and meaningful social, mental, and physical activities minimizing the effects of their disabilities and maximizing what they can do independently. She explained that Joyful Journey will have the aesthetics of a real home in a real neighborhood while providing specialized features for the comfort, care, safety, and enjoyment of the guests. Ms. Benner expressed appreciation for assistance and mentoring from Indianapolis-based Joy's House. She stated that to lessen the burden of financial responsibility for the family, Joyful Journey intends to apply for CHOICE and Medicaid waiver certification in addition to providing scholarships. She stated that they recently learned of an extreme need for veteran's services, explaining that veterans are provided with adult day services but there must be one in the local community to participate.

Councilor Hunt stated that as a retired nurse, she commends Ms. Benner. She knows the anxiety of family being left at home while going to work.

Councilor Thomas asked about the requirements of the staff working at the facility.

Ms. Benner responded that, unfortunately, there are no State laws for adult daycares in the State, which is part of why they intend to become a part of the Indiana Association of Adult Day Services. She explained that the association is at the forefront of working to try to get some rules and regulations. She stated that if they go through the Medicaid waiver certification, there is a requirement to have an RN at hand though not necessarily on the premises. She stated that training for everyone else, including volunteers, will include appropriate care for elderly, dementia, and Alzheimer's.

Councilor Keen stated that he wanted to offer clarity regarding the commitment. He stated that the commitment process is relatively new in the State. The commitment that runs with this rezone is just as binding as the rezone itself. If the rezone ever ceases to be what it has been designated to be, the property would automatically revert back to R1. It would not go through a process or hearing; it would just be an automatic thing. He believes this can alleviate a lot of concern and that the Benner's have gone above and beyond taking care of the questions.

Stuart Boehning (Bennet Boehning & Clary LLP), *pro bono* attorney for the petitioner, stated that he is proud to be involved in this project and he likes to see the community professionals surround the Benner's. He stated that there are designers donating time to design the premises to be as attractive as possible for West Lafayette. Others donating time include architects, construction managers, and contractors. He stated that regarding the commitment, the Benner's have worked hard with City officials, the neighborhood, and surrounding churches to find the best fit for this property. It was a run-down rental home that was more dilapidated inside than outside. Because it has some grandfather's issues and is in the right of way, there will be some variance requests and a special exception request. He explained that the garage will come down eliminating the intrusion into the right of way. He stated that the Benner's chose this location because it is centrally located, it is close to Purdue, and there are three quasi-public uses in the two churches and the former Burtsfield School located at the intersection. He stated that the Benner's were all-aboard with the commitment to ensure that the integrity of the property would remain, and they plan to remain there for a long time.

Speaking in support of the project were Zachary Baiel (124 Connolly Street), Sandy Nelson (1098 N 350 W), Suzan Windnagel (460 Littleton Street), Tom Bridge (140 Colony Road), and

Susan Hasty (632 Park Ave., Lafayette). Comments included stories of caregivers who could benefit from this facility, about the benefits to the guests, approval for the central location, and that it has a home-feel instead of that of a business.

In response to concerns expressed by Mr. Baiel about the specific location, Councilor Burch stated that she has heard a lot of comments from citizens who live where this proposed project will go, and they are very happy with the proposal. She has not heard any dissatisfaction.

In response to concerns expressed by Mr. Baiel regarding parking, Gerard Benner (30 Robinhood Place), petitioner, stated that there is in agreement in principal with Riverside Covenant Church to share parking lots. The church can use the day center's lot on Sunday mornings, and if the center has a need for overflow parking during the week the church's parking lot can be used. That agreement will be formalized and recorded so that it stays with the property should the church ever be sold. He believes this is phenomenal support on behalf of the church to commit themselves and future property owners.

Councilor Burch stated that the only thing that could make this project better is to have Lindberg Road resurfaced in the area, and Mayor Dennis stated that it is on the list.

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. 20-14 passed on first and only reading.

<u>Ordinance No. 21-14</u> To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (UZO Amendment #82 Buildings in the Flood Plain) (Submitted by the Area Plan Commission)

Mayor Dennis read Ordinance No. 21-14 by title only.

Councilor Keen moved for passage of Ordinance No. 21-14 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Keen explained that this ordinance allows damaged homes located within the flood plane to be elevated. It is extends the sunset date for that to take place to December 2015. The other component is that the existing permitting process only allows previously substantially damaged or repetitive loss homes to qualify for elevation, and this allows for a property owner who has a home that has never been damaged to be elevated as well.

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. 21-14 passed on first and only reading.

Resolution No. 12-14 A Resolution Appropriating The Necessary Funds Resulting From The 2014 Community Development Application Of The City Of West Lafayette Under Title I Of The Housing And Community Development Act Of 1974, As Amended (Submitted by Department of Development)

Mayor Dennis read Resolution No. 12-14 by title only.

Councilor Keen moved for passage of Resolution No. 12-14 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Director Poole explained that this is the yearly bit of housekeeping for CDBG. The allotment this year is for $332,289.00, and this resolution is to appropriate the funds into the appropriate categories.

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. 12-14 passed on first and only reading.

Resolution No. 13-14 A Resolution Requesting The Transfer Of Funds (General Fund: Facilities) (Submitted by the Clerk-Treasurer)

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

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

Clerk-Treasurer Rhodes stated that this resolution is prepared at the request of the Facilities Department to allocate funds within the budget for expenses expected through the end of this year.

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. 13-14 passed on first and only reading.

Resolution No. 14-14 A Resolution Appropriating Insurance Recovery Received For Damage To City Property (Police) (Submitted by the Clerk-Treasurer)

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

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

Clerk-Treasurer Rhodes stated that this is to appropriate insurance recovery for damage received to a Police vehicle.

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. 14-14 passed on first and only reading.

COMMUNICATIONS

► Councilor Hunt stated that on July 24 at 1:30 p.m. there will be an appeal for the Faith West tax status at the County Building.

CITIZEN COMMENTS

► Thomas Kesler (479 Maple Street) spoke about the citizens of Americus presenting opposition to a stone quarry at the County Commissioner's Meeting, stating that he learned a lot and he agrees with their concerns.

► Mr. Baiel spoke about the State Street Master Plan including his support for more locally-grown businesses instead of more franchise restaurants or franchise bars. He thanked the Council for tabling the second class city ordinance and urged caution in going forward with it. He spoke about redistricting, including the desire to have more citizen involvement and public access to the software to make the maps.

► Councilor Burch stated that she spoke to a woman from the group protesting the quarry who expressed that she was impressed with how the Council listened to the group and that Mayor Dennis led with wisdom and humor.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 7:50 p.m.