CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
AUGUST 1, 2016

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on August 1, 2016, at the hour of 6:30 p.m.

President Bunder called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Peter Bunder, Nick DeBoer [arrived at 6:34 p.m.], Steve Dietrich, Gerry Keen, Larry Leverenz, David Sanders, and Norris Wang.

Absent: Azeem Jha and Gerald Thomas.

Also present: Mayor John Dennis, Corporation Counsel Eric Burns, Clerk Sana Booker, IT Director Brad Alexander, Public Works Director David Buck, Director of Development Erik Carlson, Facilities Director Tim Clark, Police Chief Jason Dombkowski, Parks Superintendent Janet Fawley, Human Resources Director Diane Foster, City Controller Peter Gray, Fire Chief Tim Heath, WWTU Director David Henderson, and Street Commissioner Doug Payne.

MINUTES
Councilor Keen moved for acceptance of the minutes of the June 30, 2016, Pre-Council Meeting, and the July 5, 2016, Common Council Meeting. Councilor Dietrich seconded the motion, and the motion passed by voice vote.

REPORTS OF CITY DEPARTMENTS ON FILE IN THE CLERK'S OFFICE
There were no comments.

REPORT OF THE APC REPRESENTATIVES
Councilor Keen reported that APC item Z-2660 [WDA PUB WL LLC] was continued to the August 17, 2016, APC meeting due to a filing deficiency. He reported that the EMH & T item, Sagamore Park Center, commonly known as the Payless gas station, was also continued to the August 17, 2016, meeting due to a legal description deficiency.

PUBLIC RELATIONS:
Beautification Award
President Bunder presented the Beautification Award to Steve and Helen Green of 505 Emile Drive, and he described the plants in the garden. Mr. Green expressed appreciation to the City for recognizing their garden, and stated that he knows it is a labor of love for Mrs. Green.

[Councilor DeBoer arrived at 6:34 p.m.]

Retirement Recognition of Lieutenant William J. Gallagher – Police Chief Dombkowski
Police Chief Dombkowski spoke of the 21-plus years that William J. Gallagher has been with the West Lafayette Police Department. He stated that Lt. Gallagher has been a member of the command staff for some time, and he explained that this is a position where the Department leans on people to lead. He stated that at night when the Chief is sleeping, the Lieutenant in charge at the police station becomes the Police Chief, Street Commissioner, the Mayor, and everything in-

between at 2 a.m. Lt. Gallagher has done a lot of that in his career. Chief Dombkowski stated that this comes with a lot of sacrifice, but also a lot of reward in working for the community. He spoke of working with Lt. Gallagher and learning what a companionate and empathetic police officer he is for our community. Chief Dombkowski presented a plaque to Lt. Gallagher and congratulated him on his retirement.

Retirement Recognition of Lieutenant William J. Gallagher – Police Merit Commission
Police Merit Commission President David Rollock stated that it is an honor to represent the West Lafayette Police Merit Commission (PMC) on a day like this. He explained that the PMC is a body that is charged with the hiring and disciplining of officers. He stated that he has a mixture of feelings on presenting this memento to Lt. Gallagher. It is sad that we are losing thoughtful, skilled, and effective leadership over so long, and it is always a loss for us. It is hard for us to say goodbye to people who have been an important part of shaping what it is that keeps our community safe and secure over so long a time. On the other hand, it is also a happy occasion. There are things to look forward to, and it is great that we can shake hands and part ways as we recognize that there are many things that could have made a career end in other-than-pleasant ways. He stated that we are grateful for that, and we are happy for him and for his family that we can part ways in happy fashion. He stated that this is an important opportunity for the entire community to thank Lt. Gallagher for what he has done, and for us to feel grateful for all the things we do to each other. He presented Lt. Gallagher with a clock, and read the inscription, “In grateful appreciation from the West Lafayette Police Merit Commission on your retirement after 21.5 years of service. July 21, 2016.”

Lieutenant Gallagher stated that 21.5 years goes by, and he thinks that it is poignant that we are doing this in Morton Community Center where he was sworn in, as it seems full-circle. He stated to the Council that over the years they have assisted the Police Department by passing legislation that has helped the Department keep the quality of life in West Lafayette to the highest standard and to help people adapt and live here with a full life. He stated that the support is greatly appreciated. Also, fiscally, the Council allows the agency to stay with the times and get the technological innovation, such as body cameras, car cameras, Tasers, and things of that nature. These allow the officers to do their jobs to the fullest ability while having to enact the least amount of enforcement upon people, and to give the most credibility that we can have. He stated to Mayor Dennis and Chief Dombkowski that he personally wants to thank them. He stated that eight years ago they came into power, and one of the things they brought to this agency in a college town was to have education. They pushed the endeavor that smart cops are good cops that do good work and are able to think outside the box. Lt. Gallagher stated that in the time that he has been with them, they have allowed him to graduate from Northwestern School of Police Staff and Command, go to the FBI National Academy where less than 1% of all law enforcement are able to attend, and last May graduate from Purdue with a master’s degree. He stated that these are things that are instilled upon the officers and the administrative staff to aspire to a higher level, to think outside the box, to be smart, and use their education and knowledge to rectify issues before they becomes problems. Lt. Gallagher stated to Dr. Rollock and the PMC that the utilization of the PMC has allowed good candidate selection. We are getting quality people, doing quality work, and are going to stay with the Department for a long time. Additionally, we have officer promotions utilizing the PMC, which is a civilian board, to oversee the agency so that we have an outside look. So, it is not just within the police ranks that things are reviewed, and we are able to stay on an even keel. Lt. Gallagher expressed appreciation to the citizens of the City for their continued support and faith in what we do. He stated that our mantra when he ran the shift is, “Do the right thing for the right time for the right reason.” The officers are able to do that because of citizen support, and they understand what is being done, how it is being done, and that it is being done for the right things and right reasons. Lt. Gallagher stated to his fellow brother and sister officers

that they have never failed to call to duty. He stated that he worked 14 years of nights and he was never alone. He stated that the officers will always be there for you, they will always back you up, and they will always be with you. He stated that it is a tightknit family that he has come to love and endure, and knows they will always be with him, and they are here with him tonight. He stated that it is a bond that, as the military say, under the stress and prolonged issues dealt with is made and forged and will always be there, whether he is wearing a West Lafayette uniform or some other endeavor. He stated that he always knows, and the Chief made him aware his last day, that he is always welcome back because we are a family. Lt. Gallagher stated that, lastly, to his wife and daughters, they have always been there; they have never wavered. He stated that one of the first rules he always taught his rookies was that at the end of their day, the number one goal is to go home at night. He stated that he wants to thank everyone in this room for 21.5 years of quality service for the City of West Lafayette, and now he gets to leave and fulfil that number one goal—to go home to his family.

Indiana D.A.R.E. Officer of the Year Presentation to Officer Janet Winslow – Police Chief Dombkowski

Chief Dombkowski stated that Officer Janet Winslow has been with the West Lafayette Police Department for over 34 years and has announced her intentions to retire, though she is in a program that means she will be here for at least another two school years. He stated that with her being our D.A.R.E. Officer it is important to talk in terms of school years, as school is starting next week. He read from the citation written by Officer Winslow's supervisor, Lt. John Watson, who made the submission to the State for this award for Indiana D.A.R.E. Officer of the Year. He quoted, "Officer Winslow began serving as the West Lafayette Police D.A.R.E. Officer in 2008, and was later assigned as the first full-time School Resource Officer for the City and the school corporation in 2013. To date, Officer Winslow has graduated nearly 3,000 children through her D.A.R.E. program in our schools." Chief Dombkowski stated that Officer Winslow did not stop there, because she takes it to the next level. In 2010 Officer Winslow developed and implemented the very first prescription drug take-back program in Tippecanoe County. She takes in hundreds of pounds of prescription drugs per month. To date she has taken in more than 14,000 pounds of prescription drugs that did not go into a landfill, did not go into the waterways, and did not end up in the hands of children in our community. Chief Dombkowski stated that this speaks not only to Janet's continued love for children's safety, but also her love for our community and the dangers that improperly disposed drugs can have on our children and our environment. He stated that Officer Winslow was one of the founding members of the West Lafayette Police Rape Aggression Defense (RAD) program, which is a popular program for women, as well as the radKIDS program. He stated that Janet has instructed hundreds of women and children in the community on potentially life-saving defensive tactics. He stated that Janet has faithfully, honorably, and humbly served more than 34 years with the West Lafayette Police Department, and she has touched so many lives—both young and old. He stated that we are not ready to let her go yet, as her impact on our community cannot be easily measured. Chief Dombkowski presented a plaque to Officer Winslow thanking her for her commitment to the D.A.R.E. program, the Department, and the community.

Officer Winslow thanked Chief Dombkowski. She stated that she is blessed to have a Department that put her in this position, and she loves her job. She is grateful to also be the School Resource Officer because she gets to see those kids at Cumberland and high-five them in the hallways. She stated that one of her greatest achievements was when she was in the hallway last year as a busload of third graders got off the bus to visit Happy Hollow, and they erupted into cheers when they saw her. The kids had not known that she was at Happy Hollow as well, so she was the constant from Cumberland to Happy Hollow. She stated that she is blessed to have this job and

thrilled to receive this award. She expressed appreciation to her husband, Ed, for all of his support, and she thanked her two sisters and everyone else here for all of their support.

2016 Council Schedule (Revised)
Councilor DeBoer moved to accept the revised 2016 Council Schedule. Councilor Dietrich seconded the motion, and the motion passed by voice vote.

FINANCIAL REPORT
Councilor Dietrich reported that the Budget and Finance Committee will begin the process of meeting with department heads, probably on Tuesdays beginning at 4:30. Three or four department heads will present their proposed budget at each meeting and give the Committee a chance to ask questions and review. Councilor DeBoer requested that the meetings be held in Morton.

LEGAL REPORT
Corporation Counsel Burns stated that this report is on file.

SPECIAL REPORTS:
Downtown Land Use Concept Plan – Area Plan Commission
Sallie Fahey, Executive Director, Area Plan Commission, stated that as she and Assistant Director Ryan O'Gara discussed at the Pre-Council meeting, these plan documents are informational only. She explained that the Council is welcome to request that this go through the Land Use Plan amendment process in the future. She explained that this concept plan has come about because the APC staff and the City staff have an increasing number of requests for densifying and redeveloping lands that we would consider to be the City's historical and reemerging downtown, along with a large student-rental area south of Wood Street and another area north up to Fowler Avenue. There is also a large amount of land that is in public holdings along the Wabash River, which is being shown in concept because it is largely in the flood plain and is being reserved for recreation and open space conservation. She stated that what we will do with this concept plan is that both staffs will have common vision, committed to paper, that we can communicate to the development community. Executive Director Fahey briefly described the various areas shown in the documentation provided to the Council. She noted that the northern High Density 1 area is geared to match the adopted New Chauncey Neighborhood Land Use Plan so that across Fowler the density, styles, and heights of buildings would match what has been adopted for New Chauncey. She stated that the concept descriptions include concepts for building height, commercial options for the ground floor, and general residential density ranges. There are some new concepts, one of which is in Residential Urban 1, where we are talking about potentially having it so that as the building go higher it should have a step-back a certain number of feet so that it is not massed quite so heavily at the street edge. She stated that we are hoping that in a concept way that what comes to the Council in the form of a rezoning or planned development will fit into the staff vision communicated to the development community.

Councilor DeBoer stated that he wants to compliment Executive Director Fahey and Assistant Director O'Gara. He stated that he thinks that this communicates a vision to our City, and something he has been advocating for a long time in his district, which is increasing densification to try to drive down rent prices. He thinks this is an achievable way of doing that in a way that fits the current architecture of the area.

Councilor Keen asked if it is the intent or desire to adopt these concepts on a more formal basis, and in what kind of a timeline.

Executive Director Fahey noted that Councilor DeBoer asked that question at Pre-Council. She stated that it can be done with a resolution adopted by the Council. She explained that in terms of the APC work schedule, just for West Lafayette, the priority has been first to do the form-based code for New Chauncey, followed by the US 231 official land use plan, and then this could probably come afterward. Councilor Keen asked if it would be prudent to think ahead and incorporate this into the form-based code. Executive Director Fahey responded that there would first need to be an adopted plan. She stated that she thinks the timing would probably not allow it to be part of the New Chauncey form-based code, and in fact, they would probably have very little in common. She stated that the forms for New Chauncey would be very different than the forms that we would create for this downtown and dense residential area.

Councilor Wang asked if the proposed plan would also address concerns that he gets about the US 231 corridor. Executive Director Fahey responded that the US 231 Land Use Plan would be a whole separate documented process. Our standard procedure would be to gather all of the stakeholders together to talk about a vision. Stakeholders would include the Council and City staff, along with land owners. She stated that we would work issues that are raised.

President Bunder stated that this requires no action from the Council.

Joint Board Report

Councilor DeBoer reported that the Joint Board met last month with one topic of conversation, The Hub. He explained that The Hub is a proposed building on Sylvia Street [later corrected to Pierce Street], and it is very tall in reflection of what he would like to see in this area. He stated that it will reflect the values in the concept plan. It will add some bedrooms to an area that has about a 1.2% vacancy rate. He stated that he is excited about it, and the Joint Board did not really have questions after looking at the project. They did want to know what it would look like to someone driving up the hill.

Councilor Bunder asked, based on questions at Pre-Council, if we have established that the collaboration zone goes to the south boundary of the City. Counsel Burns apologized for not looking it up, and stated that he will check the website.

UNFINISHED BUSINESS:

Ordinance No. 20-16 An Ordinance Vacating Drainage, Sewer, And Landscape Easement In The City Of West Lafayette, Indiana (Stephen & Connie Ratcliff) (Lauren Lakes Subdivision) (Submitted by Reiling Teder & Schrier, LLC) PUBLIC HEARING

Councilor Keen read Ordinance No. 20-16 by title only, and he moved for its passage on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Ryan Munden (Reiling Teder & Schrier, LLC), representing the petitioner, explained that this is a petition to vacate a landscape, drainage, and sewer easement on Outlot 3 at Lauren Lakes Subdivision. There is an overlapping drainage, sewer, and utility easement on this property that is not affected by this petition, and it is adequate to handle the requirements of this lot. He stated that he appreciates approval of this petition.

Councilor Sanders, noting that he was not present at the previous meeting, asked why this is necessary and how often this sort of thing arises. Mr. Munden responded that with respect to how often this arises, he would say not very often. He explained that the Ratcliffs own property outside of Lauren Lakes that is adjacent to this Outlot. The portion of the Outlot with this easement is a small “finger” that extends off of a drainage pond. The Ratcliffs are attaching a portion of their

property to this small portion of Outlot 3 to create a new buildable lot within the subdivision. He stated that what led to this petition was a requirement to create that new buildable lot; we have to vacate this easement that covers the entire portion of Outlot 3 that is being used to create the new lot.

Councilor Sanders asked what would be the consequence if this was not passed. Mr. Munden responded that they would not be able to create the new buildable lot in the subdivision. He reiterated that there is an overlapping drainage, sewer, and utility easement on the northern portion of the lot that is not affected by the petition.

Councilor Keen moved to open a public hearing on Ordinance No. 20-16. The motion was seconded by Councilor Dietrich, and the motion was passed by voice vote.

There were no comments.

Councilor Keen moved to close the public hearing on Ordinance No. 20-16. The motion was seconded by Councilor DeBoer, and the motion was passed by voice vote.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	**Vote**
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jha	Absent
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Absent
Wang	Aye

Clerk Booker stated that the vote was 7 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 20-16 passed on second and final reading.

NEW BUSINESS:
Ordinance No. 21-16 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (Wabash Landing Apartments II, LLC & Tapawingo Hotel, LLC) (Wabash Landing Apartments Expansion 2016 PD) (PDMX to PDRS) (Submitted by Area Plan Commission)

Councilor Keen read Ordinance No. 21-16 by title only, and he moved for its passage on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Joe Bumbleburg (Ball Eggleston PC), representing the petitioner, stated that this petition passed the APC 12-0 in favor. He stated that the APC staff report was the product of more than the usual number of meetings because of this being part of the Wabash Landing development that is 17 years old. He stated that the report covers the uses, the location, the history, the patterns, and utilities, and indicates that all of those areas are okay for the purposes of the project. He stated that there were discussions and negotiations on how to put this project together. A concept was

created for a new building that will replace what was there, which was the retail area. The new building is sensitive to this particular area, both in size, with a height of five stories, and in bulk. He stated that when looking at it, it fits with the other buildings that are there. The project is going to give greater efficiency for the use of the land. There will be greenspace amenity areas which have been reviewed by City staff. He stated that the parking needed to be reconfigured because of the removal of the retail space. He stated that the five-story building will produce 115 residential units, which will require 115 spaces. When finished there will be 940 parking spaces in Wabash Landing; 880 spaces are for specific uses, leaving 60 extra spaces. He stated that the contingencies in the staff report are all typical and acceptable to the developer. He stated that he believes one of the most interesting things he can say is that one of the observations in the staff report said how pleased the staff was with how the negotiations went and what was produced, and they added that this will be a foundation for any future development. He noted that he was involved in the first Wabash Landing project, so it was interesting for him to see how this change developed. He requested that the Council honor the 12-0 vote of the APC by approving this ordinance.

Councilor DeBoer stated that he is excited about more stock coming online in the area, outside of the ludicrous amount of parking when there is already a garage for that. He asked what the timeline is for the project, and Mr. Bumbleburg responded August 2018.

Councilor Sanders asked if it is of is any legal consequence that the staff report is labeled PDMX to PDMX rather than PDMX to PDRS. Mr. Bumbleburg responded that it is that one of the peculiarities of our system is that many times in order to do this we have to unravel what we have done before, and that is when we come up with curious zoning categories from one to the same. Executive Director Fahey stated that PDMX is a planned development that contains mixed uses, and PDRS is a planned development that is virtually solely residential. She stated that there was a typo on the staff report; it was correct on the APC agenda and it is correct on the ordinance, so as long as the one that is signed is correct it should be fine. Councilor Keen stated that it is correct on the online version.

Councilor Dietrich asked if the 115 spaces used for the apartments would be in the garage or if they would be surfaced spaces, and Mr. Bumbleburg responded that they are in the garage. Councilor Dietrich asked if the 60 additional spaces will be available for customers on the surface lot in front of the businesses. Mr. Bumbleburg responded that as it looks now, those 60 are free spaces. Patrick Adams, with the petitioner, stated that the parking includes the garage and surface spaces, so the 60 remaining spaces are not specified for any particular use; they are extra. Councilor Dietrich stated that his concern is that when this project goes in then all of the business parking will be thrust into the parking garage, which we have already seen is not preferential parking. He stated that he wants assurance that those spaces will still be available for easy access to the businesses, and Mr. Adams responded absolutely. Mr. Adams added that the residents would not park in the 1-hour parking spaces, so there would be very little effect on the commercial parking.

President Bunder asked how this looks with the State Street plan considering there will be many changes to the traffic flow. Mr. Bumbleburg stated that as he understands it, some of the current parking will go away with that plan, so this project tries to accommodate that plan with the 940 spaces. Director Buck added that the State Street plan is still in a conceptual form. The section that contains this area will not be built until 2017, so the design focus is on sections that will be built sooner. In six to eight weeks as the plan comes into focus we will know exactly what the net change in parking is to Wabash Landing, but there will be on-street parking added along State Street. There will potentially be on-street parking added along Tapawingo Drive, Brown Street,

Roebuck Drive, and Howard Avenue for a more urban downtown feel. Director Buck confirmed for President Bunder that there will be no conflict with this project.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	**Vote**
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jha	Absent
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Absent
Wang	Aye

Clerk Booker stated that the vote was 7 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 21-16 passed on first and only reading.

Ordinance No. 22-16 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (Starr Associates. LLC) (U-Haul Expansion) (R1 to GB) (Submitted by Area Plan Commission)

Councilor Keen read Ordinance No. 22-16 by title only, and he moved for its passage on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Todd Starr (Starr Associates, LLC) stated that he represents Americo Real Estate Company which owns the U-Haul business located at 1090 Sagamore Parkway. He stated that they are looking to build a 24,000 square foot self-storage facility. In order to do that, they need to put in a detention pond. The property is zoned in the front as GB, and the back is zoned R1 as a remnant of the 1960s zoning. In order to store water on the back portion, it needs to be rezoned to all GB. This will allow them to meet City and County ordinances on drainage. He stated that they have met with Greenspace Administrator Bev Shaw and worked through the planting and landscape plan. They are providing a lot of screening where the property abuts a cul-de-sac street. The only thing the residential area will see is a detention pond that is screened by a lot of evergreen trees and shrubs. He stated that the APC approved this with a 12-0 vote.

Councilor Dietrich asked how close the detention ponds will come to the trail that cuts through from Manchester to the Payless area, and what the buffer is between that and the pond. Mr. Starr responded that it will probably be 50 or 60 feet south of the property line. He stated that they are treating it as a buffer yard area, although they are not required to do so. They will put significant cost into pine trees and bushes; it will be screened heavily for someone walking along the path. He confirmed for Councilor Keen that there will be a buffer not only between the residential area, but also between Westminster. Mr. Starr stated that the buffer is not required, but they have worked with Ms. Shaw to put in some serious screening. It will be a grass dry detention pond.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jha	Absent
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Absent
Wang	Aye

Clerk Booker stated that the vote was 7 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 22-16 passed on first and only reading.

Ordinance No. 23-16 (Includes grammatical amendment of 07-28-16) An Ordinance Amending Animal Control Ordinance To Require Implanting Microchips In Impounded Animals (Sponsored by Mayor Dennis)

Councilor Keen read Ordinance No. 23-16 by title only, and he moved for its passage on first reading, and that the vote be by roll call. The motion was seconded by Councilor Leverenz.

Mayor Dennis stated that there are several representatives from the Almost Home Humane Society animal shelter who can speak more eloquently about this ordinance.

Stacy Rogers (Almost Home, Executive Director) thanked Mayor Dennis and the Council for hearing this ordinance which is a big step forward in responsible pet ownership. She explained that microchips are a very small implanted device which provides a permanent form of identification for pets. When the animal is scanned by animal control, a veterinarian, or shelter staff it will bring up a unique code that matches back to the owners name and identification. She stated that since they began microchipping pets in 2007 they have chipped approximately 12,000 and have had no negative results. It is something that is very safe. A study of four million implanted microchips showed a 0.0001% chance of there being a problem, and most of that was migration or a chip that ended up being null afterwards. She stated that the most important benefit of the ordinance is to provide an easy way to get that pet back to owner, as the goal with all stray pets is to return them to their people as fast as possible. If the pet is microchipped with an accurate phone number, then the pet can go back to the owner the very same day. That is important when it is an animal that is healthy and friendly and just happened to escape from its yard. It is vital when one of those pets is injured by a car accident or something else while out; it will allow the shelter to contact that owner and let them take over treatment for the pet. She stated that right now they return about 60% of dogs to their owner, and about 6% of cats; that is up from around 35% when she started at Almost Home 15 years ago, and they attribute those numbers greatly to the now prevalence of microchips that are getting pets back home. It is not like a collar and tag that can fall off; it is something that is going to stay there permanently. She stated that they will be very thankful to see this ordinance passed tonight.

Sharon Dull (334 Leslie Avenue) spoke about a cookbook, called *Got Nuts? We Can Fix That!*, she authored to raise money for spay and neuter, which President Bunder and Mayor Dennis participated in, and which has raised a tremendous amount of money. She expressed appreciation for the support they have received. Ms. Dull stated that she has worked as a litigation paralegal for 42 years, she volunteered at Crystal Creek Kennels, which is the animal shelter for

the County, and she volunteers for North Central Indiana Spay & Neuter, Spay-Neuter Services of Indiana, and the ASPCA. In 2014, at the request of County Commissioners, she helped re-write the animal ordinances for Tippecanoe County, and she has worked at the State level for legislation regarding spay and neuter. She stated that she is also a strong advocate of microchipping. She stated that while it would be her first wish to require all pet owners to microchip their animals, she understands the issue at hand is to give Almost Home the right to chip West Lafayette animals upon intake. One of the first priorities of any shelter is to safely return an animal to its rightful owner. She stated that with a simple scan, an animal can be identified within minutes and a call made to its owner. Collars come off, but microchips do not. If an animal is injured, a microchip can give a shelter or vet clinic the ability to immediately contact the owner for treatment permission. If an animal is stolen, it gives the rightful owner the undeniable right to claim ownership. She stated that abandoned, abused, and neglected animals are a much bigger problem than any of you can imagine. If the animal has a microchip, they can pursue the owner. She stated that with the Tippecanoe County ordinance the owners will be prosecuted. In support of public safety, if an animal bites someone and has a chip, they can find the owner and make sure rabies vaccines are up to date. Ms. Dull spoke about a motorcyclist who was killed last year when he collided with a dog, and since the dog did not have a microchip the owner was never identified. She stated that she has heard concerns of migrating chips and cancer risks, and as with any procedure, there are always risks involved. Studies have shown that far less than 1% of chips have had migrating issues, and claims of chips causing cancer have never been substantiated. Hundreds of thousands of animals are chipped every year, and the benefits far outweigh the risks. At-large animals run a much greater risk of being struck by a car or attacked by another animal than being injured by a migrating chip. She stated that she works with thousands of shelters and rescues across the United States, and they all strongly promote microchipping. She stated that since the County updated their animal ordinances requiring microchipping for all in-take dogs, the return-to-owner rate has soared. Last year they returned chipped dogs to California and Pennsylvania. Most people are thrilled to have their pets microchipped, and anyone that refuses a microchip is given the option to pay a fine. There has only been one refusal in nearly two years. She spoke about ways to keep pets safe, and noted that the County spends over $1 million annually on animal welfare. The more animals that are chipped, the quicker the pet owners can be found and the pet can be safely returned home. Ms. Dull asked the Council to give Almost Home this extra tool to help reunite pets with their families.

Councilor Keen asked what the associated cost is for this procedure, and who bears that cost. Ms. Rogers responded that the standard procedure is to charge $15 for a return-to-owner pet that receives a microchip. However, if that owner is truly unable to pay the fee, they will waive it for the benefits associated with the pet being microchipped if it gets out again.

Councilor Dietrich asked if there is just one database that all of the chips are placed in. Ms. Rogers responded that there is a universal scanner. The chip Almost Home uses is a 24PetWatch chip, but there are scanners that will scan any variety of chips to bring up owner information, as well as online databases which will match all types of chips to owner information. She confirmed for Councilor Dietrich that there is no ongoing cost to maintain the chip as long as the owner information remains the same. The chip is good for the lifetime of the pet.

Councilor Wang asked who gets the money from the impound fees. He asked if it would be turned over to Almost Home for their use and maintenance, or if it goes to the City. Ms. Rogers responded that the fees associated with the microchipping and impounding comes back to Almost Home. Councilor Wang asked why they have not considered also microchipping cats. Ms. Rogers responded that they do put chips in cats as well, and they have seen the return-to-owner rate for cats approximately double the national average.

Councilor Keen stated that he has a pet that has been chipped and there have been absolutely zero problems with it, and he enjoys the fact that if she ever gets out then she can be brought home. He stated that he thinks it is a good program.

Councilor DeBoer thanked Ms. Rogers and Ms. Dull for attending, and stated that he thinks they have made a compelling case for why this is important. He stated that he is still not sure about why this is necessary to put this into law when the rejection rates are so low. He asked if there are people who are refusing to chip their animals and if it is something causing problems. Ms. Rogers responded that there have been very few opposed to the microchipping, but they wanted to make sure they had the legal right to chip them as they are returned to the owner because some people oppose it as they come back. She stated that they want to make sure that if pets are being out and at-large that they are able to return them as they know that they will see about 20% of the animals more than once. The microchip will make it easier to get them back home the second, third, and fourth time they come in as stray. Councilor DeBoer stated that he heard the figure about one in Tippecanoe County, and asked if there is a ballpark of how many people have rejected this in the past. Ms. Rogers responded that in the past year they have had one.

Cheryl Chapman (1408 Howell Street, Lafayette) stated that her daughter is passing out a pamphlet regarding objection to microchipping pets. She stated that microchipping should be an option for responsible pet owners, not mandatory. Mandatory microchipping is depriving the property owners of their faith-based beliefs and their rights of personal property as proposed in this ordinance. She stated that microchips could potentially result in life-threatening consequences, and potential health risks exist and are associated with injecting a foreign object as a microchip into any animal. Documented side effects of cancer, neurological issues, and migration are known to have occurred. She stated that the point is that it has happened, and the experts do not know why. Ms. Chapman stated that is the right of the pet owners to decide whether their pet is to be microchipped. Pet owners are not given any disclaimers regarding the side effects known or research data to even make an informed decision. Researchers and veterinarians do not know why some breeds become afflicted and others do not, or why microchips migrate. She asked why, if injected at the wrong site, the chip is shown to cause lifetime neurological issues or death. She stated that the real issue here is the irresponsible pet owners. Responsible pet owners should not be treated as irresponsible pet owners. Laws are created to be fair and equitable. She asked if the penalty of mandatory microchipping fit the crime for a responsible pet owner. She stated that the current West Lafayette ordinance Chapter 61.06 for dogs at large is an effective tool as long as it is conformed to properly. She asked, that as proposed in Ordinance No. 23-16, why you would microchip, spay, or neuter an animal before you have confirmation of owner notification and release or adoption if the final decision is to euthanize—waste of money and time. She stated that based on current research, there is no known data or conclusion why the implant of microchips are a potential health risk of malignant tumors, neurological affects, or death. In these cases where tumors have metastasized or spread to other parts of animals, it is not known why chips migrate. She stated that because of this knowledge and her faith, she would not be a good steward for the care and wellbeing of her pet should she accept incomplete research data as fact, and not what it truly is—opinion. She stated that the pro-microchip opinion is that adverse reactions are rare. Whatever the percentage, the fact that it happens at all is a potential health risk. She asked how you reconcile and endorse to eliminate the decision from the pet owner, as well as give no disclaimers. Ms. Chapman stated that scanners do not detect all chips, not even the universal scanners being used. Animals are also getting implanted twice because a chip was not detected by the scanner, or owners were not told that the pet was already chipped. She stated that pets are also at risk of being euthanized if the chip is not detected once the holding period expires and they are not adopted. She stated that you would make the decision yourself to take advice from your medical doctors for

medication. Doctors explain potential side effects. She asked if you would not consider an alternative. She asked to please maintain the four-day hold without altering the personal property of the owner by implanting immediate microchipping. This eliminates the issue of faith-based concerns, potential health-concerns for our pets based on the incomplete research data and the owner's personal property rights. She stated that microchipping is good until your pet is diagnosed with cancer, neurological problems, or death. Ms. Chapman stated that she strongly opposes this proposed ordinance. She stated that she is the one who opposed the microchip last year. She explained that her dog got out inadvertently. She stated that when looking for the dog, she was told that the dog was not where she was. They ended up taking the matter to court. She stated that they won, but even as plaintiffs they provided the cost to have this microchip removed from the dog. She stated that they had never had a problem with the dog before. They did not have knowledge that this was going to be done to the dog. The dog had tags available to make a phone call, but phone calls were not made. She stated that the dog was in custody for less than 22 hours, and they got her back in the condition that she was not picked up in. She stated that she strongly opposes this.

Jan Myers (1909 Indian Trail Drive) stated that she has a service dog, and she has a number of friends who have disabilities, and to the best of her knowledge no service dog is released by the training organizations without being chipped. She stated that her cat is also chipped, and her pets have been chipped for as many years as chips have been around and never had a problem. She asked to consider that service animals, which are well trained to stay with the owner, are chipped even though they are not likely to run away.

Deb Newcomer (Almost Home Board of Directors, Vice-President) stated that she would like to speak as someone who has had to utilize the chip in her pet. She explained that she took ownership of a previously-chipped dog who was very well trained, but the dog did leave the yard. If the dog had not been chipped, she would not have gotten immediate possession. She stated that the thought of the stress for both she and the dog when sitting in a shelter overnight was more than she is willing to take. She would have instantly had the dog chipped if the previous owners had not done so, and her cats are also chipped. She stated it is a great peace of mind.

Councilor DeBoer stated that he will preface his vote to say that he thinks that with the sciences behind this that this is the right thing to do, but it does not appear to be a government problem when there is only one person the entire year opposing this. He thanked everyone for their work, and he thinks it is important, but he is not convinced.

Councilor Wang pointed out that in the proposed ordinance, in Section 61.06 (f), it says that if a veterinarian provides a written statement, then no microchip, so there is that option. He stated that he is not saying he is against or for it, but thinks there is probably good reason to have it. Councilor DeBoer agreed, but stated that if there is only one person that says no to a chip then he is not sure we need to write into law that they have to do it.

Councilor Keen stated that he would like to preface his vote as well. He stated that he sees and appreciates both sides of this issue, and he is typically a person who has a "less government is more" approach. However, when it comes to pets, he looks at it as being like requiring license plates for a car. If someone steals a car it is a way to find the owner to get it back, and it is the same thing with a pet. If there is a quick, easy tool for the authorities to find out who the pet belongs to, then he is all for that idea.

Bruce Applegate (703 Hayes Street) stated that if the comment that was just made about it being like a tag or license, then go ahead and start the whole thing to be able to own a dog in this County or the City to do that. If you are going to make it like a license, then everyone would have to have

their dog chipped, then go ahead and bring up a dog license where you have to pay to have a dog in the City. He stated that that is what he is hearing. He stated that he agrees with the opinion that if there has been one in the last year, and you are going to write this into law, and from what he understands there was some legal action that may have come out of this, he does not know if it is that necessary to write this into law. He does understand the reason for microchipping with the ability to be able to identify the pet.

Councilor Dietrich asked if he is correct that we do have licensing issue in West Lafayette already in existence, and Counsel Burns confirmed that this is correct.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	**Vote**
Bunder	Aye
DeBoer	Nay
Dietrich	Aye
Jha	Absent
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Absent
Wang	Aye

Clerk Booker stated that the vote was 6 AYES and 1 NAY.

President Bunder announced that Ordinance No. 23-16 passed on first reading. He stated that this will have a second reading at the September meeting.

Resolution No. 14-16 A Resolution Requesting The Transfer Of Funds (EDIT) (Prepared by the Controller)

Councilor Keen read Resolution No. 14-16 by title only, and he moved for its passage on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Facilities Director Clark requested approval to move money from the Hydrant Rental Fund to the Buildings Fund to do some upgrades to Fire Station No. 1 at 300 North Street.

President Bunder stated that we established at Pre-Council that there was $116,000 left in the hydrant fund. Controller Gray stated that he misspoke. The budget that we have is $116,000, but we have spent $30,000 of that on the hydrants that the City is responsible for, so the balance is $86,000. This will be $39,000 of that.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	**Vote**
Bunder	Aye
DeBoer	Aye

Councilperson	Vote
Dietrich	Aye
Jha	Absent
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Absent
Wang	Aye

Clerk Booker stated that the vote was 7 AYES and 0 NAYS.

President Bunder announced that Resolution No. 14-16 passed on first and only reading.

REPORT BY THE MAYOR

Mayor Dennis introduced the new Director of Development, Erik Carlson. He stated that Director Carlson brings a unique skillset that suits this City in this sort-of renaissance period that we are going through. He stated that we are familiar with the good work that Chandler Poole did, and Erik will take that and move it forward in a positive direction. Today is Erik's first day on staff.

Director Carlson stated that it is a great honor to be here in West Lafayette. He stated that he has been a resident in the area for the last year and one half, working for a consulting firm in Indianapolis that does workforce and economic development and grant evaluation. He stated that he has been excited since he had the offer to come on board, and he is looking forward to continuing the sprint that has already started.

President Bunder asked if there are pictures of Mayor Dennis' grandchild. Mayor Dennis stated that he has bunches of them. He spoke of how his grandson has already put on a pound and grown and inch, and the baby's father is starting to teach him the word "linebacker."

COMMUNICATIONS

►Councilor Leverenz stated that he wants to remind everyone as we move forward with projects in the City that it might be good to watch the APC website for all of the rezonings that are being done here.

►Councilor Dietrich stated that tonight's meeting is why he loves to be on City Council—you never know what the hot buttons are going to be in this community. He stated that he has noticed that our City Court has been cancelled repeatedly for the last several years. It is not any fault of Judge Lori Stein Sabol, and he is not making an affront to her by any means, but he is wondering what the ramifications are. He stated that perhaps we do not need a City Court judge. It is an expense in the budget, and it is an elected official, so he knows it has some baggage that goes with it. He would like to start the ball rolling for discussions. He asked if there is a future for that positon.

Mayor Dennis explained that City Court changed radically when we lost prosecutorial support. It took a lot of the speeding tickets and the business that we had away. A lot of the work we do has a lot to do with ordinance violation through the Neighborhood Resource Team (NRT). The volume has gone way down. He stated that it may be time to go ahead and do a study and see if it is of relevance anymore. He has had conversations with Judge Stein Sabol about the relevance and about what may be done to change the process, but a lot of it had to do with increasing the volume. He explained that Chief Dombkowski has had conversations with Purdue about the possibility of having some sort of partnership, whether it be on Purdue's dime or the City's dime,

in regards to the same issue, but most specifically with parking violations. He stated that with the assistance of Counsel Burns we could do an assessment, and he thinks the time is right. He stated that Councilor Dietrich is right that Court is cancelled more than it is in session now, and Judge Stein Sabol realizes that the validity may be shrinking.

Councilor DeBoer asked for an explanation of what got taken away from the City Court. Counsel Burns responded that it used to be that our City Court would have State traffic violation cases that occurred within our City limits. The prosecutorial backup that Mayor Dennis mentioned was a deputy prosecutor from the County prosecutor's office who would spend a half of a day or so each week working on the City Court cases. He stated that the prosecutor, over quite a few years, considered the expense to the prosecutor's office of that. It was not, in the prosecutor's judgement, a good tax value for the prosecutor to spend time with no real return financially. Now when someone gets a speeding ticket with a State code violation within the City it goes to the County Court which is located in the same building as the prosecutor's office, so it does not require an extra trip for somebody. He stated that we did talk to the prosecutor about keeping it here, but it was completely at the prosecutor's discretion. The prosecutor's office gave about six months' notice saying that they need to withdraw the prosecutor.

Councilor DeBoer asked what increasing volume would entail. Mayor Dennis stated that generally by combining Purdue and West Lafayette there would be more people that would appear in front of that particular Court. He noted that it would be virtuate numbers, not increased enforcement.

Councilor Wang stated that he used to be in the prosecutor's office, and he used to spend his Thursday mornings coming down to the old City Hall for traffic court. He would spend the whole morning there, talking to cases and to police officers. It was treated as a real case with negotiations, and there was the option for a trial at a later date. He stated that it gets time consuming, and he can say that deputy prosecutors do not like doing traffic court cases. He stated that there was a process that was beneficial to the City, but was not beneficial to the prosecutor's office.

Mayor Dennis stated that we had 16,042 parking tickets last year, and in 2014 there were 14,925. Councilor DeBoer stated that it went up by about 15%.

President Bunder stated that if the Council has no objection, he would leave this in the good hands of Mayor Dennis, Chief Dombkowski, and Counsel Burns in conversation with Judge Stein Sabol to move this along. Mayor Dennis stated that they will accept that responsibility.

►Councilor DeBoer stated that the next Joint Board meeting is October 18, 2016, at 12:00 noon. Counsel Burns stated that he sent the link with the map of the collaboration zone to Councilor DeBoer. President Bunder asked where the south boundary is at, and Director Buck responded that it is the south City limits.

►Councilor Sanders asked when the trail from Salisbury Street into Happy Hollow Park is going to be restored. Mayor Dennis responded that it is close, but it will be another month or two according to Parks Superintendent Fawley. It should be this construction season. Councilor Sanders also asked about the progress on Happy Hollow Road. Mayor Dennis responded that it will not be done as soon as the park trail, but it is coming along. He stated that the hope is to be finished by the end of construction season this year, which is generally around November.

<u>CITIZEN COMMENTS</u>

►Arnold Sweet (304 Hollowood Drive) stated that rental properties in West Lafayette are subject to inspection; however, rentals by Airbnb are not. He stated that if you go to Airbnb.com there

are 78 rentals in the area. Prices vary from $20 to $300 per night, with single rooms to full houses. He stated that there is a site with seven rooms, which is a three-minute walk from Purdue campus, listed for $3,816 per month. He stated that he has read about various issues with respect to Airbnb in newspapers. In some communities a house is bought and used for Airbnb rentals, thus avoiding rental regulations. In San Francisco there are claims of bigotry. A *New York Times* article claims that Airbnb seeks to avoid being treated as either a hotel, with safety rules, or as a rental that must follow guidelines against racial discrimination. Mr. Sweet stated that he is requesting that the City make a set of regulations governing Airbnb properties. He added that he thought that City of Lafayette may have regulations, but the two people he spoke with there had never heard of Airbnb.

Executive Director Fahey stated that it is the APC's opinion that the zoning ordinance already regulates non-leased space, meaning that the kind of rental that is done with Airbnb under our ordinance would either be a hotel/motel, or it would be a bed and breakfast. She stated that in most zones it would require a special exception granted through the Board of Zoning Appeals (BZA). In Lafayette, the city attorney, after consulting her and APC's legal counsel, sent a letter to somebody renting a house. She stated that there are several ways Airbnb rentals are done, one of which is that the owner of the property does not live there. That was the case in this situation. The Lafayette city attorney sent a letter to that owner to say that it was in violation of the zoning ordinance. She stated that, in fact, tomorrow we are meeting with that owner, along with the APC attorney and the Lafayette city attorney.

Counsel Burns asked if it is correct that it was a leased property where the tenant was essentially renting it out an Airbnb basis, and not the property owner. Executive Director Fahey stated that the property owner is leasing it on an Airbnb basis, and the property owner bought the property specifically to do that.

President Bunder asked what we should do next. Mayor Dennis stated that when we are aware of those, they are subject to the same type of inspection as any other rental property. The bad news is that we do not always know. President Bunder asked if it is correct that these are not a hotel, and not a bed and breakfast, but they are a rental property. Mayor Dennis responded yes, that is the way we treat them if somebody lets us know. Councilor DeBoer asked if you could not just go on the Airbnb website and find them.

►Ms. Myers stated that she had extended an invitation for the Councilors to take a walk with her on "roundfeet," and she did not hear from anyone. She offered to bring the second chair here to go up and down the accessible ramps so the Councilors can see how well they meet code. She asked if the Parks survey results are available and when will they be up; people are telling her that they are looking at websites and cannot find it. She stated that in the past she has tried to read economic development reports, and it has been 100% rental inspections and nothing on what she would call development from her definition, so she is looking forward with the new director to actually seeing economic development on there. Ms. Myers stated that under public relations there was a vote on the revised Council schedule, but the handout was not available on the table so she does not know what changes were approved. She stated that she appreciates the APC report on downtown land use, but those handouts were not available. She stated that there was the Joint Board report about The Hub on Sylvia Street, but no address or intersection to know where it is to happen.

APC Assistant Director O'Gara said the address is actually at Pierce and Wood Streets.

►Mr. Applegate, speaking about the intersections near his home of Hayes and Dodge Streets, and Hayes and Evergreen Streets, stated that he has noticed that people are not stopping at the

stop signs ever since traffic increased after CVS and Fresh City Market opened. He stated that he is wondering if it is due to there not being a four-way stop on Dodge. He stated that he has a neighbor who is legally blind who walks across near the stop sign at Evergreen, and he is concerned for that neighbor and hopes that something can be done in that area.

Councilor Sanders asked how many tickets are issued in West Lafayette specifically for running stop signs, and if there are citations for cyclists running stop signs.

Chief Dombkowski, noting that he has the 2015 annual report with him, responded that there were over 28,000 calls for service for the Police Department in 2015. That would include traffic citations, but most of the traffic stops in West Lafayette are warnings. He stated that just over 1,500 citations were written in 2015, and over 10,000 warnings. He stated that we do not have a revenue from that; the State does, but the City does not. He explained that we are looking for compliance, education, awareness, and getting people to slow down. He stated that he does not have a specific number of citations or warnings for a stop sign violation. He explained that as a City government, we take input on items like intersections from the Traffic Commission. He noted that we are lucky to have Dr. Kumares Sinha as the Chairman of the Traffic Commission, who is well-known as a civil engineer who studies this at Purdue University. He stated that this is an issue for the Traffic Commission to look at and then give the Police Department direction.

Councilor Sanders stated that he agrees with the focus on trying to change behavior rather than writing citations. He stated that living near the high school he can say that it is extremely effective, and people are slowing down on Grant Street because of the level of enforcement there. He stated that the intersection and light at Robinson Street and River Road is a location where the light does not change unless somebody is on the pads for a specific period of time. The people coming out of the apartment complex there do not seem to know this, and they run the red light after sitting there. He wondered if the light could change more often or if people could be made more aware of the issue.

Chief Dombkowski stated that that is a specific audience, and perhaps we can get notification to management there to put something out in emails. He stated that he appreciates that Councilor Sanders noticed Grant Street, as the school zones are our main focus.

►Ms. Newcomer asked, regarding Ordinance No. 23-16, why the ordinance will be brought up at the next meeting, and if it is because there was one “no” vote. Counsel Burns responded that an ordinance that passes a law that may cost somebody money generally has to be read twice at two meetings as a normal part of the procedure.

ADJOURNMENT

There being no further business at this time, Councilor Keen moved for adjournment, and President Bunder adjourned the meeting the time being 8:30 p.m.