CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES
JANUARY 3, 2008

The Common Council of the City of West Lafayette, Indiana, met in Council Chambers at City Hall on January 3, 2008, at the hour of 4:30 p.m.

Mayor Dennis called the meeting to order and presided.

Present: Bunder, Burch, Hunt, Roales, Thomas, and Truitt.

Absent: Keen.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, Assistant Director of Development Grady, Assistant City Engineer Grenard, Fire Chief Drew, Police Chief Dombkowski, and Parks Superintendent Payne.

UNFINISHED BUSINESS None

NEW BUSINESS
Ordinance No. 1-08 An Ordinance To Approve Blanket Bond Coverage For 2008 (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 1-08 by title, and said Judy [Clerk-Treasurer Rhodes], if you would discuss that, please.

Clerk-Treasurer Rhodes said in 2007, the Council approved utilizing crime insurance policy in lieu of individual officials bonds as required by statute. We need to approve the crime insurance or so-called blanket bond coverage for the current year. I will be asking for two readings tonight, as I would like to have the insurance policy recorded, as required, with the signatures of the Mayor and the President of the Council, as appropriate for those officials. I've provided you with a Certificate of Insurance for 2008, and a copy of the policy from 2007. We do not yet have our policy forms for 2008. However, it will be identical. I guess I need to correct myself. The vote I will be requesting will be Monday night. Being up here, I'm already on Monday night. Excuse me.

Councilor Truitt said Judy [Clerk-Treasurer Rhodes] what kind of rating does Argonaut Insurance Company—what kind of rating does that company carry? Do you have any idea?

Clerk-Treasurer Rhodes said I can't speak to the details of our underwriters and carriers. This is part of the package policy carried by the City. We can request that Henriott Insurance come and provide answers to the questions on the carrier.

Councilor Truitt said same carrier as last year?

Clerk-Treasurer Rhodes said correct. You'll notice the kind of peculiar amounts. Those are the maximums set by statute, $300,000. That applies to the finance officer, the Clerk-Treasurer.

Councilor Roales said Judy [Clerk-Treasurer Rhodes], is this a long-standing relationship with this insurer? Is this—?

Clerk-Treasurer Rhodes said yes. We have been with this company for at least two years that I can recall. However, I would need to research to see how long we've had policies with this carrier. Would you like me to have Henriott Insurance come Monday night to answer your questions?

Councilor Roales said no, I don't think—

Councilor Truitt said I don't think they need to come. I would—I mean, we can look up the rating ourselves. I was just curious, in regard to their— I've never heard of them, so.

Clerk-Treasurer Rhodes said they insure in the municipal market.

Mayor Dennis said they are the primary insurer now, aren't they?

Clerk-Treasurer Rhodes said they're one of the big insurers in the municipal market. However, your questions certainly could be answered. I'll be glad to forward them to Henriott and have the answers if they don't appear Monday night. Would that be satisfactory?

Councilor Truitt said yes, that'd be great.

Councilor Roales said yes.

Clerk-Treasurer Rhodes said okay.

Mayor Dennis said any other questions?

There was no further discussion.

Ordinance No. 3-08 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect [UZO Amendment #56, Changes to Flood Plain Regulations] (Submitted by Area Plan Commission)

Mayor Dennis said Sallie [Fahey, Executive Director, Area Plan Commission] is here, and, Sallie, you wanted to talk about—? Which one was it? Which ordinance?

Ms. Fahey said the floodplain amendments to the Zoning Ordinance.

Mayor Dennis said okay. It's Ordinance No. 3-08. So we'll let you go ahead, so we can get you out. He read Ordinance No. 3-08 by title.

Ms. Fahey said thank you. I can either review this with you or I can be a resource and answer questions. But I particularly came because there were some questions at Lafayette's Pre-Council meeting last night, and they asked me to come to a Council meeting on Monday. And since I couldn't be here on Monday as your resource regarding this, I decided to come today and serve that purpose. This is an amendment to the Zoning Ordinance. We have had, since 1965, floodplain sections of the ordinance. In our communities, floodplain is also a zoning district, not just an overlay. So this amendment accomplishes a couple of things. One, it catches us up to date from things we've learned this decade in some of the severe flooding that we've had. It also helps us implement everybody's new stormwater management ordinances. It gets the zoning section that relates to stormwater in alignment with those new ordinances. Also, two years ago, we prepared and you all adopted the first ever multi-hazard mitigation plan.

There are sections of that plan that are implemented through these parts of the Zoning Ordinance. In addition, we're looking ahead to obtaining new digital floodplain maps from FEMA. In fact, I heard from FEMA's contractor this afternoon that we will all be getting copies of those digital maps and be starting into our joint review and public hearing processes with those. So this also prepares us for the day, hopefully in the not-too-distant future, when those maps will all be digital. And the last thing we're doing is we are embarking on all communities' behalves a process to apply for the community rating system, which is a special program that FEMA has for communities who are willing to go over and above the minimum requirements of being a member of the National Flood Insurance Program. The higher we can get our rating, and I mean this collectively—Lafayette, West Lafayette, County, Dayton, Battle Ground—the more we can reduce individual property owners' premiums on their flood insurance, which we think is a highly desirable task to undertake. So, again, these amendments sort of help us toward that end as well. That's the general overview. If you have any specific questions about this, what I can tell you is that the many pages are not all—not everything in here is new. What we've put into the ordinance are the sections either that are new or where there are some changes. I will tell you that many of these definitions are new. Probably the two biggest major changes—the ordinance has always prohibited clear-cutting of trees in floodplain areas. However, we never had a definition of "clear-cutting." It took some extensive amount of time to get everybody to agree on what that definition should be, but we think we've come up with one that is agreeable. One of the other big changes is that we make it specific that, if you're going to fill in the floodplain—there are portions of the floodplain in which you can fill—that if you're going to fill in the floodplain, that it takes a special Floodplain Fill Permit to do that. And we also specify what you can and cannot use as suitable fill in that regard. We made it clear that it could not be a construction dump site, sort of under the guise of filling in the floodplain. So those are the biggest new additions to this.

Mayor Dennis said and a lot of these changes were based upon a lot of input. They're based on lessons learned—

Ms. Fahey said yes.

Mayor Dennis said so it's not just a matter of a small group that came up some new ideas. It's a fairly well-thought out process and fairly comprehensive.

Ms. Fahey said yes, it took us about a year to craft this. And what I did, because the person who was best qualified to do this was a staff member who's a certified floodplain manager who had moved to Ann Arbor, following her husband's post-doc. I had the money to hire her as an independent contractor, and she did most of the work with us on.

Mayor Dennis said very good.

Ms. Fahey said thank you.

Councilor Roales said was there a definition for "suitable fill" before?

Ms. Fahey said there was not.

Councilor Roales said there was not.

Mayor Dennis said okay. Any other questions? Thank you, Sallie [Ms. Fahey].

There was no further discussion.

Ordinance No. 2-08 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect [Collegiate Ventures, Champion's Centre PD (R1 and GB to PDMX)] (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 2-08 by title, and said Mr. Bumbleburg, if you'd do us the honor. There was a few years ago when you and I sort of sat in reversed roles, was it not?

Mr. Bumbleburg [attorney, Ball Eggleston law firm, representing the petitioners] said I think so.

Mayor Dennis said okay.

Mr. Bumbleburg said you can cut that honor stuff out. You know, I've been in this business long enough to recognize that stuff.

Mayor Dennis said I hear you.

Mr. Bumbleburg said okay, Brandon [Fulk, The Schneider Corporation] is going to put the materials over here for you. I think this is our fourth meeting before some official body of the City of West Lafayette. I have with me a whole team of developers, architects, engineers—you name them, I've got them here, to be able to help on this. This particular plan before you, I believe, is a—for those of you who are not backgrounded in the Planned Development process—again, one of the most interesting Planned Developments to come down the pike. The most extensive Planned Development, of course, in the community, I think is Wabash Landing, and you know how that one kind of came about and how there are multiple uses there. And so this one also is an effort to use the ability under the ordinance to be a multiple-use situation. Much of this site is General Business. A small part of it is R1. Everyone, I think, if you mention the site, immediately think of the Family Inn site. Most of this site has been in the form of business zoning since 1965. There have been various and sundry attempts to rezone this piece of property in one kind or another. And I think the last of those was in 1980, suggesting that this piece of property has, at least in the last several years, become underused and certainly not something that makes the City of West Lafayette proud that it's there. You should have the staff report from the Area Plan Commission, and that staff report is a very well done document. It puts together the project and the interplay between the staff of the Plan Commission, the City staff, the INDOT staff, and my clients, the developers, and the Area Planners, and experts. This whole concept of Planned Development is significantly different than just filing a petition for a rezoning and ramming it through the process, ultimately getting it to the government agency and having it approved or disapproved. The concept of Planned Development is to take the concept of subdivision and the concept of rezoning and kind of marry them together, in order to have a program where you can have multiple uses on one particular site. And so that's what we do here. We file a petition, and that triggers, then, a series of meetings between all of those different staffs that I have mentioned. The first one, of course, is with the Area Plan staff. And your developer goes in with the engineers and everything, and they lay it all out, and they say, "This is what we would like to do." It gives the Area Plan Commission staff that first-cut opportunity to say, "You know, we don't think that that will fly," or, "Gee, that's not a bad idea; let's take it to the next step." And so, as a result over weeks and months, what we did was met with all of those kinds of people. You would have a room literally full of people who were part of what ultimately becomes the team. The developers' people, the Area Plan staff, the City staff. The City Engineer is always there, the

Redevelopment Director is always a participant. In past, the City Attorney has always been there. If there is an appropriate need, the Fire Chief, the Police Chief, the Director of Public Works—these people all contribute to this discussion about how this particular piece of property should be developed. In West Lafayette, you have, as an example, a finely-tuned tree ordinance. Your tree administrator comes to these meetings, and all of these people participate in this give-and-take about how to produce this very good project. The plat that you will see, and I don't know where we are here—this drawing right here will show you the restaurant facility, the hotel facility, the condo facility, and the parking garage. On this one, you can see here that those things that are pretty down there are more in the straight lines and everything. So you have the lots that will come about with the condominiums, the hotel, and the restaurant and that facility. And in the center, you will have this courtyard with the parking. This, then, produces for you and for us, literally a five-lot process—four real lots and one Outlot. Lot 1 is 0.99 acre, it's on the east side, and that's the condominium suites and the parking garage. Lot 2, 0.94 acre on the south side, and that's the proposed hotel center. Lot 3 is 0.51 acre on the middle-west side, and that's the restaurant and the buildings attached to that. And then you have in the Lot 4 which is in the far—that's the lot right now that is a developable lot, and it's going to have restricted and permitted uses in the Narrative, and that's not yet been honed down to the actual use, but the Narrative will control that. And then finally the Outlot, which is the central located surface parking with the vehicle circulation drives, the central courtyard, and the buffer yards. When you do a Planned Development, you are required to have buffer planning, screening—all those are required, and those are then all monitored by the City's administrative people. We have created an internal traffic flow here that, from the day we started on this—and I don't think any of us can actually tell you how many iterations this thing has gone through, but it's six or eight or ten—somebody would say, "Well now, wait a minute. That's a turn there that's kind of square. It would look a lot nicer if you had some curve in there and done some curvilinear things." And so that worked out very well. We have an internal traffic pattern that's far superior. One of the matters that we have, of course, is another entity, I mentioned them briefly, is INDOT. And INDOT is very concerned about Northwestern Avenue, as they should be, and the accesses on Northwestern will be reduced on this. I know also that the City Engineer has this vision that Northwestern Avenue will be redone at some point, and we will be part of the impetus to do that, in what is known as an urban cross-section, and that's curbs, gutters, and sidewalks. And, gee, wouldn't that look nice.

Mayor Dennis said it sure would.

Mr. Bumbleburg said in this area, we also have a requirement to have, under the ordinance, 383 parking places. But we will, indeed, have, because of the garage and the other areas, 439 spaces. We attempted, and I think complied with the City's vision that it's one parking space per bedroom, and we've done that. We also, then, tried to accommodate the question about, "Well, if you've got a condominium there, and when Grandma and Grandpa show up from Shelbyville, where are they going to park?" Well, we've got built into this, some answers to that kind of thing, too. We met with interested parties on the 15th of October, and they asked many, many questions about this matter. I have indeed, the staff member of the Area Plan Commission who does this really delightful way of—writes them all down, Q and A. And so we have a pretty good idea of what everybody's interests were that night, and we can tell you pretty well how we have tried to solve those. There were questions at the time, "What's the roof going to be like on the condominium? Is there going to be a pool up there?" And what we discovered was that the people didn't like that idea. So we took the pool off the roof, took the play area off the roof, moved it inside, did some setback so that, as you go up in the building, it gets farther away from the property lines. In the hotel, we'll have 94 units. The condo, I believe, has something right around 125. The strength of this is in the condos, is also found in this document

that all of us talk about, and it's called a Narrative. Many years ago, when we were doing other Planned Developments, we discovered that, if you tried to draw all of the variations for one of these subdivisions, you could end up with 100 sheets of paper, and it just really ultimately got to be cumbersome. A member of the Plan Commission staff at the time, Bernie Gulker thought about this when we were starting the work—and I believe it was with Wabash Landing—he said, "You know, we'd be a lot better off if we would reduce this to the real number of sheets that we need, and then put together a book." That book became what we all call the Narrative. And you can take the Narrative and go through and find out exactly how big a signage you can put in, where they can go, where the trees go, what the plantings are going to be—all of that kind of stuff is right there in the book. And the question on that is, "Why is that valuable?" That is valuable because, if you read the Planned Development section of the ordinance, what you would discover is that a Planned Development is, when it gets through its first preliminary approval, it starts to become chiseled in granite. And there are very few ways to change it, and perhaps the only way really is to either start over or to get the City Engineer to do a thing called a minor modification. And the minor modification is a very, very limited system of permitting a change. So if there is a worry about whether or not a Planned Development is a thing that is kind of a moving target, that's not a worry any more, because the way Planned Developments are put together, if you wan to change and add density or something like that, you really essentially have to go back and start over. We now have, by the way, received—and I just got them this afternoon, so I don't have copies for everybody, but I can tell you I will have on Monday evening—letters from three places where we have facilities. One of these is in Tuscaloosa, Alabama, and we have a letter from a city councilman there where we have a facility. One of them is in Athens, Georgia, where we have a facility, and the other one is in Tallahassee, Florida. And these people would comment, and I'll see that you all get those on Monday night. Now, as you can well imagine, there are, probably in your minds, loads of questions about this, and the longer I stand up here, probably the less I answered those questions and the more this thing becomes convoluted. So, I've got all these experts here; we might as well put them to work, and if you would like to ask them questions, I'll try to broker those questions to them, and we'll see if we can't help you on getting down to where we hope would be, on Monday night, an affirmative approval of this project, which looks to me like a real dandy for this particular area.

Councilor Truitt said Joe [Mr. Bumbleburg], can you talk a little bit about the word "communication" inside the staff comment section? Talk a little bit about the meetings that you had, the number of neighbors that attended, and kind of how that whole dynamic process worked, pleased. Well, you know, when we started to talk about this, Margy Deverall [Area Plan Commission staff member] said, "Get as many people as you can to come." And what we did was—we knew, under the ordinance, that you have certain requirements for what we call interested parties, people that you have to notify. The ordinance actually says who those people really are—across the street and 100 feet and that sort of stuff. We did that. We knew that there were some other neighborhood activists, and we invited them to come to a meeting which we held in the basement of the Family Inn. That was a treat. And so we held it there. I had to laugh. Margy [Deverall] here in her outline said that there were plus or minus 30 people attending. They met most of the engineers and everybody that we had, we talked to them about start dates, and she says here, "Joe B., Planned Development 101," which meant that I got up and told them kind of what I've told you tonight about how Planned Developments work. And then we talked about all of these questions that she wrote down that people asked, and we just tried to answer their questions. Every place we can, Mr. [Councilor] Truitt, we try to put my name or Brandon's [Fulk, The Schneider Corporation] name or somebody's name on our paperwork, so if you're really interested in what's going on, you can call us. We don't try to stay below the radar. It doesn't do anybody any good to do that.

Councilor Truitt said so the series of meetings were the October meeting, question and answer, notes, a response was packaged—

Mr. Bumbleburg said there was a subsequent mailing by Mr. Gall [T.J. Gall & Associates], and he sent them some drawings and a detailed letter of response to a lot of the things. Some of the things I think that very night, we could go ahead and make changes as we listened to people converse about it.

Councilor Truitt said okay, so you feel and the team feels that the communication to the neighbors was carried out, the responses— When an item was left open, it was closed with the residents, to the best of your ability?

Mr. Bumbleburg said well, I don't know that in these kinds of things you ever close those things completely, but by the same token, I can tell you that if we don't communicate well, the staff of the Area Plan Commission nibbles on our ear a lot about doing it. And Margy [Deverall] evidently, if you read her staff report, because she was at this meeting and we keep her in the paperwork flow, seemed to believe that in this one, that we had done as good a job as she'd seen.

Councilor Truitt said and then one other question—

Councilor Hunt said Randy [Councilor Truitt], may I—?

Councilor Truitt said and then I'll listen—go ahead.

Councilor Hunt said I went to the meeting in the basement, and there were a lot of people there and they asked good questions. There were a lot of people from my neighborhood association which is a different district but it's across the street. Then I went to the Area Plan Commission meeting also, and several of us have spoken—Councilor Burch and I spoke to one of the neighbors, Mr. Parker, and I spoke to some other neighbors right after New Year's so somebody from the Council has been at, I think, all of those meetings.

Councilor Truitt said and then just one other quick question here. In the staff report it says, "Follow-up letter with graphics was mailed to the residents." Were we provided copies of that? I've been gone, so I don't know.

Councilor Hunt said they mailed it to me, and I don't know exactly—

Mr. Bumbleburg said I'll have to ask Tom [Mr. Gall] about it. What was the distribution of your letter and that—

Mr. Gall said every person who was at the meeting should have gotten one.

Mr. Bumbleburg said if you're interested, we can get it.

Councilor Truitt said yes, I'd like to have one.

Mr. Bumbleburg said this transition on January 1 makes the paper distribution just a little difficult.

Mayor Dennis said I can understand that.

Councilor Thomas said a couple questions for my clarification. Of the buildings that are in this complex—hotel and condominiums, what is the tallest building in the complex?

Mr. Bumbleburg said the tallest building will have seven stories above ground and one below ground.

Councilor Thomas said okay, and that is the—?

Mr. Bumbleburg said that's the condominium and the parking garage, sir.

Councilor Thomas said okay. Second question, on the existing property as it stands today, north of the Family Inn, there are dwellings, whether they are rentals or single-family homes. Will there be any land taken or, how should I say—?

Mr. Bumbleburg said no, we're not going to acquire any.

Councilor Thomas said you're not going to acquire any of that. Okay.

Mr. Bumbleburg said and indeed, from the property line here to the building here is in excess of 60 feet. And over here, Tom [Gall] help me, it's in excess of 40 feet on that side, on the north side.

Mr. Tom Gall [T.J. Gall & Associates] said 46 feet on the condo building and 35 at the restaurant.

Councilor Thomas said okay.

Mr. Bumbleburg said so there is a more than ample kind of a buffer, and we've also told the people with trees and fencing and that sort of stuff.

Councilor Thomas said thank you.

Councilor Truitt said and only one house goes, right there on the corner that's part of the PD, obviously, it looks like?

Mr. Bumbleburg said yes, I think so.

Councilor Truitt said okay.

Councilor Burch said some of the residents have had questions about traffic concerns, increased traffic, parking in the neighborhoods on game days. Could you address that issue for us, please.

Mr. Bumbleburg said well, we have here tonight a development that has far in excess of the number of spaces that are required for it, which is—Sallie might comment about how typical that is. And we just decided if we're going to put together a first-class project, that was an issue. We are studying the corner there at Lindberg and Northwestern with INDOT. There are traffic studies in process right now, and they're doing the counts and all those kinds of things, so that

that whole issue will come to grips. And like I say, I know there is an element of public interest in doing something with Northwestern.

Councilor Burch said so in and out would be through Northwestern?

Mr. Bumbleburg said yes, and if you were to look at our aerial photograph, you would see that there were, I think, three different ingress/egress points there. We're going to take that down to one.

Mr. Brandon Fulk [The Schneider Corporation] said I'm part of the development team in engineering. As Joe [Mr. Bumbleburg] mentioned, we have concluded a traffic analysis for the proposed development. We met with INDOT prior to the meeting. We actually met with the City as well, and developed a game plan for that. We analyzed the intersection of Lindberg, and we also analyzed the intersection of Yeager. We took a look at the layout that's proposed here, anticipated rooms and the restaurant, basically the summation of that is that the level of services for those intersections will not be any worse than what they are today. We have accommodated two entrances, as Joe [Mr. Bumbleburg] mentioned. The main entrance for most of the traffic has a dedicated left-hand turn lane to get out of the site, because there obviously are some limitations. And there are gaps between the green times at both of those intersections that will allow for that turning maneuver. The other thing is that we've got lanes. And the analysis that we have shared with the City, we've submitted to INDOT, and the permit process has started, and we have submitted to APC, so that everybody's on board with that, that the left-hand turn lanes, restriping will be necessary; the right-hand turn lanes into the site will be accommodating our development. And, really, that's what the analysis says, improvements of the existing features that are there for those types of maneuvers. And Jeromy [Assistant City Engineer Grenard] has, as I mentioned, had an opportunity to review that and, you know, if you have any questions of him, he mentioned that he'd be happy to answer those. But from their standpoint—correct me if I'm wrong, Jeromy [Assistant City Engineer Grenard]—it was agreeable to what they anticipated seeing and were in tune with what is standard for this type of development.

Mr. Gall said Brandon.

Mr. Fulk said yes, sir.

Mr. Gall said note the no vehicular access opening on Windsor.

Mr. Fulk said yes, that's another good point, Tom, thank you. One of the concerns that was mentioned up front was, you know, the access. We have two proposed, don't want to have any more than what they are. And so, on Windsor, the question was about, "Will there be accessibility there?" We don't know what is going to go in that lot at this point in time, and it's planned to be an Outlot. In discussions with APC and with the City, we've allowed for the two cuts on Northwestern, and then a non-vehicular access point along Northwestern that wraps around Windsor. So that if there is ever to be development on that lot and an access is needed for Windsor, that's to lineup with the apartment complex due north, and it's very limited ability. So it's not, you know, close to the intersection and becomes a hazard.

Mr. Gall said there was an opening allowed—

Mr. Fulk said there is an opening allowed on Windsor, the long and short of my jargon. Do you have any other questions?

Councilor Hunt said I have one.

Mr. Fulk said yes, Ma'am.

Councilor Hunt said it's my understanding that this fence surround, which is all the way around and completely intact—it's not decorated with poles you can walk between—

Mr. Fulk said no, Ma'am. At this point in time, it's a separation fence that's continuous. It'll start on Windsor, go due south to the corner of our property, and then go due east, and then be continuous along the east property line, the boundary line, and then down around to, roughly, the Shell property.

Councilor Hunt said and that should prohibit any game day or anything parking from the people that are staying there that might park on Windsor and Carlisle and then walk through. That won't happen, right?

Mr. Fulk said I can't promise that. But it is there for buffering for the residents, as requested. We looked at a full masonry element at one point in time. As we met with the neighborhood, and we discussed the drainage element of it, we had to back off that fully masonry. We sill need to provide that separation fence. That does act, as you have stated, keeps that buffering from the Game Day, the Collegiate Ventures site. But, ultimately, we've got more or less of a masonry column system with wooden fence. You know, the columns support the fencing in between. There's a detail in the package with the Narrative. The intent is, instead of being a full-masonry element, drainage is our concern there. So we need to be able to allow our adjoiners' water to sheet flow across it, as it does today.

Councilor Roales said is the fence different than on this rendering? Here you show it stopping near the back of the building.

Mr. Fulk said yes. That's a rendering, it is not exactly the same as the intent. It is to wrap around the building, the condo garage element that you see there today. It's to go all the way to the east, run along the east boundary line of the site, and separate there. There is a full buffer yard on that east boundary line, as well.

Councilor Roales said are the lights timed between the north, so that the street that's on the north side and the street that's on the south side, those two intersection lights, are those timed to create a separation, so that people can turn left onto Northwestern? Are they synchronized right now?

Mr. Fulk said yes. In the report, it specifically states that there is a gap based off the timing of the green times.

Mayor Dennis said okay, any other questions from the Council? Would the Council like to invite anybody from the audience up to speak?

Councilor Truitt said yes, I'd like to hear from any concerned neighbors. I know Mr. Parker is back there, waiting patiently.

Mr. Al Parker [1015 Lindberg Road] said thank you. I'm a past Councilor; I've sat in your positions before. You have my congratulations and condolences at the same time. There's

always two sides to a question, and we certainly have one here. There were several things that were brought up today. This is an aggressive project. The Area Plan Commission passed it. The Area Plan Commission is not made up just of West Lafayette residents; there's a few that are on it. It is something they said can be built here. The question that comes to you is, "Should it be built here?" And that's the question that comes before you. This is not a Republican issue, this is not a Democrat issue; this is an issue of "Does this make sense? Is this a good fit for this piece of property?" That's why these issues are kicked back to the Council—to give you a chance to sit and look at it and think, "Does this make sense?" There may be a place in West Lafayette for a project that's this tall. But the neighbors and myself and the people that live in the area are saying, "This is not the place." The real issue, the real enemy, the real problem here is not some of the things you've been hearing about. It's a simple issue of height. This is a seven-story building. If you vote this in on Monday night—this is a package deal. This will come together. You cannot dissect it. You cannot take it apart. This is a seven-story building. It will be one of the largest buildings in West Lafayette. All the buildings up and down Sagamore Parkway are nowhere close to this height—two, three stories. That's it. Seven-story building will be surrounded on all sides by a one-story neighborhood, one- and two-story neighborhood. Yes, they did contact the neighbors that connected the property. They have to by law. I live across the street; I wasn't contacted. A lot of my neighbors weren't contacted. A lot of the neighbors that we went and talked to before the Area Plan Commission—and went twenty-some strong—were in great protest against this project. How tall is this building going to be? You've got a one-story house in front. I brought one neighbor with me today. Don's with me today. You have a one-story house, and out their back yard is going to be this—right now, it's an R1, a Residential One property out their backyard right now. That's what is was when they bought. This is an old, established neighborhood. You have neighbors living there 20, 30, 40 years. I've been there almost 50 years myself. And in that property, on that spot now is going to be a seven-story building. Don't lose track of that. It will be taller than any building that's in our Village. It will be taller than any building on the Levee. The Hilton Garden Inn down there is six stories. It will be taller than any building in the Purdue Research Park. They are only two or three stories. PEFCU is three stories. The University Inn is three stories. The old Great Lakes Chemical building is about six stories, if you add the peak in it. This is a huge building. Virtually out the back door of a one-story neighborhood. It's just not the people that are going to be connected to this property. And I heard, you know, they are going to put a fence up around it. Well, the Great Wall of China is not going to hide this thing. They are going to put up trees. They're not going to be tall enough. This is a one-story established neighborhood. You're going to be able to see this building all the way to Salisbury Street, and all the houses in between are going to be impacted by it. You're going to drop their land value. Someone's going to make money out of this. It's not going to be the neighborhood, it's not going to be the taxpayers who are there. Their value is just going to drop. Why would you put the one story—this seven-story building—why would you put it here? It doesn't make sense. Many of you have houses in R1 areas, surrounded by it. You buy there, you think that you're safe. You have zoning laws to prevent things like this happening. We would ask that you consider this carefully. It's easy to throw around big numbers, it's easy to dangle, you know, a golden apple in front of you and say, "Jump for this." The truth of the matter is that we'll have over 90% of the neighborhood that is going to be against this. And it's just not my immediate neighborhood. You're going to see the whole neighborhood come in force against this. You will be receiving messages from them. We will bring them on Monday. We will come in force on Monday. Until then, just simply ask yourself this, "How can this make sense? How can we have one of the tallest buildings in West Lafayette be surrounded on three sides—three sides—by a one-story neighborhood?" It does not make sense. Don't be tempted by this. This is a project that may work well in other places in West Lafayette, not here. This is something that's going to cause a deterioration of our neighborhood, just not bruise it. It's going to

seriously damage neighbors that have been there forever. And you will hear from them as well. Other places, this might be. Better on the Levee, better out there by Wal-Mart, by Great Lakes. Not in the middle of a neighborhood. Any questions for me? Thank you.

Mayor Dennis said thank you, Mr. Parker.

Councilor Hunt said well, I'm not— are we—?

Mayor Dennis said are you done?

Councilor Hunt said no.

Mayor Dennis said do you have some more?

Councilor Hunt said yes, please. I've spent a lot of time thinking about this, because this is a neighborhood. I've spent some time in it. The Police Department was kind enough to gather some data for me. I thank Captain Leroux and Chief Dombkowski. I'd like to read that to you, if I may. In the past 24 months, there have been 413 calls for service for the West Lafayette Police at this area. They range from stabbings to medical problems to domestic problems to a variety of things. 413. That's an average of a little over 17 a month. In comparison, the University Inn that's a lower hotel—I really don't know the room numbers—in the past two years, they've had 18 calls for service from the West Lafayette Police. 18 versus 413. The Prestige Inn that's a small, more economical motel that's in West Lafayette just north of the BP station there at Yeager and 52, in the past two years, it's had 25 Police calls for service. I'm just extremely concerned about the neighborhood impact on this area that the Police call "problematic and challenging." I just wanted to let you all—I have the specific listing. I think Councilor Burch has this also, if you'd like to see the details.

Mayor Dennis said thank you, Ann [Councilor Hunt].

Councilor Truitt said John [Mayor Dennis], can I—one more question. Joe [Mr. Bumbleburg], you might be able to answer this. The story that Mr. Parker—meaning height, story—started out, according to the notes, as being three floors in one of the narratives. It looks like four floors in the actual staff report. It went to seven floors. I'm sure it's a proforma-based change. Can you talk a little bit about how it's kind of be-bopped around a little bit?

Mr. Mark Hiatt [COO, Collegiate Ventures] said just to address your question, the development, the condo development itself has always been four levels, for the condo portion itself. What has varied over time has been the actual garage portion. Originally, we were going to have three levels of garage, all above ground, so all above grade. And to increase the parking opportunity and requirement, we added another, more costly level below ground. So the entire structure of the building has always been seven levels above ground.

Councilor Truitt said okay. Thank you.

Mayor Dennis said any other questions? Comments by Council?

There was no further discussion.

Ordinance No. 4-08 An Ordinance Providing For Temporary Loans From A Fund Having Sufficient Balance To A Depleted Fund (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 4-08 by title, and asked Clerk-Treasurer Rhodes to explain the ordinance.

Clerk-Treasurer Rhodes said from time to time, you will be requested to provide the Clerk-Treasurer authority to make temporary loans for cash flow purposes between funds. This is the authority I need immediately, which relates to the timing of COBRA payments and insurance premiums. I would ask that you provide that authority on Monday, because we are going to be making, as we do every month, a temporary loan in January. I will be asking for additional temporary loan authority for City operations—General Fund, Parks and Recreation—throughout the year, but I have sufficient funds to operate without temporary loans through January. This is the one that I will not have authority to handle the transaction, unless you approve. These loans are paid back by the end of the year.

Mayor Dennis said any questions?

There was no further discussion.

Resolution No. 1-08 A Resolution Confirming The Designation Of An Economic Revitalization Area For Property Tax Abatement For Tapawingo Drive Partners, LLC **PUBLIC HEARING** (Prepared by Robert L. Bauman)

Mayor Dennis read Resolution No. 1-08 by title, and asked City Attorney Burns to explain the ordinance.

City Attorney Burns said this is a continuation of an effort to have Tapawingo Drive receive certain benefits. I think we have some representatives of the developer here. The resolution itself is a fairly standard form, and I think the project being contemplated is the issue to be discussed. So I would invite Mr. Bumbleburg to present that.

Mr. Joe Bumbleburg [Ball Eggleston attorney, representing the petitioners] said thank you. Jimmy Curtis is here with his team of people with regard to this. We have been now before the body here on this one several times, including an additional meeting with the Redevelopment Commission. Everybody I think knows where this piece of property is. The piece of property is on the new Tapawingo cutoff from State Street. It's land owned by a group led by Mr. Shen who can comment on it tonight, if you want him to. You have pictures of the area. I'm not going to beat this one to death, because you all know where it is. The fact of the matter is, to put two of these facilities there, a joined use, two-hotel facility, it's going to have to take out somewhere in the neighborhood of 25 feet of construction fill which has been placed there over the years. And that slopes back up towards the South River Road, so the amount diminishes just a little. But it is an interesting area that has some use. What we've done in it is drilled and done enough of the stuff to know that you cannot build on this land if you don't clean it up and do something with it. We have some considerable risk in this, because as you start to dig into this whole area, we think we know what's there, but all of us who have lived around here for a while know that there could be other things put there. This is a six-story complex. The project would provide 151 rooms under the SpringHill brand, 110 under the Fairfield brand. They're both Marriott hotels. It's a $31 million project, and it will permit us to have 50 or 60 new jobs with a payroll of about $1.3 million per year. And what we seek for you to do on Monday night is to confirm the previous votes of this Common Council on this particular abatement which we seek, which is an

abatement for 10 years. I think that you have seen, in the materials before you, probably more than you really want to know about this. But fixing this piece of ground, to make it useful is going to be expensive, and I've been kidding people about liking to see it happen, because out of my window I can see this particular site, and think of it as the gateway to your community, and thinking about how it would be really nice to do that. It looks like an awfully good project , taking a piece of ground which has absolutely no utility and giving it a good use for the future. And so we would ask that you confirm the previous acts by passing the resolution. And we've got our crew here. If anybody has any questions, we'd be happy to try to answer them.

City Attorney Burns said Joe [Mr. Bumbleburg], what's the current zoning? GB?

Mr. Bumbleburg said GB, yes.

Councilor Roales said the requested tax abatement is for $2.1 million. Your estimated expense of removing that fill is $1.6 million. Why is there a difference there, and how did you come up with the numbers?

Mr. Bumbleburg said Jim [Curtis], do you want to speak to the present value situation, or have one of your guys do that? You get into the present value of stuff, and there is no extra slippage of it.

Mr. Jimmy Curtis [Sheehan Companies] said we've teamed up with White Lodging. The tax abatement that's been estimated on the forms that we've received in the past show $1.944 million. I ran a net present value over the 10-year period, and that came out to $1.493 million—I have extras of this that I can pass around—and then I did it, basically what's going to happen is it's going to be a two-year project from the time we start. The first thing we do is going to be digging that hole and filling it back in, so we're going to have to wait two years, and then the taxes are going to start. So on a 12-year net present value, it comes out to $1.280.

Councilor Roales said what's the discount rate on that?

Mr. Curtis said 8%.

Clerk-Treasurer Rhodes said at this point, if I may address the Council? We were provided a real property tax abatement illustration at the Economic Development Commission meeting in November. That schedule was used as the basis for the full range of abatements that I ran for you. We've asked for professional review by the Economic Development Corporation in Lafayette, and they have provided updated schedules. It turns out that they did not provide that illustration as was understood, and the computation of the net tax rate was incorrect. In fact, the net tax rate was actually overestimated, which changes the value of the abatement. It reduces it. The Economic Development Corporation was very gracious in running the schedules for me just this afternoon, when we were able to do some problem-solving to determine where the problem had occurred. And I have those schedules for you. I want to caution you. I see in the speed that one of the schedules may have an error. And the bottom line, as you look at these schedules, is that the value of the abatement is less, Mr. Curtis. If you would like to pick up some of these.

Mr. Bumbleburg said are these different than the ones that were hooked to the ordinance?

Clerk-Treasurer Rhodes said yes. It turns out that the illustration used, the methodology resulted in an incorrect net rate, and we were glad to receive the professional assistance from

the Economic Development Corporation to get better numbers. We're all going to need some time to examine these, and certainly run present value calculations, if that's desirable, but I think we'd be on safer ground to use a methodology that's been used for County tax abatements and used for Lafayette tax abatements. Once more, this information was just run by us at about 4 o'clock this afternoon. We were able to do some research and determine that we needed to have an update. So, Mr. [Councilor] Roales, I—

Councilor Roales said no, that's fine.

Clerk-Treasurer Rhodes said that's why we have it to present tonight. I know Council members don't like getting surprises when they're sitting in a meeting, even if it's a Pre-Council meeting, but I thought you'd like to have the information. It may not change the gist of your argument, because one could certainly discuss present value rates along with a revised tax abatement illustration.

Councilor Roales said is it Mr. Curtis?

Mr. Curtis said yes, it is.

Councilor Roales said I have some more questions, if we could. What let you to choose the 10-year schedule? That's the maximum abatement schedule, as I understand it. Why request the maximum?

Mr. Curtis said this is a substantial investment, and there are more concerns than just pulling out the soils. And, at the present value on a 10-year, based on the estimate that the City provided us—that was something that they provided us the last meeting—and the present value of that is less than the $1.6 million. So we're looking at it at $1.280 million, so that's why we're choosing the max. I mean, honestly, we'd probably prefer 15 years, you know, to make it work, because, again, you know, it'd be great to have a site that we don't have to tear these soils out and just do a normal build, but unfortunately this is the situation we're in. There's other risks involved, too; there's environmental risks. You know, the City isn't taking those risks. We're taking those risks. So if we go in there and there's something in the soils—and who knows what's dumped in there?—I mean, it's been a long time, but, you know… And then again, we've got to, you know, bid out this project and hopefully it comes in within budget. So there's a lot of risk here, more variables than just determining what amount we need taken out of the ground.

Councilor Roales said in discussions with the City Engineer, he had requested this building be repositioned, to be closer towards 26, so that people staying in this facility could walk across the street easily. Why has that request been denied or why have you not considered that, I guess?

Mr. Curtis said well, I believe we're going to have to still sit down and go through our full engineering plans and sit down with the City and go through, you know, their concerns. But I can always let White Lodging talk about it, but they know the hotel business, and basically, again, what we did before the last picture and this picture is this building was reversed, and this gives it a much better view the way we've set it up here. It's a better gateway into the City of West Lafayette than just having it turn the other way. And they know the functions. And you need the parking in front, versus pulling it all the way up to the road. So we feel that this gives it—we have, in addressing that concern, we have pulled the building up from where it was some, so it's not pulled up all the way to the street, but it has been pulled up some.

Councilor Roales said okay. Would it be possible to reposition this building so it's closer to 26?

Mr. Travis said may I address this question?

Mr. Curtis said sure. This is Scott Travis with White Lodging.

Mr. Scott Travis said good evening. It's a pleasure to be here. I don't know that we can answer the question absolutely. There's a lot that still needs to be done, in terms of siting the building, but I think in general terms, we've worked with the City staff, City Engineer, in terms of getting full 100% access around the building. So we have, in fact, moved it from the northwest corner—do we have a site plan in that? That site plan was the one that we had originally discussed. And we've had a couple conversations since then, and what really becomes evident to us in siting this building is that, by reversing the ell, it allows us to create a motor court for a very clear drop-off zone for both hotels in this center. The rendering shows the two canopies that would extend out in front of the front doors, and so that motor court becomes sort of a shared utility for both of the hotels. By doing so, it also allows us to pull the building more forward. We can't do that without flipping the ell, if you will, and still have sufficient space for that. And by flipping the building, we pulled the ell forward, then we have a double-loaded drive aisle that will wrap the entire perimeter of the building, so that's sort of the site organization. Some of the information we've used to site the building so far. Additionally, as a hotel operator—we operate better than 120 hotels, representing 16,000 keys probably, across the nation. And so we have a lot of feedback from our operators. And from the brands as well. Marriott's very mindful of your approach to a building and that there's a clear understanding of where the drop-off zone is, and that parking in the front is heavily desired from a safety perspective. All your guests are oriented to come through the front door. There may be other accesses, but they don't necessarily always get that. So it's a function of bringing them to the comfort zone and where they feel safe, and then also it does provide additional security for them. We understood the request as sort of two fold. One, a better presence is a gateway to the City, and then the second one being that this is like Wabash Landing, this is an urban site, a more urban site. We can't take the approach where we have in other situations where we are in a very urban situation with a parking deck below, behind, or incorporated into this. As long as we're in the surface parking mode, which we are, this is about as far forward as we can bring it. It's not unlike what's at Wabash Landing. There's quite a bit of front-loaded parking on those. We will take as much advantage as we can to bring that forward, but I don't know that we can make a commitment to bring it to the sidewalk's edge.

Councilor Roales said okay. So that's not a current site plan?

Mr. Scott Travis said that site plan is outdated.

Councilor Roales said okay. Has it changed in the last month, since the last City Council meeting?

Mr. Scott Travis said yes, it has.

Councilor Roales said okay.

Mr. Scott Travis said we can provide that for you.

Councilor Roales said will you have an updated one on Monday?

Mr. Scott Travis said yes, we can.

Councilor Roales said okay.

Mr. Scott Travis said we'll certainly have one at that scale, yes..

Councilor Roales said all right, thank you.

Councilor Truitt said Scott [Mr. Travis], a saturation question in regard to the number of rooms that are being put there with the Hilton Garden Inn across the street with another one talked about earlier tonight, plus the ones that area already existing. Can you just talk, without sharing too much information, because obviously it's appealing.

Mr. Scott Travis said one of the key components, I think, Jimmy [Mr. Curtis] could speak to. He's part owner in one of the hotels in the vicinity, the Hilton Garden Inn. And he understands the synergies, as most people in the operations of a hotel understand, that it's like a McDonald's and a Burger King. There's a reason that they all end up in the same place. That when you start to get this cluster and although they're not operated by the same entity or the same brand, there becomes a nucleus, the synergy starts to bring the additional guests. It is one of those situations where one plus one does equal three. If you had a hotel that's 100 keys and you put another one that's 100 keys five miles away, maybe they both sell 70 rooms a night. You put them together, you start to get more like 80 rooms per. There are synergies that are proven. And of the 120 hotels we have, we would typically have two to three or four hotels in one geographic location—different brands. And then the other thing that I might speak to is that each brand—for instance, the Fairfield Inn and the SpringHill that are represented here are designed by the brands by Marriott to grab different segments of the market. There is obviously overlap, but there's different segments.

Councilor Truitt said I think one of the concerns from individuals might be how much market—how many rooms can we handle in our area? And I have no idea.

Mr. Travis said I guess, two comments. One, we do a feasibility study. In order to get financed, we have to prove that to our lenders. And so that's part of our process. And then I guess the other thing is that this is a private investment. We wouldn't put the rooms there if we didn't feel—if we thought 120 meant we'd have a better success than the 250 or 260 plus or minus, we'd obviously make that choice, from a benefit to our own ownership.

Councilor Truitt said right.

Mr. Travis said and then the other thing is these room counts are not concrete. We're in for our franchise applications, and Marriott may say, "We want you to do 10 less of this and 10 more of that." But in general terms, the 250 plus or minus is what our goal is.

Councilor Truitt said thank you.

Councilor Hunt said may I ask a question?

Mr. Travis said certainly.

Councilor Hunt said if I may without getting into where you don't want to share the data too much, when you looked at the feasibility study, which certainly is important, did you look at

Purdue? Did you look at their conferences? Did you look at football games? What kind of possible use of this large complex did you look at?

Mr. Travis said there are a variety of uses. This is not the first hotel we've done in a university market specifically.

Councilor Hunt said I'm sure it isn't.

Mr. Travis said the games do count. The visitors for certain ceremonies—graduations, move-in weeks, the spring—there's a lot of the university that does play into this. But we look at also, very seriously, most of what we have developed—we're not a resort developer, we're not a recreational hotel developer—we look for the corporate backbone for our facilities, and so, we believe, Purdue's a very strong source of business for us, but we also believe there's a much greater sense of an increased corporate presence in West Lafayette.

Councilor Hunt said thank you.

Councilor Roales said maybe someone from Development could answer this. Is there a precedent for providing tax abatements to this sort of facility in West Lafayette? I mean, typically I associate tax abatements with higher-paying jobs in the Research Park. I mean, have we—? These would be on average, $30,000 a year jobs, if you divide $1.5 million by 50.

Assistant Director of Development Grady said it's my understanding that this is the first one, Councilor.

Councilor Roales said okay.

Assistant Director of Development Grady said this would be unique. Most of the tax abatements in the past have been in the Research Park. So this is new territory.

Councilor Roales said I mean, I think in the last meeting, there was some concern from the other Councilors about setting precedent in this area.

Councilor Truitt said we did talk in pretty good detail in regard to the definition of an economic revitalization area, and I think Councilor Keen showed that the definition of that is probably more so met in this type of development than any other one that we've done before, when you look at the true definition of what we're trying to do here. So I was concerned about the precedent, as far as moving dirt is concerned, but when you look at the big picture and the blighted area and, I think, the benefit of doing something along these lines, my concern of precedent-setting—and I think Mr. Shen [property owner] also talked about, as you move further down the road, my concern was are we just going to kind of leap-frog all the way down and keep giving abatement after abatement after abatement, in order to make the land marketable and the soil will supposedly will improve, I guess, down the road, hopefully.

Councilor Roales said I guess would it be more appropriate for projects that are not fulfilling high income jobs to provide not the maximum schedule but a five-year schedule or a six-year schedule? And for jobs that may be in the Research Park or that are, you know, $60,000 or $70,000 a year jobs, to provide the maximum schedule? I mean, would that take care of some of the precedent issues? What are your thoughts on that, I guess, Councilor?

Councilor Hunt said the Indiana Code talks about—and I can share some of this—I don't know if it's in the new one. We certainly looked at it last semester—pardon me, another life. I mean, you can certainly talk about the Indiana Code Chapter 6-1-1-12 talks about the rehab and it also talks about certain real estate improvements or rehabilitation. And, given that we did put a new road here, we would like to use it, so you can certainly look at that code, if you'd like to, Indiana Code. Because that did reassure us last month.

Councilor Roales said okay.

Mr. Curtis said if I could say another thing. The abatement is needed to make this project work, or else we wouldn't be here. The other thing is, this property hasn't brought in any taxes over the last forever. I mean, it's very, very minimal. So we have a chance here now to provide something to the community and, after 10 years, it's going to be over $450,000 a year. Based on prior estimates, it was going to be over $2.3 million. Now the new estimates show that we'd be providing $1.7 million, I believe over a 10-year period, and I would think that would be pretty good from where we were. So, you know, it's got to be win-win for both of us. I just wanted to throw those thoughts out to you.

Councilor Truitt said Jimmy [Mr. Curtis], to go to Councilor Roales' thought process, as far as the schedules are concerned that are on the back of this. I think this is on all of them, right?

Clerk-Treasurer Rhodes said that's what I wanted to—that schedule was based on the Economic Development Commission—

Councilor Truitt said right, but I guess what my question is, when you look at the financial proforma, of course, you shoot for the moon, in regard to the schedule, but if you do look at other options, are there other feasible that won't break the project, as far as different—eight year schedule? Seven year schedule? Or is it 10?

Mr. Curtis said we need 10.

Councilor Truitt said you need 10.

Mr. Curtis said and, actually, after looking at the new numbers provided, it shows that we're getting $1.683 million versus $1.944 million, and we're already, based on my present value, and whether she thinks it's high or not, we were trying to use a fair number. But it's still going to be a worst-case scenario. So like I said, it's a $31 million investment. It's a lot of risk here that we're taking. But we've teamed with the right partner and the right people. We've got a great design here, and so, to answer your question, we need the full amount, please. Thanks.

Mayor Dennis said any other questions? Mr. Shen.

Mr. John Shen [owner of the property] said I was a registered professional engineer and used to build highways and did some development here. We own the land. We pay some taxes, but it's minimal. The reason we could have—we have had a lot of approaches, people wanted that piece to do a lot of things. But since we own the land, we feel like we have a preference to choose for the City of West Lafayette. To us, really, people think, "Well, John, you're going to make a lot of money if you sell it to them." It really isn't, because a guy wants to put two-story, we could put three-story apartment there, with square foundation, we could do it with the same amount of cost, as far as we are concerned. We own the land, somebody offers us so much money, I really do not gain anything personal. The real reason we like to deal with these

gentlemen, these people, is because we feel we have a responsibility. You remember when they built Tapawingo Drive, a reporter asked us, "What are you going to do with it?" I said, "We are not going to do something silly. If we're going to do it, it will benefit all of us." So to me, a high-rise building at that location with the high-rise building on a hill with a Purdue location, across the street with the Hilton in, and so on and so forth, if you put the building too close to the 26 as you're coming across, you will not see what I call the landscape, the spaciousness—whether we should push back. So I think this location is much better than the first location. But I just want you to know, as far as the landowner's concerned, it makes no difference. We could sell it to John Doe we could see it to this guy, we could sell it to them. To us, it's immaterial. But I think a good building there really makes across the bridge, you don't want to go across the bridge to see a bunch of air-conditioning units on top. You'd like to see a nice building to welcome to the City. Thank you.

Mayor Dennis said thank you, Mr. Shen. Okay, anything else? Any other comments?

There was no further discussion.

OTHER ITEMS

►Mayor Dennis said communications?

Councilor Hunt said I have a communication, if I may.

Mayor Dennis said okay, Ann [Councilor Hunt].

Councilor Hunt said Mr. Mayor, I'd like to read a letter from the President of the School Board, inviting the Council to a work session. I think all of us got this by email, but I'd like to read it to you, if I may.

Mayor Dennis said please do.

Councilor Hunt read the letter:

> Dear City Officials,
>
> It is with enthusiasm and a sense of optimism for our futures that I extend this invitation to meet in joint session on January 23 of the Media Center of the Junior-Senior High School at 6:30 p.m.
>
> The purpose of this meeting is to allow us the opportunity to discuss the sharing of resources, as well as Indiana Code 36-1.5. The School Corporation will provide background information, including projections into the future, that will emphasize the importance of our two governing bodies coming together. Under prior cover prior to this meeting, the Superintendent's Office will forward pertinent information regarding Indiana Code 36-1.5 and the legal opinions to the Corporation, as previously secured.
>
> The Board looks forward to meeting with you on January 23.
>
> Dianne Sautter
> Board President

Mayor Dennis said thank you.

►Councilor Bunder said I have a question before we go, about the Weida appeal. And this is regarding [former City Attorney] Bob Bauman's memorandum, obviously. I'd like to know if the administration is going to follow through in that appeal process, and who will be doing that.

City Attorney Burns said I have a conflict on that case, and so I have retained Jim Schrier who is a local attorney with about 20 years of experience who will be entering his appearance and taking over that representation for the City.

Councilor Bunder said it's an important issue for the 2nd District, and it's an important issue at an important time for this administration. One of the nervousnesses of my neighbors regarding the results of the election is whether or not code enforcement will continue strong. And this is the first issue, the first test of that resolve, so I appreciate your diligence in this area, and I sure hope nothing goes wrong with the process as we move forward.

Mayor Dennis said if I might be able to comment to the code enforcement issue. Ann [Councilor Hunt] and I have had similar discussions about this very topic. Although I will not be referring to this very often, my background is in enforcement. I'm all about enforcement. And I would not ever sanction or encourage any lightening of our code enforcement program. My intent is to strengthen it. And my intent is to make it more of a process that's going to be more cost-effective for the City, yet beneficial for the citizens. So, rest assured and have the nervousness—bring it down.

Councilor Bunder said thank you, Mayor.

ADJOURNMENT

There being no further business at this time, Councilor Truitt moved for adjournment. Motion was seconded by Councilor Thomas and passed by voice vote, the time being 5:54 p.m.

Respectfully submitted,

Judith C. Rhodes, Clerk-Treasurer
Secretary of the Common Council