

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
March 6, 2006

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on March 6, 2006, at the hour of 7:30 p.m.

Mayor Mills called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Griffin, Hunt, Keen, O'Callaghan, Plomin, Satterly, Truitt

Also present were City Attorney Bauman, Clerk-Treasurer Rhodes, Director of Development Andrew, City Engineer Buck, Public Works Director Downey, Fire Chief Drew, Police Chief Marvin, and Parks Superintendent Payne.

MINUTES: Councilor Griffin moved for acceptance of the minutes of the February 2, 2006, Pre-Council Meeting, and the minutes of the February 6, 2006, Common Council Meeting. Councilor Satterly seconded the motion, and the vote was AYE.

COMMITTEE STANDING REPORTS:

STREET AND SANITATION: Councilor Satterly presented this report.

For the month of February, just a few comments on the sanitary recycling, there were over \$9,000 of recyclables that were sold, over 60 hours was accomplished in street sweeping, 38 hours in pothole patching—and I'm sure in the next couple months there will be a lot more—44 hours of sign maintenance, only 4.5 hours of snow removal for the month of February. That completes the report.

WASTEWATER TREATMENT UTILITY: Councilor Satterly presented this report.

In January, there were 2.92 inches of precipitation. The total flow to the sewage treatment plant was 289.48 million gallons, 99.90% was treated. There was some overflow at the Dehart Street, 35.7 hours during 5 events, and there was one event at the Quincy Street for 1 hour, and 5 hours in one event at the Wet Weather Facility. There were over 3,000 feet of sewer cleaned, and close to 10,000 linear feet of sewer were televised. That completes that report.

PUBLIC SAFETY: Councilor Keen presented this report.

In the month of February, the West Lafayette Fire Department received thank yous and from us, congratulations on a letter they received from the public for a job well done in a fire at a house here in West Lafayette. The person who lives there wrote in to say just how impressed they were with Fire Department, how they responded, how diligent they were, and what a good job they did. Thank you very much to the Fire Department for a job well done. Also thank you to the two Girl Scouts who brought them cookies and drinks at the Fire Station. That was very nice of them. Thank you. That concludes my report.

PURDUE RELATIONS: Councilor Plomin presented this report.

If you're interested in watching something else tonight, the Purdue women are in the Big Ten Championship Game right now on ESPN2.

Councilor Griffin said what's the score?

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Councilor Plomin said I don't have a TV here.

Councilor Griffin said as of a few minutes ago.

Councilor Plomin said Purdue was up by one or two points.

Councilor Hunt said it's early.

Councilor Plomin said and now Jonathan Foltz from PSG is here to present his report.

Mr. Jonathan Foltz said good evening. Thank you, Councilman Plomin, Mayor Mills, and Council members for the opportunity to speak and be present here once again. I just have a few updates relative to Purdue Student Government you may be interested in. The Government Relations area of Purdue Student Government recently had a day trip to the Indiana Statehouse. Student leaders from influential campus organizations on campus traveled along with representatives from Student Government. These students had a chance to meet with Governor Daniels, as well as representatives such as Sheila Klinker and Joe Micon. The trip proved to be a great success, and gave Purdue University some excellent coverage in our State's law-making arena. Additionally, every Monday night at 8 p.m., Purdue Student Government has organized a radio show, which can be heard online via Cary Quad's website radio system. We are continuing to organize a Voter Awareness Week, which will run during the last week of March. This will be prepared so as to communicate the importance of being an active participant in our elections. Going along with this, we will emphasize voter registration, and continue to pursue various political speakers to present to students during this time. Student elections will also be showcased during this week. Relative to the proposed reintroduction of the smoking ban here in West Lafayette, I have been told the Purdue Student Government Senate will be addressing the issue with new legislation of their own in the near future. I'll have a report on that, I'm sure, in the next month or two. The Senate is next meeting during the normal time of 7:00 p.m., this Wednesday, in Krannert Room G18. The doors are, of course, open for anyone who would like to attend. Thanks again from everyone at Purdue Student Government

Mayor Mills said thank you, Mr. Foltz. Councilor Plomin, anything else?

Councilor Plomin said no more. Thank you.

PARKS AND RECREATION: Councilor Hunt presented this report.

The Riverside Skating Center is sort of slushing down to a stop soon. They're going to try to be open during the rest of this week, but it might be doubtful. The "Dare to Bear" ice skating in your bathing suit was on February 10. About 100 skaters were there. Other things about the parks: Tapawingo Park playground pod is being replaced. The replacement at Lommel Park playground will begin after the work at Tapawingo is over. Lincoln Park plan is being completed, and construction of the playground and the shelter will begin this spring. Applications for summer employment are now being accepted. The next Park Board meeting will be March 20 at 4:30 in City Hall. Thank you.

DEPARTMENT OF DEVELOPMENT: Councilor O'Callaghan presented this report. The Redevelopment Commission met on February 13 and discussed the reworking of the Tapawingo Park and the West Lafayette entrance to the Myers Pedestrian Bridge. There needs to be some rehab there with concrete, and discussed the possibility of a foundation at that site. Dennis Carson presented an overview of Lafayette Redevelopment. They also reported they closed on the Burnham property on January 26. Burnham's is still open, and wants to sell their remaining inventory. Dick's Bodacious Bar-B-Q opened in Wabash Landing, and there was a nice write-up on that in the paper today. The next meeting will be on March 27 at Noon. As far as Community Development Block Grants, that first meeting was completed, and the next meeting when the department will announce the allocations will be this Wednesday, March 8, at 7:00 p.m. here in the Council Chambers. I guess I will also note that in President Bush's 2007 proposed budget, CDBG is proposed to be cut by \$1 billion, so we do have to keep lobbying for this program to continue. The cities and towns did a great job last year, convincing them in Washington to keep this money flowing, so we have to keep that out.

Mayor Mills said I'll just add that the National League of Cities, which is our national association for cities and towns, has designated Community Development Block Grant Program as, again, the number one priority this year. They very successfully lobbied Congress last year to keep the funding strong, and that is also going to be a priority this year. Thank you.

PERSONNEL: No report.

BUDGET AND FINANCE: Councilor Truitt presented this report. Tomorrow night, March 7, at 8:00 p.m., the Budget and Finance Committee will begin its exciting work, preparing for the 2007 budget. Again, that meeting will take place tomorrow night, 8 o'clock in the Board of Works Conference Room. If you want to make it a double duty, you can come tomorrow night as well.

Councilor O'Callaghan said and Wednesday, three nights in a row.

Councilor Truitt said yes, yes. What's Wednesday?

Councilor O'Callaghan said CDBG.

Councilor Truitt said yes, CDBG. That's right. You could make it a trifecta there. A couple of the items we'll be talking about at the budget meeting will be comparing 2004 to 2005. Each Councilor has at their desk the February 2005 compared to February 2006. If the Clerk-Treasurer has anything to add when she speaks, she can explain and answer any questions at that time. The second topic that we will be talking about is the Tippecanoe County Income Tax Council, on West Lafayette's vote towards that, which is going to take place at a public meeting on March 16 at 5:00 p.m. That concludes my report.

REPORT OF APC REPRESENTATIVE: Councilor Griffin presented this report. From the Ordinance Committee of the Area Plan Commission comes forward tonight for action is voting on a change to the Unified Zoning Ordinance that considers crematories. I'm not sure whether the counsel that was involved in that, but if not, I'll explain that in greater detail when we get to the point of voting.

REPORTS OF SPECIAL COMMITTEES: None.

PUBLIC RELATIONS:

Employee Service Anniversaries

Mayor Mills said we have employee anniversaries for March again this year. Adam Downey in the Wastewater Treatment Utility has been with the City for five years. Also with the Utility, John Poore is celebrating 25 years. Jason Burks in Engineering, five years; Michael Anthrop in Fire, 20 years; and Jason Philhower in the Police Department, 10 years. Again, we want to congratulate all of them and extend our thanks for their great service to all of us, the citizens of the City.

West Lafayette Community Beautification Award

Councilor Satterly said the winner of the West Lafayette Beautification Award for March 2006 is the Tecumseh Kiwanis, for their sponsorship of the Adopt-A-Spot at the corner of Lindberg and Salisbury. Dick Kamp, past president of Tecumseh Kiwanis, states that approximately half of the 20-member Kiwanis group participates in the maintenance of the colorful, wedge-shaped spot situated at the signal at one of West Lafayette's major intersections. Most of the Tecumseh Kiwanians live in West Lafayette and formerly, they had another local Adopt-A-Spot. But in July 2002, they relocated to this spot, for their community service, because it was within the City limits of West Lafayette, and the small site was bare and needed attention. The group made a few changes and upgrades when they began their adoptive role. Currently, the spot requires a weekly average of four to five hours of labor during the growing season. Throughout Purdue's football season, Tecumseh Kiwanians put in extra work hours, to ensure that the site is attractive for weekend visitors. Because of its small size, only one person is able to work in the plot at any one time. Removing weeds, planting, mulching, occasional watering, and removal of roadside trash are required to maintain this pleasant oasis. Year-long color is provided in the Adopt-A-Spot by spring flowering bulbs, shrubs, fall flowering chrysanthemums, and the crimson berries of winterberry. The person that's here to accept the award is Mr. Chi-Hua Huang. Come forward, please.

Councilor Satterly read the certificate presented to the Tecumseh Kiwanis on behalf of the City of West Lafayette, and offered a photo of Mr. Huang working at the Adopt-A-Spot site.

Mayor Mills said it's a lovely corner. I pass that way many times a day, and it's always very attractive and very nicely kept. We appreciate all your hard work.

Appointment to the Human Relations Commission: Robert O'Neil

Mayor Mills said we have a Human Relations Commission in our City, one we're very proud of who takes a very active role in ensuring that we're all treated equally in this

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community. One of the members has cycled off, and we have a new person coming on, and that appointment is Robert O'Neil. I just wanted to take a few minutes to thank him for being willing to serve on the Human Relations Commission and give you just a little bit of information about him. Bob and his wife Liz have lived in West Lafayette since 1984. Bob has been involved for 21 years in international research, teaching, and outreach in Latin America, Asia, and Africa. He's traveled and taught and conducted research in 22 countries. He's conversant in Spanish, has taught Peace Corps trainees in Honduras, and has been an international advisor to a number of graduate students and interns. So he brings really great qualifications to our Human Relations Commission, and we're honored to have him serve for us. Thank you.

FINANCIAL REPORT: Clerk-Treasurer Rhodes

Clerk-Treasurer Rhodes said you've received your State Board of Accounts accounting reports, as usual, and your cash reports tonight. Probably the highlight for last month was the receipt of reimbursement from INDOT for land acquisition for the Tapawingo South Project. I think it was about a nine-month wait, but worth it—\$1,293,144 back into our CCD Fund. You may note that expenditures for Police and Fire Pensions are occurring now, our first dollar out of the Rainy Day Fund, and charges to date are over \$178,000. Personnel expenses in the General Fund are running 7.7% higher than this time last year. You'll also note there's some shifting of expenditures into Parks and Recreation from NRO, and Sanitation from MVH. This reflects changes made during the budgeting process. On a personal note, my office would like to thank the citizens, the Mayor, and City Engineer Buck for allowing the replacement of carpeting in our office. We had holes in the carpet, loose carpeting, trip obstacles, big problem in allowing a fix on my door, so that I could actually open one of my doors all the way. We want to thank City Engineer Buck for facilitating those repairs. Longer than a nine-month wait, but very much appreciated. Thank you.

Mayor Mills said you'll notice our new carpeting here in the Courtroom. We have this same carpeting—it's part of our project to re-use the basement, which the Police vacated over a year ago. We need the space desperately, we're very crowded upstairs, and so we're finally redoing the basement. At the same time, we got a great price on carpeting, so we are replacing worn out carpeting everywhere. You know in your own home that you get used to the way it looks, and you don't realize just how shabby it's becoming, until you look at it kind of with a fresh eye. So we're very pleased to have City Hall looking a little bit better than it has. It's been very nice, and [City Engineer] Dave Buck has done a wonderful job—he and his department—of coordinating it all. Moving people's computers and desks and file cabinets is no small feat, and they've done a great job, working with installers to make it all happen relatively easily. Thank you, Dave.

UNFINISHED BUSINESS:

Ordinance No. 29-05 An Ordinance To Annex Certain Lands To The City Of West Lafayette (Prepared by the City Attorney)

Mayor Mills said tonight we do not have an actual reading of the ordinance, but we have the public hearing. This is for the annexation of 1,173 acres north of the City. We are going to take public comment tonight. I will start by just making a few comments, and

then we have Gary Malone and Deen Rogers here from H.J. Umbaugh [and Associates], to answer any questions about the process or the fiscal plan for the City. Again, this annexation is 1,173 acres, 222 parcels; the majority is farmland, some developing residential. The majority of the zoning is Residential, R; there's a little bit of Industrial in the Purdue Research Park, which will become the Phase III of the Research Park. Some existing development includes Prophet's Ridge and the now-developing Lauren Lakes. The area will be added to Council Districts 4 and 5. We are annexing now, because annexation has been recommended in the last several Strategic Plans. Growth is beginning to happen north of the City, and we would like to participate in the way that that growth happens. We are anxious to begin. A secondary reason, or I guess maybe a benefit, of annexing new property into the City, is that annexation has a way of stabilizing the property tax rate, so rates will moderate and not climb perhaps as quickly as it would for the rest of the City taxpayers if we didn't annex and spread the cost of services across a larger group of citizens. I will just say again that the fiscal plan represents the "what if" scenario for the City, it estimates the impact of annexation on the tax rate. It is an estimation as we think the development will happen. It is just an estimation. It does not change school boundaries or library boundaries. You will still be in your school district that you've been in, and the library districts will not change. The City services that we will now be providing to that annexed area are, of course, police protection, fire and first responder medical service, sanitation services—that includes trash and yard waste removal and curbside recycling service—wastewater service, street lights, and, of course, you get the benefits of the great City parks and trails that we have—although I'm hoping people use those anyway—and other City services such as using our Engineering Department. I will stop there and ask Mr. Malone if he will just come up and give us any information that you think is important, before we begin to take public comment.

Mr. Gary Malone [H.J. Umbaugh and Associates] said I just have a few minor comments. You know, we've been to the Council on a number of occasions, tried to answer as many questions as possible. First, let me summarize the fiscal plan. As part of the fiscal plan, we looked at the costs that would be expected to serve the proposed annexed area. We also looked at the revenues that we thought would likely be generated from that annexed area, both in terms of the additional property taxes that might be generated if you chose to do it with additional excess levy appeal, and also from the potential income tax revenues that might be generated. We know that income tax revenues can be volatile, are a little less predictable, but even in the worse-case scenario, we satisfied ourselves that the total revenues that you could expect from that area would be sufficient to cover that cost. But since the revenues were able to cover the cost, what you're likely to see happening is the tax rates for the taxpayers within West Lafayette over the terms of the development, over that 15-year period, will likely decline. Our projections have estimated that the tax rates, without annexation, are likely to be 5% to 10% greater than what the tax rates might be with annexation. We did receive one question last week and again this evening, "What happens if there's an appeal before any growth takes place or any additional costs take place?" With the process, any appeal has to be approved by the Department of Local Government Finance. Those appeals are based upon actual costs that are incurred and imbedded in the budget; you're not projecting expenses, so there's some protection there, so that the appeal would not go up until those costs are currently being incurred. There's always an issue of timing—when is it appropriate to hire additional Police Officers—and

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so there may be some timing differences, but over the length of the development, you expect that tax rates would be lower than they would otherwise be without the annexation. I'd be happy to answer any additional questions you might have.

Mayor Mills said any questions for Mr. Malone before we take comment?

Councilor Plomin said what would happen to the tax rates of the people who are currently living the annexed area?

Mr. Malone said tax rates for taxpayers within the current area will increase as a result of this annexation, because they'll be paying tax rates of the City and now they're just simply the township's.

Councilor Plomin said okay.

Mayor Mills said thank you. We will open the public hearing now for the annexation ordinance. If anyone would like to speak, we'd love to have comments. We just ask that you come to the microphone, give us your name and address, please.

Mrs. Wilma Wiggins [4011 North 50 West] said I have a question for the Council members. Have you driven out to the country to see the annexation farms and subdivisions? You have a better vision by seeing it, rather than by looking at a map. Our home is back a lane, with a white picket fence, and it's on 50 West. Our friends say, "Fight for your rights, and why are they annexing your farm? Get a petition." Ours is the only homestead on all this farmland. Mayor Mills and the troop arranged it so we couldn't get enough people to sign a petition. They took off homes and farmlands north of our farm on 50 West and the corner of 500 North and 75 East, until they could have their 51%. This annexation is not fair. Council members, put yourself in our place: You have a 228-acre farm. You have worked hard on this farm. It is your life's work. The City is going to annex your farm to control you and for taxes for the West Lafayette residents. We received a letter from Mr. [Department of Development Director] Andrew. It says, "Dear Mr. and Mrs. Wiggins, The City of West Lafayette would like to discuss the possible annexation on three parcels of land you own in the north of our current City limits. These three parcels are adjacent to the east side of Salisbury. We would like to discuss this possible annexation with you at your convenience. Please feel free to contact me." That was April 6, 2005. The next day, Mr. Andrew received a letter from our lawyer—April 7, 2005: "Dear Mr. Andrew, Mr. and Mrs. Wiggins have forwarded to me your letter of April 6, 2005, in which you state you would like to discuss the possibilities of annexing the three parcels of our property. Mr. and Mrs. Wiggins would like for me to be involved in such discussions. Please advise as to what possible benefits the Wiggins would receive from the annexation, while the negative of substantially increased taxes is apparent." Why didn't you answer our letter, Mr. Andrew? Were you afraid for someone else to see or hear your secretly-scheming plans for annexation? Is this when the dirty politics took over? To this day, Mr. [City Attorney] Bauman or Mr. Andrew have not said a word to us. Mrs. Mills, Mayor Mills, was interviewed by Channel 18 July 1, 2005. Mayor Mills said the City is moving forward with plans to annex a small section of Tippecanoe County. Mills said the tentative plans are in the works to annex County Road 500 North, just south of

Harrison High School, to 75 East at the intersection of Soldiers Home Road. She said the City is in the early stages of contacting property owners on the proposed boundaries. It said, "We tried to notify all the property owners that are affected, that we're going to do this, and ask them if they want to be annexed or not, and then wait for a response from them." Did you really plan to inform anyone, or was this just to make you look good? I also have a video of that. Would you like to see it? When were you going to notify us? We did not receive any information from you, asking if we wanted to be annexed, so we could respond. You didn't mention Purdue—When you decided to take them in? I can't believe that City officials can come up with the plans and say, "You are annexed to the City," without saying a word to you about it. A friend told us we were in the annexation a day before the Pre-Council in November. No one from here talked to us. Then Mayor Mills said, "I'm sorry this was a shock and a surprise." This was planned that way. If she was really sorry, she would have let the people know. I would expect the truth from you, Mayor Mills. You're always talking about trust and integrity. How long has the fire station been planned? What will West Lafayette residents say about having to pay for a new fire station and equipment and more firemen and police officers and police cars? And all the volunteer signers who sought to be annexed had not signed that night, when the Council members voted at the November meeting. West Lafayette installed a sewer line in the right-of-way on 75 East to Prophet's Ridge and Lauren Lakes. So annex these two subdivisions through the right-of-way and sewer line, just like you did Westport. Mr. Bauman, an excellent dealer, he would be able to accomplish this. You say we have to control growth out there. This is just an excuse to get our farm for taxes. Who is to say West Lafayette has to be the one to control growth? We have been just fine with the County police and firemen. They all put their life on the line, so all are alike. We do not have streets to maintain or snow removal, and we call 9-1-1. We do not need your services. This is a farm, where the farmer plants corn and beans. This farm should not be in the City. You have hurt us. This has really upset our lives. You don't understand how much this family farm means to us and our family. In 1976, we were one of the first in Tippecanoe County to receive the 100-Year Hoosier Homestead Award from the Indiana Department of Commerce. Dean [Mr. Wiggins] was born in the home we live in. He has lived on the farm all his life, except for three years he served in the South Pacific in World War II, fighting for our freedom—yours and mine. Now you are taking his freedom, rights, privileges, and farm life. I have asked other people, but no one seems to know the answer. Mayor Mills, who gave you the power to annex this land? And a few people vote and decide what we are to do with the rest of our lives. We will pay City taxes on our farm, about 34%, to help the City residents with their taxes. We do not want to be annexed. You have not been truthful. It is unfair, no communication, and dirty politics. This is the Land of the Free. It is like a foreign country, where the officials come to the country and take over your land to control it, and there's nothing we can do about it. I hope the officials enjoy the big feather in their cap. They have hurt many people. When the Council members vote, please remember the Golden Rule. Thank you.

Mr. Dean Wiggins said I agree with every word of that. We've studied this completely and thoroughly, and talked to many people, and I agree with every word my wife said. Of course I have to, as we have our 59th anniversary in July. But anyhow, I've got some figures I want to put out, and I will show what you are doing to us. We bought that farm. It wasn't given to us. We spent 25 years paying for it. We've got 228 acres. 182 is tillable

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and 46 is not. We pay the same rate, all these years on the whole farm, as if we were tilling it. Now the 182 acres we rent out to a good farmer. He takes care of it very good. The 46 acres gets us nothing. Only beauty. We've got two woods. Beauty is what we see when we go look at them—nature. No cattle have been on them since the 40s. Anyhow, I'm pointing out that we get no income from that 46 acres, so what do we get for all our taxes is from 182 acres. Now, I have figured this, don't worry. You figure it out on last year's tax forms, and get the West Lafayette rate and Tippecanoe [Township] and Wabash [Township]—we've got two in Wabash, one in Tippecanoe—you get the rates and multiply them and figure them out, it's a little over 34%. That's last year, that's what we paid in '05. I could tell you, the reason I got the West Lafayette tax rate is because you got fifteen-hundredths of our ground, when that ground was sold. You knew about that, Mayor?

Mayor Mills said you told me that—

Mr. Wiggins said oh, did I?

Mayor Mills said last month. Yes, sir.

Mr. Wiggins said well, I couldn't beat it, so I pay tax on it to you, and I pay tax on Wabash to you, but I do have the tax rate, and I know what it's going to cost extra, on top of what we already pay. We have a business. We bought a business. That's what—all over town, all your business people bought it, they rent their rooms, they rent their buildings, they built their buildings—anyhow, they buy a business and they stock it. So would you throw a 34% increase in tax on the businesses in West Lafayette? What do you think they'd do? Well, one thing they would do, if they stayed in West Lafayette—if they were smart, they might not—they would increase their product price, and the consumer would pay for it. We can't do that. We have no control over the price of what we get, and I can't raise the cash rent on the farm. If I raise the cash rent, to try to recoup what you've taken from us, the farmer wouldn't be there. So I hope all of you think about it, when you smile or not smile. You're not smiling now. I hope you think about what you are doing to us, and all we've done was live there. There's probably a lot more, but I forgot it. Thank you.

Mayor Mills said thank you, Mr. Wiggins. I will just make a couple comments. I appreciate the Wigginses being here. This is a difficult topic, I know, for people who are being annexed. I can't presume to know how you feel about it, because I'm not being annexed, but I will say that we have not been secretive about this.

Mrs. Wiggins said yes, you have.

Mayor Mills said if you'll hear me out, please, Mrs. Wiggins. We have talked about annexation very openly in this community for several years, because, again, it keeps coming up every time we have strategic planning for the City. If you go back and you look, in the last three Strategic Plans, there are recommendations from the citizens of this City that suggest it is time for the boundaries of the City to grow. This is not something that I dreamed up. We are listening to the citizens in our City who say, "It's time for the City to grow some." The logical area for us to grow is north, and, again, because it is not

all developed, it doesn't make much sense to annex property that's already developed. You have no real role in determining how it develops, so it makes sense. And I will say—I should have said this at the beginning—but when we first started talking about annexation this past year, it was because we had been very successful in bringing the Butler/Sikorsky project to the Purdue Research Park. We knew that if we got lucky and worked hard again and got another company of this same stature, we wouldn't have, perhaps, enough developable ground in the second phase of the Park to put that new company. And so the Research Foundation asked us to go ahead and annex their property north of Kalberer Road, so that, when and if the time occurs and we do bring in new companies, we would have space inside the City limits for those new companies to grow. We've started that process. We started talking to the University and the Research Foundation, and then we said, "Lauren Lakes is developing north of town, why—if we're going to annex that parcel from PRF—why don't we go ahead and annex on the east side of Salisbury at the same time? Because we'd been talking about it for years, of the City growing, and rather than going through this long process on two different occasions, we combined the two parcels, so that we could annex it at once. Now, we didn't take in every property, that's correct. To annex, you do have to have 51% contiguous. It is an interest, of course. Every community in the State does annexation that way. There are standards you have to meet. Mr. Malone or Mr. Rogers [both of H. J. Umbaugh and Associates] could speak to that more correctly than I could, but—you obviously don't trust what I'm going to say—but it was not done with any intent to leave people in or out. It was done with the intent to meet the standards that we had to meet by law, so that we could annex the developing property east of Salisbury and the new part of the Research Foundation. I will stop there, and—

Mr. Wiggins said I didn't say it quite right. I'm not against annexation. I understand that, of course I do. I'm 83 years old; I've seen everything. I understand annexation, and I know why you're doing that. but we are getting penalized, and so is Dale Henderson and Jim Henderson, with their ground. Now, you give tax abatements to everybody, to get businesses in your City. So you grab a business and put it in the City. Why in the name of—well, why don't you give us a tax break? Leave our taxes about the rate they're at.

Mayor Mills said Mr. Wiggins, I do appreciate your comments, but, again, I will say to you, we are going to bring you fire protection, first responder service—and I know that you already get that good service from the township, but when we have a new fire station on 400 [North] and Salisbury, you will get it so very quickly. You will get first responder service in the three minutes that we now provide to all the residents of our City. You will get—and we've had this discussion, I know how you feel—

Mr. Wiggins said I know, but you have nothing to do with what I feel—

Mayor Mills said you will get trash pick up—

Mr. Wiggins said but you have nothing to do with what I said.

Mayor Mills said well, and I do appreciate it. Unfortunately, with growth, sometimes a process occurs that everyone is not going to be happy. And I'm sorry about that.

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Mr. Wiggins said it would be different if we had a house with one acre or so, and the taxes go up. That's going to happen to all of the people around in those settlements, or whatever you call them—

Mayor Mills said right.

Mr. Wiggins said but we're stuck with all that ground and we're paying every acre.

Mayor Mills said I understand, Mr. Wiggins.

Mr. Wiggins said just think about it.

Mayor Mills said can we take another comment? I know there are more people. Please. Give us your name and address, please.

Mr. Mike Wilson [625 Matthew Street, Prophet's Ridge] said when we had our house built in the summer of 2004, the builder never told us of the proposed annexation, even when we directly asked him about the subject. He also didn't tell us that he'd waived any of our rights to fight a proposed annexation or any other rights. I find it amazing that any company can waive an American citizen's rights, especially without their knowledge. As far as I know, I've never signed anything to agree to waive any rights to do anything. If annexation is approved, taxes will go up substantially. If homeowners are paying their taxes through an escrow account, monthly house payments are going to go up. Some families will simply not be able to afford this unplanned increase. What do you have to say to people who are going to have to be forced to sell their homes because you've decided to reach into their pockets? What's going to happen to people who can't sell their homes at all? You say one benefit we'll receive in the proposed annexation is West Lafayette Police protection. I don't feel this is a benefit at all. Nearly every day, there's a story in the local paper about the West Lafayette Police Department, because it's such a mess. I don't have any confidence in the department, from the officers in the street who seem to think they're above the law, up to the Chief of Police that the officers don't seem to have any confidence in either. In fact, all the services that you're offering us we're already receiving from somewhere else. Even if you think you can do a better job of providing these services, it's not about what you think. It's not fair for you to force your version of what you think life should be on anyone that's not in your City. My neighbors and I have chosen to live in the County for various reasons. I think that we have the right to make that choice. I repeatedly heard that a major reason for annexation is the stabilization of property taxes in West Lafayette. If West Lafayette isn't collecting enough property taxes, maybe you should do what everyone else on a budget does, cut back on spending. If that doesn't work for you, then raise taxes in West Lafayette. But don't reach out to your neighbors who live outside of the City and demand our money. According to the *Sunday Journal and Courier*, even if annexation is approved, the current West Lafayette taxes are going to have to go up anyway. The only owners you say who've asked for this annexation are not the people who are going to pay these taxes. The developers are going to sell the land piece by piece, making absolutely as much money as they possibly can, and then they'll be gone. The church, they're tax-exempt anyway. How many residents have asked for this annexation? This screams government for big

business, not government for the people. I'm sorry that the City ran sewer lines to an area outside the City limits. This was done even before the fiscal plan was even finished. I hope that you can answer to your constituents for that. We would not have cared to provide this service. We pay our sewage bill every month; this won't change with the annexation. Justifying this annexation because of the sewage line seems like a deceptive and underhanded ploy by the developers and the City to force annexation on us. I suggest that in the future, the City annex property before they develop it. That'll be a much more honest and above-board way to conduct business. I understand that City Councilman Randy Truitt is employed by C.P. Morgan and does not plan to vote on this issue. Could there be a bigger conflict of interest? I believe he has a lot to personally gain by the annexation, and even if he doesn't vote, I suspect he'll be involved in discussion that could influence the Council to vote for this annexation. Considering the state of the West Lafayette Police Department, the development of the area of the proposed annexation prior to public announcement of the City's intentions, I feel that the City of West Lafayette has a real problem being honest and open with the public. We don't want any part of what you're trying to force on us. Just because something is legal does not make it right. If the proposed annexation is approved, keep in mind that you're picking our pockets, because we'll vote in the next City election. Thank you.

Mayor Mills said thank you. Anyone else? Would anyone else like to speak tonight?

Mr. Mike Edwards [4623 Matthew Street] said I think my neighbor just spoke very well. The only question I have is, it seems like you want to take the easy way out, just raise taxes, whether it's on cigarettes or gasoline, property taxes. I would like to see if there was another way that could have been arranged, rather than pay for the fiscal irresponsibility of the City of West Lafayette, rather than annex us. I like where I live; I've lived there about eight months, and that's really the only question I have. Mike [Wilson] spoke very well, the way I feel. Thank you.

Mayor Mills said thank you. I want to just make a comment, because I think there's a little bit of— Maybe I didn't express it well, but when I talk about stabilizing property tax rates, for us to provide services to that newly-developing area, it's going to be quite expensive, and the stabilization of property tax rates is in the future, as homes are developed out there. Trust me, those of you out there are not going to be bearing the property tax burden for the rest of the City when we annex you now. We are going to put a lot of money into developing our infrastructure, so that we can provide services to you. Talking about stabilizing property tax rates, we're talking about in the future, as the area develops. We're not stabilizing our rates on the backs of the people that are already out there. We're talking about future growth is what stabilizes the property tax rate. Anyone else, please.

Mr. Shaun Dougherty [4562 Matthew Street, Prophet's Ridge] said I was part of an annexation on the south side of Lafayette a couple years ago. Fortunately, I got in at the back end of the process and didn't really know too much about it. I quickly learned that when the city came in and said, "We're going to annex you, we're going to give you police and fire protection, we're going to put up lights," some of those things were great, but the fact that they stuck wooden telephone poles with utility lights in my front yard and called

that street lights kind of put a bitter taste in my mouth. I can't really decide if I'm for annexation or against it. I definitely understand the Wiggins' situation, and I would hate to see the entrance to my neighborhood go away with them moving out and somebody else moving in and developing that. I hope that when you do move forward with any other work, whether it be this fire station or whether it be street lights or whether it be nice new pretty recycling containers, I don't care. I just hope you don't throw it on us, just like some of the people feel like this annexation's been thrown on them.

Mayor Mills said thank you. Other comments? Anyone else tonight? All right. We will then close the public hearing for tonight. We will have the vote on the annexation, the second vote, and it must be—correct me if I say this wrong, Bob [City Attorney Bauman]—it must be before the May Council meeting. We have to do it within a 60-day timeframe, and so we will either have a special meeting, and this we'll have to discuss with the Council, or we be having the second vote at the Pre-Council meeting which will be on the Thursday before the Council meeting. I'm going to give you that date in just a second.

City Attorney Bauman said it would be April 27.

Mayor Mills said it would be Thursday, April 27, at 4:30, unless we schedule a separate public meeting in an evening. We will decide in the next week, and we will publish that in the papers and put it on television so people do know when that time of voting will be. Thank you very much, all of you who commented tonight. We do appreciate hearing from you. Mr. Malone, Mr. Rogers [both of H.J. Umbaugh and Associates], thank you very much for being here to answer questions.

There was no further discussion.

Ordinance No. 4-06 (Amended) An Additional Appropriation (General Fund/Engineering, MVH Fund, LOHUT Fund, Rainy Day Fund, Police Station Nonreverting Fund) (Prepared by the Clerk-Treasurer) Councilor Griffin read Ordinance No. 4-06 (Amended) by title and moved that it be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said we are going to begin tonight, Mr. [City Engineer] Buck has put together a presentation for us on some of the projects that we will be using this money for. I think that's a good way to begin the discussion on this appropriation.

City Engineer Buck said thank you for the opportunity to speak this evening on our 2006 Capital Projects. We've got a lot of things going on, plans for this upcoming year. First off, though, I'd like to review the 2005 projects and appropriations that we were here requesting last February, and then what we've done with those appropriations for 2005. Then talk a little bit about the appropriations for this evening's public hearing, and also talk about what projects those appropriations are going to be used for, and go on into what else we're working on for the remainder of 2005 and beyond, and then lead into our Master Projects Plan that we've been working on and developing, to look at an even larger, longer timeframe and bigger picture. Then, we'll end with some questions and answers from you. First let me go through the 2005 projects. As everybody knows, we

were able to implement a short-term fix on Lindberg Road by way of an overlay on the roadway. Special thanks to Atlas Contractors and Milestone and the folks at HNTB for helping us implement that, as well as INDOT. It took a lot of cooperation and we really appreciate everybody's efforts in allowing us to do some things that typically aren't necessary on the project. We've been taking elevation readings on Lindberg Road, and we will continue to do so through this summer, to monitor what else is going through out there. Our next step is to take some soil samples, and we'd like to coordinate that work with the contractors, so we're not duplicating testing and things from here on out, to find out what's been happening and did the materials meet the requirements and specifications. In addition to Lindberg Road short-term fix, we completed—it seems like a long time ago—but we completed Phase II of Kalberer Road improvements, really reconstruction and widening the eastern part of Kalberer Road out to Soldiers Home Road. We completed the design of Tapawingo South Extension. The bids were opened in October by INDOT, and we did have a low bidder. The project was awarded and they're on site and the construction started. That was one of the projects we had in 2005 appropriations before you, as well as the next two. 2005 Street Resurfacing Project and the South Salisbury Street Reconstruction Project which I'll talk about a little bit more here in a little bit. We completed Phase II of the Sagamore West Sidewalk Project, which installed sidewalks along frontage road, from Covington Street all the way over to Nighthawk, in front of those businesses there. We completed several improvements along Brown Street and the Wabash River Overlook and Tapawingo—turning that into a three-way stop, and then really installing new driveways and curbs and sidewalks, as well as cleaning up some of the parking areas down there between Tapawingo and east to the Overlook. As a part of the CDBG, Development Block Grant Funds, we reconstructed curbs and sidewalks as well as driveways actually on Lincoln Street, between Rose and Robinson Streets. We've completed the City Hall space plan study in 2005, as well as Phase I of the basement renovation portion of that. That's almost complete; we've got a few housekeeping and punch list-type items to wrap up downstairs, but it's pretty much essentially done. As well, the Purdue Master Transportation Plan was completed and was adopted by all member agencies of the Area Planning Commission. We also started and are in the process of doing a Village Parking Study. We had hoped to bring that report to you this evening. The committee has yet to meet one more time and to go over the findings and conclusions and make potentially some recommendations with the Village Parking Study. We're going to begin this week and have a work session, and hopefully have a presentation for you next month. We had hoped to be here tonight for that, but we weren't able to get all that done. Just to talk a little bit about the Tapawingo South Extension, to remind you that it is a connector street between State Street or IN-26, the existing Tapawingo from that end, across the open field to South River Road, where it connects at Williams Street there on River Road or US-231. The main goal of the project is to relieve congestion at the five-points intersection. The new road will be a four-lane asphalt pavement, cross section, with a ten-foot trail on the north side. We'll also have trees at different locations on both sides of the road, and we're looking at adding street lights and potentially a utility conduit on the north side, if we can afford it and find a good place for it to go. There will be a new traffic signal on the South River Road-Williams Street end, and there'll be some minor changes to the existing traffic signal over at Tapawingo, on the east end. Really, this is kind of the start of the Purdue ring road plan, the Purdue Master Plan, as it takes traffic off of State Street and towards the south and

filters in to what will one day be the somewhat southeast corner, if you will, of the Purdue Master Transportation Plan, or the ring road. Like I said, we do have a contractor on-site; we have started the dynamic compaction process. It's a little bit of an iterative process; there are densification requirements in the specifications, and round compaction number two was completed last Friday and we took borings today to find out how successful it was in achieving those densification requirements. So hopefully we'll get those figured out within the next few weeks and complete that densification work. The target completion for the project is mid-October of 2006. The 2005 Street Resurfacing Plan was completed, where we patched and resurfaced 20 street segments, as well we reconstructed Smiley Street. That's a picture of Smiley Street there, and if you're familiar with Smiley Street, it pretty much looked like a lunar surface; it functioned as an alley, and the residents came to us and requested that we look at reconstructing that or resurfacing that, and really we felt that just putting an overlay on it, that's typically done on a street, would be a waste of money. We worked quite a bit with the residents out there, and met with them as well as the Traffic Commission, to try to reach an amicable solution for all, and I think we were able to do that. We really didn't reconstruct a totally wide street to create a cut-through from Vine Street over to Salisbury. We added that to our Street Resurfacing Project last year, and the total cost of that project was just under \$316,000—that's not Smiley Street, that's the whole Street Resurfacing Project. The other project that was part of the appropriation last year was work on Salisbury Street. We were able to complete reconstruction of South Salisbury, from State down to Wood Street. That project included replacement of several sidewalk sections, as well as some new curbs and a few handicap ramps. That's a picture of our new City-standard handicap ramps, which includes—the little plates right there are cast iron, they have truncated domes on them to comply with ADA accessibility requirements. We installed an asphalt overlay as part of the project as well, put new pavement markings—and you can see some of the crosswalk and some of the parking spaces there shown. As part of that new layout, we gained some parallel parking spaces, probably six or eight spaces. And the total cost of that project was just over \$63,000. To recap the appropriations that were here last spring—last February and March, really—we had a \$1.1 million appropriation in MVH, \$1.7 million appropriation in CCD, and \$925,000 in Village TIF appropriation that we requested from the Redevelopment Commission. For Tapawingo South, we had—worse case scenario—\$400,000 earmarked for things like land acquisition, construction, construction inspection, of which, we're far enough along now, we hope we don't need any of those. We didn't by the end of last year, so \$400,000 rolled back into MVH. The CCD appropriation, that covered all the land acquisition that was required for the project, and as Judy [Clerk-Treasurer Rhodes] mentioned earlier, we have received our reimbursement for that initial outlay to purchase the land. This being a federal aid project, we pay 20%, the Federal Highway pays 80%, and 80% of that \$1.6 million is what was reimbursed earlier this month. So, originally, \$83,000 rolled back into CCD, and then that reimbursement came back in there as well. Of the Levee/Village TIF appropriation, really this is the main fund that was used to encumber funds for our portion of the construction, which right now is just the 20% and will continue to be, and then 100% of the inspection agreement is encumbered out of that total of \$700,000. We will be reimbursed 80% on those expenditures on a month-to-month basis, as we turn in claims and we incur those costs. So \$225,000 rolled back into the Levee/Village TIF. On South Salisbury Street, we had earmarked \$200,000 of the \$1.1 million. We were only able to use \$63,000—we didn't get

to all the work we wanted to, essentially, on Salisbury Street. I'll explain a little bit more on that here in a little bit. So \$136,000, just over, rolled back in. And the 2005 Street Resurfacing Project we had appropriated \$500,000. For that project, we used \$316,000, so we rolled back \$184,000. So to sum up, the total carryovers, and really the one here on the top, this MVH \$720,600, is the basis for the request for the appropriation from MVH this year. The other two amount to [??]. The 2006 Projects that are covered by tonight's appropriation, Salisbury Street Safety Improvements, Phase I of that project; 2006 Street Resurfacing Project; some work at City Hall—a sidewalk connector over to the remote lot, as well as some site improvements on our existing parking lot out here. Some of the other things I'll touch on after those, Cumberland Avenue Reconstruction Project [???]; Salisbury Street Safety Improvements, Phase II; the 2006 City Sidewalk Programs; and Salisbury Utility Separation and Streetscape Projects. We can talk a little bit about the Salisbury Street Safety Improvements, Phase I. Phase I of this project is really from Robinson Street to Riley Lane. Salisbury Street functions as the City's main north-south arterial. When I say that, I guess Northwestern Avenue is another arterial, but it's US-231, and Happy Hollow is another north-south arterial, and it's State Road 443. As a part of the US-231 bypass construction around the west side of West Lafayette, INDOT already has in place several relinquishments, where those two streets—Northwestern and Happy Hollow—will become City streets as 231 is constructed. They will relinquish them to us for our control and our maintenance responsibilities. So, as a part of that, we've prioritized Salisbury Street Safety Improvements in the Master Projects Plan, because if we don't get to it now, we're going to have a lot more on the docket in the future, and, as you'll see in a little bit, we've already got a lot on the to-do list. The main goal of the project is to complete and establish an accessible route by ADA requirements, to comply with the ADA. Salisbury Street's a very high pedestrian and bicycle used facility. It's a route to schools from several different directions and it's also the main transit route for the bus company. We have several pictures that demonstrate some of the safety issues and safety problems that we will be eliminating as a part of this project. This is just south of Riley Lane on the west side, and there's a utility pole right here, just off the edge of the curb. Really, that's just a three-foot bike lane right there, so it's not very far off the travel path. It's not very hard or inconceivable for a car to hit that, let alone somebody on the sidewalk to not see it or walk into it, or it's not too easy to pass. You can see that the condition of the sidewalk is also starting to spawl, deteriorate. I don't know if you can see it, but the next utility pole on up there is even more in the sidewalk, and there's a trashcan sitting next to it. The next picture is down by Grant Street, and I imagine you're pretty familiar with this. I don't think they could have centered that utility pole in the sidewalk any better, and if you see, there's a white line right there, and the words, "Bike Lane" right there. And that is on the sidewalk, and it's really a no-no. It's probably not a good idea to ask a bike to try to fit right through here. There's a big bush there, it's difficult to see around, there might be somebody walking at you on the sidewalk, and if a bicyclist was to use this as a bike lane, I would believe there wasn't room in the street for a bike lane at that point, but it's really something that we need to correct, as well as get that utility pole out of the sidewalk, provide a better sight distance at that corner. On down from that, if you look back, there's some more sidewalks falling. This picture really just demonstrates how close you are when you walk on Salisbury Street to the traffic. We've taken several speed counts on Salisbury Street—I'd say at least three sets within the last eighteen months, and it consistently is 39 miles per hour, 85th percentile speed. It's posted 30.

There are places where we've had 40, and there are places where we've had 38, but only in front of the school zones, when the school is flashing, do we get down in the lower 30s, under 35 even. So the traffic volume is as tested. It depends on which section of Salisbury. North of Grant Street, it can be as high as 15,000 cars per day, 16,000. South of Grant Street, it gets down to 8,000 or 9,000 vehicles per day. On down, closer to the school at the southern end of the project, here's another example of a utility pole in the way. There's a fence right here that encroaches on the sidewalk, stuff grows out of it and from behind it. There's a sign right here; it's really not—there's some sidewalk that's buckled and is coming up. It's really not the safest piece of sidewalk to walk on. The next picture shows the infamous retaining wall. I don't know what the angle of that retaining wall is right there, but it reminds me of the Leaning Tower of Pisa or something. It's starting to crumble, and parts of it are falling off. The property owner here at this particular section just north of Happy Hollow School, I've talked to her several times. She's very concerned about the structural integrity of that retaining wall and how long it's going to last and school kids climbing on it, walking on it; it's starting to crumble off, and is it just going to fall over. It's really time—those retaining walls need some attention. We need to repair them and reconstruct or replace them where necessary. There's a lot going on on Salisbury Street, and part of the project in implementing safety improvements, we're looking at traffic calming measures. And nothing tremendous or earth-shattering; just subtle ways to make the driver feel just that little bit less comfortable, I should say, to exceed the speed limit to the level at which they are. Grant Street intersection is what we're looking at here. It might be too small to see, but that is currently the turn lane, and it's really straight across the intersection as you're heading south now. And we're going to realign that, so that you don't have to get over in the left lane, like you're going to make a left turn, to go straight as you're going through this intersection to the south, and achieve a true right turn lane for the southbound direction. That's going to allow us to install some medians right in this area of the Grant Street intersection, to provide a safety zone for a pedestrian to cross at or near the intersection, as well as give that driver just something else to pay attention to, as they're going through here, because this is somewhat of a straightaway, and it's where we have seen higher speeds. So the driver paying more attention to what they're doing rather than just feeling comfortable to fly through there. We're really close to the cemetery, there's some trees along here that we're doing everything we can to save and keep. That's going to require us to put the sidewalk a little closer than we'd hoped to, to the back of the new curb. In locations where we do that, we will be putting six-foot sidewalk in, but the goal was to get a two-foot green strip and a five-foot sidewalk behind the back of the curb. Here's another example where a two-foot green strip would be really nice—a really nice place to pile snow, a really nice place to stack garbage cans, leaf pickup and things of that nature and keep it out of the path of a six-year-old on a bike or somebody on a jog or anybody that's walking down the sidewalk. It's a good example. This picture just shows really one of the many, many intersecting streets that don't have handicap ramps, don't even have any. There are some that have a few or are non-compliant technical ones, but that's looking probably Grant Street, but the curb's not in terrible shape, the sidewalk's starting to settle and it's safe in some areas, but there's no handicap ramps here, there's a little bit of a sight distance issue as you pull out. This is Creighton right here, and as you look to the south, around the back of that curve is kind of hard to see far enough. So we'll do what we can to clean that sight distance up, as well as make sure this fence doesn't become a problem when you look to the north, if

someone were to try to go to the left out of here. So those are the projects. Obviously ADA compliance across street intersections, as well as driveway aprons. Install new concrete curbs and five-foot sidewalks, six-foot where we have to go adjacent to the back of curbs. New retaining walls. As we've been meeting with the property owners, we've been able to really work out where we're eliminating some of these retaining walls and grading back farther a little bit in people's yards, to give them a little larger yard without a retaining wall in front of their house. That's been wonderful. It helps the cost of the project, certainly, but eliminates future maintenance of the retaining walls and gives the folks a larger yard to boot. AASHTO-compliant bike lanes, which require certain pavement markings and signs, as well as a five-foot width, some concrete median islands where we can. There's a lot of driveway access and a lot of intersecting streets, so we're not going to be able to just put a continuous island down the center, but we will be able to put them in a few locations, coordinated locations. We'll do our best not to inconvenience folks in how they access their driveways. We have had some concern about that, shortening some islands that we originally had. Reinstalling new crosswalks and pavement markings. Obviously relocating utility poles. In the four-way stop—we're going to install a four-way stop, actually, at Robinson and Meridian Street. That's another traffic-calming measure somewhat, but also you have some accidents at that intersection, mostly for confusion as to who has the right-of-way. It's a little bit of a misaligned intersection, it does get confusing, especially when you have two or three people pull out from different directions at different times. There will be a flasher as part of that installation. In the 2006 budget, there's \$40,000 that we're estimating in EDIT and we're using right-of-way services, things like appraisals, buyers reports and homeowner contact. We do have several small pieces of right-of-way necessary to do some of the street intersections and radius modifications, the two largest being at the school—Happy Hollow Elementary—and also all the property along the north side of Grant Street. We also have \$30,000 in the 2006 budget earmarked for inspection services for the remainder of construction on this project. As we're developing and calculating what the right-of-way costs are going to be, we will come back with a future transfer request into land acquisition fund, once we know the exact amount. We don't want to transfer more than we need from the total project budget, which is what we're going to transfer funds from in some combination into a land acquisition fund. So the appropriation request tonight is \$720,000, plus whatever we need in the LRS budget—\$280,000—to make up a \$1 million budget is what we have for this project. The 2006 Street Resurfacing Project, the design of that is done in-house; we will not need any right-of-way for that project, we will do all of it within the existing right-of-way; and the inspection service for this project will be done in-house. We're requesting tonight \$450,000 out of the LOHUT Fund to complete this project. That's roughly half of this year's and all of last year's LOHUT Fund. The City Hall Sidewalk and Site Improvements—these are budget numbers; we hope that they don't require this much. The \$25,000 shown here for easements and utilities—this sidewalk connector that runs along the south side of the bank property over to the City's remote lot has a lot of difficult utilities. There's a fiber-optic line in there, I think there's a telephone line in there, there's a sign for the bank driveway in there, so that's the reason why it's not been built. It'll be difficult to get through there. I hope it doesn't take that much in the way of easements and utilities, but we're planning for the worst. Again, \$40,000 for construction; it's not just for the sidewalk and some steps coming over to the existing City lot, but some landscape and some minor modifications to the existing upper City lot here

on the east side of the building. So that's a \$78,000 total from the Police Station Nonreverting Fund. To summarize, the three appropriations—or at least project-related appropriations—in the additional appropriation request: MVH, \$720,000; LOHUT, \$450,000; and Police Nonreverting, \$78,000. What's next? We have been looking at Cumberland Avenue for some time. Reconstruction, rehabilitation, really we're looking at possibly three phases for rehabilitating or reconstructing Cumberland Avenue. Right now, we're in the consultant selection process for at least Phase I. We actually have interviews later this week for the three selected firms to interview. Once we have one selected, we will enter into project scoping and preliminary engineering, and start looking at all of the issues that really revolve around Cumberland, in addition to the pavement itself. Obviously, the County is currently doing preliminary engineering and environmental studies to look at the feasibility and appropriateness of extending Cumberland Avenue farther to the west, to intersect with future 231 and all the way to Klondike Road. That's going to really make Cumberland Avenue lead to a front door there at 52 at the Purdue Research Park. We realize that, but from that point on, it really changes from potentially a business kind of oriented area into a residential area very quickly. We don't want that to necessarily become parallel, a cut-through for US-52 traffic, for people coming from the west and avoiding 52. So we do realize that and we don't want to see a real huge spike in traffic volume, so we want to construct the street in a way so that we have what we believe to be appropriate traffic volumes, using numbers from Yeager, Salisbury Street, Soldiers Home. The Sagamore West or US-52 intersection at Cumberland is changing drastically. Wal-Mart's added a grocery store, and that's really changed the dynamics of that intersection. It's going to change again if the County extends Cumberland farther to the west and intersects with US-231 or Klondike Road. There's a lot of existing utilities in Cumberland Avenue, there's a large underground gas main that runs down the center, as well as the overhead electric lines. Again, we'll be looking at the pavement issue, whether it's a rehab or a total replacement. There are options a concrete pavement, and we have taken some pavement cores to help determine and gauge what may or may not be appropriate for the existing pavement, given its age, given its condition, things like that. We do have some drainage issues along Cumberland. The first being Sagamore Pond, or what we're calling Sagamore Pond, at the corner of 52 and Cumberland. As you move farther to the east, Friendship House Ditch, or really what's called the Boes Ditch—it goes north along the side of Friendship House. And then what would be appropriate street configuration, both for traffic volume and just coordinating what we've got now. We've got a section that has a bike lane and parking, one lane each way; we've got areas that seemingly have two lanes each way and I'm not sure if I should pass somebody or not or if I should get passed. Depending on the scope, we would like to start the design on this project certainly this summer, as soon as we get a consultant selected, to begin looking at the scoping issues and preliminary engineering issues, and start getting some public involvement at that point, and then really get into the meat of the design this summer. And then, depending on the scope, I guess, as far as how big or how much this project would cost, we're looking at either the fall of 2006 or possibly spring of 2007 to start, hopefully Phase I. Salisbury Safety Improvements Phase II, the next part of that, we'd like to do would be from Riley Lane up to Rainbow—I think it's Drive, actually. Continue the same type of safety improvements completed as a part of Phase I with regard to ADA compliance, traffic calming, things of that nature, relocate the utilities, new sidewalks, bike lanes, medians where feasible. Hopefully this section—it's a shorter section and doesn't

have the retaining walls or the grades and some of the challenges, numerous driveways and as many intersecting streets as Phase I, so hopefully we can have an easier go of Phase II than what looks like Phase I is going to take. As far as costs go, when we get a little farther with Phase I, we'll have a much better idea of what it will take to do construction on Phase II. We'd like to start design on that as soon as this summer, to have it ready for a spring 2007 construction start. We'll know more when we know how much Phase I costs. Several sidewalks need a lot of attention throughout the City. This is one of the things that we really want to focus on through this summer and the rest of 2006. We've already started design; we're pretty much complete with the design of Indian Trail handicap ramp replacements. We'd like to make that an annual project—we'll talk about that in a little bit—using CDBG funds. As well, we'd like to use CDBG funds and possibly other funds for a sidewalk spot repair program, where we focus on the worst locations and hazardous sidewalk spots throughout the City. That doesn't just have to involve ADA issues; it might involve tree roots or concrete has deteriorated or cracked or settled or whatever that's created a true hazard—go in and repair just that spot. And then we're working and looking at several different municipalities and how they handle voluntary-type programs, whether it's a first-come, first-served or a homeowner cost-sharing type program, where the City would go in and determine which block and which years and develop a longer, three- to five-year type window. We're looking at developing a program, you know, like I say, this spring and summer. We hope we begin get implementation of that this fall, start construction potentially next spring. The other project listed, Salisbury Street Utility Separation and Streetscape, this is really for State Street just to North Street. It includes a part of South Street. The design drawings on that project are really pretty much complete. We should be able to bid that project relatively in short order. The project will separate storm and sanitary lines, provide an increased capacity for our sanitary lines, and in that section of Salisbury Street. It's also going to clean up a lot of some problematic sewer lines, lateral lines to a lot of those rental units that are on both sides, really, of Salisbury Street in that area. It's also an opportunity for the streetscape with several other projects that have been completed—the completely new Library, Morton Center has some new streetscape elements around it, Chauncey Square Development's going to be getting started, and a chance to coordinate what they're doing there, as well as Phase IB, which is the Village area of the Master Transportation Plan. One of the tools that we're using and developing and working on is the Master Projects Plan, and I hope you all got a copy of that via email over the weekend, as well as one for you this evening. Really, this is a very useful planning tool, and I want to stress one of the main—there's three main uses for this Master Projects Plan. The first is for planning, and it's a very useful tool. It brings the big picture in focus, it's everything out on the table, at least for the next 15- to 20- year window. It's necessary to help look at that, to keep us on track, to know what all is out there. It is ever changing, and it will continue to be that way. The first thing we should do is look at the date on whatever map or whatever spreadsheet you're looking at, to know if you have the latest version of this Master Projects Plan. It's also used in prioritizing. Once we see everything out there, we can better know which projects should be done next and why. It helps us prepare for the future by prioritizing that, it also helps us spend tax dollars more widely and wisely. The third thing is coordinating. It helps us look at what other projects or similar projects are done, coordinate certain phases or elements of projects to be done together, and then allows us to spend tax dollars more effectively. We have several

categories on the Master Projects Plan, and these will change over time. Some of them will always be on there, and some of them will be completed and taken off, and some will be added on. Some projects may be taken off without ever being completed, and some will come at us in a group. Right now, we have annual project programs, Purdue Master Transportation Plan projects, sewer, street, sidewalk projects, the Sagamore West improvements, trail projects, drainage projects, Research Park projects, Levee and Riverfront projects, and City government buildings. The annual project programs—we've talked about some of these already—and I think they're somewhat self-explanatory. Street resurfacing program, handicap ramp replacements, spot repair sidewalk replacements, a voluntary or cost-sharing sidewalk project and program, hazardous or dying tree replacement program, as well as we need to start trail sealing and coating portion of the trail system each year. Seven phases make up the Purdue Master Transportation Plan that's been developed. That plan, over the next 20 years, Phases IA through IVB, and that's a planning document that's been put together and it's on the Area Plan's website. It's been put together in conjunction with Purdue University, Tippecanoe County, INDOT, the Federal Highway, and currently the project has received \$5.6 million dedicated in the last Highway Bill passed by Congress and signed by the President. Several sewer projects. This is one of our larger categories, actually, as far as dollars go for sure. The Western Interceptor, digester upgrade and power source, a couple lift stations—Barbarry and Green Meadows, Salisbury Street utility separation which I mentioned. We're also looking at a Northwestern Avenue utility separation. Studying the north service area and relocation or resizing of an existing lift station. We have several lift stations up in that area on the north side of Kalberer Road or right around there. And the North River Road interceptor rehab, which will start at Catherwood Drive, and go all the way north on River Road to Soldiers Home. Several street projects and multi-phases of street projects—Tapawingo South Extension project, we talked about; multiple phases of safety improvements on Salisbury Street; as well as reconstruction along Cumberland Avenue, several phases; Soldiers Home Road will be potentially in two phases, a project along Soldiers Home Road; as well as Happy Hollow. Really, those two projects and the first phase of Yeager Road are projects that we're considering to program in the Local Transportation Improvement Program, part of the Federal Aid Projects that use federal dollars to help us construct those projects. Eleven phases on Yeager Road including the gravel section. North of Kalberer Road, urbanizing that, as well as the section in between Cumberland down to 52, completing sidewalk connections, doing some pavement patching. We've listed the Salisbury Street-Sagamore West intersection, a project we'd like to see an intersection improvement done, where we increase capacity and coordinate timing better to help left turns related to that intersection. North River Road is also a project that we would look at using federal gas tax dollars on. That would start at Robinson Street and go north to Happy Hollow, as well as on to Catherwood Drive and improve the sight distance there on Happy Hollow and urbanize that section of North River Road, make it safer for pedestrians and motorists, as well as County Road 500 North. We acknowledge that that road is going to need an urban plan as well. Several sidewalk projects—I won't go through all of these, because this is just a few. We could list ten times that many, probably. That's going to be an ongoing thing, and one of the main purposes of the annual programs that we'd like to get started on. Sagamore West, several projects on that—gateways, light and banner poles, as well as trees and landscaping projects. Several trail projects. I'll point out that the Wabash Heritage Trail

and Trolley Line Trail connection is our application is in for a Transportation Enhancement Grant. Hopefully, we'll be successful in getting \$1 million for the trails network to complete that connector. Several drainage projects: There will be an increased number in our drainage project category, due to stormwater elements in our Phase II requirements as part of the NPDES. The Boes Ditch I mentioned earlier, runs from Cumberland up through Kalberer and north of that. And really we need to look at the capacity and working on the grading and clearing of that. The Sagamore Pond and its outlet needs to be improved and maintained, to make that a maintainable water feature. The Cuppy-McClure Ditch, which serves as the out to the Celery Bog. It runs north of Cumberland, along the back side of Chemtura to the north City limit over there. And the Purdue Research Park would have a Kent Avenue street light coordination project for the Park. A few projects on the Levee and Riverfront: Tapawingo Park improvements, as well as the Burnham's property, and coordinating Brown Street a little more streetscape-type project, making it safe for pedestrians, coordinating some of the access along Brown Street—tying it together, really, from five points all the way to the east. City government buildings: We mentioned City Hall, phase some more work—in the mechanical room would be Phase III of that; Phase II would be the site improvements, and Phase I is the basement. Fire Station Number 3 is also on our planning document. So to summarize, this is a 15- to 20-year plan. It's ever changing, it helps us plan, prioritize, and coordinate our projects. It didn't take very much time to come up with 60+ projects, and that's not all of them. There's a lot more when we start focusing in and getting, I guess, more exact with sidewalk-type projects and what we would prioritize and what we would look at. The next step, I believe, is to focus in on the next five years and start looking at how to implement those projects and plan for those projects. And how we'll pay for them, and when to begin design or when to begin any phases. So that's my presentation, and I'd be happy to answer any questions at this time.

Mayor Mills said questions for Mr. [City Engineer] Buck?

Councilor Truitt said Dave [City Engineer Buck], this is great stuff. I appreciate it. Being able to look at the big picture is something that is very helpful. I'd appreciate it if you wouldn't change it, though, so we could memorize it. In regard to those changes, how do you plan on either posting or keeping us up to date in regard to this document changing?

City Engineer Buck said I'm going to give Judy's [Clerk-Treasurer Rhodes'] office an electronic copy. That will at least be posted with the minutes. We'd like to make a spot on our Engineering page on the website, too, and I'd really like to revisit it annually. It may change a little bit each year. It's not going to be a completely new revised 100% new format every year, but things will be completed, hopefully, each year. We'll be able to take them off and put them on a "done" list. And there'll be new things that come up, because we have not thought of everything here, and we do want public comment and input on this, so this is something that we want to post on our website.

Councilor Truitt said great. Good work.

Councilor O'Callaghan said it's important for people to know when you have dates on there that are anticipated, that's not something to hold you to.

City Engineer Buck said no. I'd like to do them all right now, but it's not viable.

Mayor Mills said other questions for Mr. [City Engineer] Buck?

Councilor Plomin said I do have one. When you mention the Tapawingo South Extension, is there also money in that to improve the intersection of Williams and Chauncey and Williams and Grant as the traffic increases going up that hill?

City Engineer Buck said not a part of the Tapawingo South Extension Project. We realize that the Williams Street intersection, the grade change at River Road, is pretty abrupt, and when you get a green light some day in the future when you're going down the hill, you're going to lose your transmission. We're going to try to implement a little bit of a change there to help that grade out now. But as far as going up the hill to Chauncey or on up to Grant, that would be included in Phase IA of the Purdue Master Plan. Stadium Avenue is Phase II of that plan—it used to be Phase I, and we've changed that to be the first piece over where you're talking about on Williams, so that those intersections and that change in traffic patterns gets addressed first.

Councilor Plomin said okay. Thanks.

Mayor Mills said other questions? Thank you. I would, besides thanking Dave [City Engineer Buck] for all the hard work, thank all the department heads, because we've had this Capital Project ongoing for years, but we've really tried to refine and add to it in the last six months, put a lot of time and effort into putting everything down on paper, so we can have a global look 10 or 15 years out and start to prioritize and start to decide how best to pay for these many projects that we would like to do. I appreciate all the hard work of all the department heads in putting this together. As Dave [City Engineer Buck] said, it is a fluid document. We sit down probably every other month and update just our own working sheets, so that we always know what the priorities are for the projects. So we will continue to do that, and we'll try to be sure and make it available on the website. You can certainly always call to my office and ask for a hard copy to be mailed to you, if you would like to keep up with what's happening. So, we have the additional appropriation. In the General Fund, monies from Engineering, Salaries-Full-time -\$6,000; Motor Vehicle Highway Fund, MVH, for the road improvements, \$720,600; Local Option Highway User Tax, the LOHUT Fund, the Wheel Tax for road improvements, \$450,000. As Dave [City Engineer Buck] said, we have not used Wheel Tax dollars yet in the City of West Lafayette. We don't get as much as the County and Lafayette, and so we have saved those dollars and we will use all of last year's and about half of this year's allocation to do these big improvements this year. Rainy Day Fund, \$100,000, and that's charges in Pensions; the Police Station Non-Reverting Fund, Repairs, Buildings and Structures, that's the \$78,000. The total of all funds is \$1,354,600. Any additional questions? We do need to have a public hearing for this additional appropriation, so I will open the public hearing now. Anyone who would like to comment, please come to the microphone and just give us your name and address.

Ms. Mary Cook [co-owner of Harry's Chocolate Shop, The Pub, and The Other Pub] said

COMMON COUNCIL MEETING MINUTES, MARCH 6, 2006, CONTINUED

Mr. [City Engineer] Buck, would you please explain your terminology, "the ring road."

City Engineer Buck said sure. Last year, in cooperation and in partner with Purdue University and Tippecanoe County, the Master Transportation Plan for the Purdue University Area—that's the official title—was amended into the 2025 Transportation Plan through the Area Plan Commission and all its member jurisdictions. Commonly called "the ring road," it's a project to enable transportation, mainly transit, to move around Purdue's campus easier. As a part of that, maintaining Purdue's 10-minutes between classes time limit, which is critical for the University's operation, to maintain the same number of classes that they offer during the day. I don't know how many class periods that is—eight or 10?—from 7:30, basically, every hour until the 4:30 class period. In doing so, several of the perimeter roads around campus—Williams, Grant, Harrison Street on the south, Airport Road and McCormick on the west, Stadium Avenue, and Northwestern—over the next 20 years will be incorporated into Purdue, to help provide that ring, if you will, around campus, so that the transit can easily move around that ring, as well as through some of the interior streets like State Street and Grant Street, and drop off the students at different places. Purdue, since they started implementing the—I don't know what they call it, but with your tuition there's a small fee involved, but they basically all students ride the transit for nothing, they just hop on—there's been a tremendous increase in ridership, and that has drastically changed commuting around the campus. It's been one of the driving elements and factors in maintaining that. When I say "ring road," that's what it is. Did I answer your question?

Ms. Cook said thank you.

Mayor Mills said thank you. Anyone else liking to speak in a public hearing? All right, if not, we'll close the public hearing. Is the Council ready to vote? Any other questions?

There was no further discussion.

The roll call vote:

AYE
Griffin
Hunt
Keen
O'Callaghan
Plomin
Satterly
Truitt

Ordinance No. 4-06 (Amended) passed on final reading, 7-0.

NEW BUSINESS:

Ordinance No. 6-06 An Ordinance To Amend Ordinance No. 18-05, The 2006 Wastewater Treatment Utility Salary Schedule As Submitted By The Board Of Public Works And Safety For Approval By The Common Council Of The City Of West Lafayette, Indiana (Presented by the Board of Public Works and Safety) Councilor Griffin read Ordinance No. 6-06 by title and moved that it be passed on first reading, and that the vote be by roll call.

The motion was seconded by Councilor Satterly.

Mayor Mills said this is an ordinance to amend the Wastewater Treatment Salary Schedule, to put back in a Director of the Wastewater Utility. We, three years ago, combined duties of the Wastewater Utility Director's position and the Street Commissioner's position, and gave the Public Works Director both of those responsibilities. It was six months before the City election, and it was very difficult to get anyone to consider coming to take over the Wastewater Utility Director's position, knowing that a City election was coming, and those are appointed jobs. So Mr. [Public Works Director] Downey was good enough to take on both responsibilities and has done a wonderful job for the City in running both the Wastewater Treatment Utility and the Street and Sanitation Department. But, with the advent of all the stormwater regulations that we now face, it's going to be increasingly difficult for one person to take on all this job. We don't want Mr. [Public Works Director] Downey to decide that it's more than he wants to put up with and decide to go elsewhere. He does too excellent a job for the City. So we feel that this is the time to go ahead and put the salary back in the ordinance, to start advertising for a Utility Director. With the stormwater regulations, the federal regulations that we will be implementing, a great deal of responsibility is going to fall on Wastewater Department, the Engineering Department, and the Street and Sanitation Department. So we will be trying to split up those duties and responsibilities between those three department heads, and would like to go ahead and advertise now. The Utility, of course, is—I will say operated, and that's not exactly the word—but the Utility is regulated by the Board of Works, and this has already gone to the Board of Works, and the Board of Works approved putting the salary back in the ordinance, but we would like to bring it to the Council and have their approval also. You all received from me on January 29 just a couple short paragraphs describing why we are doing this. I hope you have that in front of you. If you have any questions, I will be happy to take any questions or comments.

Councilor Keen said I had one. Back when Mr. [Public Works Director] Downey assumed the current position that he is working now, when he assumed the roles of director of both utilities, I believe at that point in time, we gave a sizable increase to that position for this purpose of compensating for the additional duties that that would take on. So I guess I'm kind of at a loss here as to why we're going to bring that position back in. Are we going to reduce the amount that we increased that current position by at that time, or what are your thoughts here? I guess I'm having a hard time getting my hands around creating another position that we had given an increase for at that time.

Mayor Mills said well, and I will say that it was not a sizable increase. If I'm recalling correctly, and Mr. [Public Works Director] Downey can correct me, but I think the change in salary was \$3,000 for doing two jobs, which is not, in my book, a sizable increase. And he's done a very good job of operating both the Utility and the Street and Sanitation Department. We actually have not discussed what will happen when and if we hire someone new, but I think it's common practice when somebody takes on additional responsibilities that they stay at that same salary, even when those responsibilities are reduced. That, again, has not gone to the Board of Works to decide.

Councilor Keen said well, I guess— I don't remember what the increase was, but I

thought I was substantially greater than \$3,000.

Mayor Mills said Mr. [Public Works Director] Downey, you can correct me if I'm wrong.

Public Works Director Downey said I'd like to defend myself. I'm always willing to defend myself. It was about approximately \$3,000. Mr. Darter [former WWTU Director] was getting in excess of \$50,000 a year for his job, and so that position was not replaced for over two years, almost three years. So the City saved close to \$150,000, and compensated me for \$6,000, \$3,000 each year. So I think the City came out to the best of that.

Mayor Mills said and, again, the reason to re-fill the position is the increased responsibilities that are coming with the stormwater ordinance. It's not a choice for any municipality on how we enforce and regulate the stormwater rules. These are federal regulations as part of the Clean Water Act that we must follow or be fined. And it's going to be an incredible amount of work for, not only cities, but developers who have to meet this ordinance.

Councilor Truitt said is this a national search type position? Is this a local? Do we have anyone in mind for this position?

Mayor Mills said no, we do not have anyone in mind. We will advertise in our usual channels for advertising this type of position, through some of the professional journals, the Indiana Association of Cities and Towns website.

Councilor Truitt said is there any other types of creative things that the departments might do that might help make this decision a little easier?

Mayor Mills said well, again, we are going to split these responsibilities between three departments—Wastewater, Street & Sanitation, and Engineering. The Assistant City Engineer, a great deal of his responsibilities will be stormwater alone. That's the kind of work we're talking about that these new regulations will bring to us. We wouldn't be filling that position if we didn't think the work was going to be just overwhelming for us to be able to do well.

Councilor Truitt said Dave [Public Works Director Downey], was it something that just—I'm sure it's built up over a period of time, but was there anything that you saw that just said, "I can't do this any longer"? What was the—?

Councilor O'Callaghan said the new regulations.

Public Works Director Downey said no, I've been working on this for three years. We've been meeting with the County and Lafayette, and I've been keeping you informed as best I can, to let you know what's coming down through the NPDES Stormwater Phase II Regulations. It will increase probably about \$200,000 in just salaries of keeping things clean to regulations and reporting and tabulating all the requirements. Not only that, but to go out and inspect for the stormwater provisions that the contractors will have to do.

They're not too happy about doing it, by the way, all the extra regulations they have to do to keep the silt from running off the land, etc. and that doesn't even count the projects that we will have to incorporate to keep the detention, retention, and your ditches—Boes Ditch, etc.—clean from erosion, etc. going to the Wabash River. I'm looking at somewhere in the neighborhood of about four men—and this is why, when we bought the new vacor to clean the catchbasins and the storm lines, I didn't get rid of the old one. Because I knew that it would take two trucks to maintain the storm lines and the sanitary lines, keep them clean and keep them inspected, to meet these regulations. That doesn't count the fact that, at the present time, we're running one street sweeper to keep the silt and the stuff off the streets that we will have to run two, almost on a five day a week basis. That alone—it's almost like taking another complete department and doing it on the backs of the citizens.

Councilor Truitt said the timing of this hire?

Mayor Mills said well, we'd like to advertise right away.

Councilor Truitt said hiring immediately?

Mayor Mills said as soon as we can. This process, as David [Public Works Director Downey] said, has been ongoing for three years, as a community, to get us to the point where we're ready to start implementing the regulations. It's a mandate from the federal government, so—

Public Works Director Downey said we're already mandated. Our notice of intent to fulfill these regulations has already been filed with IDEM, and we're already in the process. We're doubling up the work as we speak at the moment. The costs are already being now on a daily business.

Mayor Mills said I think you all know that we do not add personnel lightly, because it is our largest cost as a City. And so we have waited as long as we think we can wait, and still meet the requirements that we need to make.

Councilor Keen said can we get, or did we receive, a job description for this position?

Mayor Mills said I don't know if you did or not. I can provide that to you.

Public Works Director Downey said it's the same job description that Mr. Darter had before he left.

Councilor Keen said can we get an updated—

Mayor Mills said we're updated it to include the stormwater—

Councilor Keen said version of that?

Mayor Mills said responsibilities.

Public Works Director Downey said yes, you can.

Mayor Mills said we'll get it to you.

Councilor Hunt said David [Public Works Director Downey] has tried really hard to keep us up-to-date on this NPDES. I can now recite what those letters mean, but they don't roll off my tongue well. But, for instance, just a little bit that I've learned, their inspections for construction—pre and post construction—with dust floating around and drainage and impervious surfaces and all sorts of words, if I remember right. If you look at the Wastewater Treatment Plant, they have lots of certified employees, and they take courses and they take tests, and it's a very complicated department with lots of federal requirements. This is a non-funded federal mandate. The grit from the street, again, we can't put it down in the drains, we have to do street sweeping. If I remember right—I don't remember the funds, I just happened to be at a meeting at the County once—don't we contribute into a computer program, where they report all the data for compliance to the State, and, I think, Purdue and—?

Public Works Director Downey said approximately \$5,000.

Councilor Hunt said right. That's just the computer program. There's all sorts of details that go into this position, and I think, in addition, [City] Engineer Buck has mentioned how they're going to try to do some of these inspections in-house, rather than—so, I mean, there's just lots and lots of details for this non-funded federal mandate that it's very technical and detailed and, unfortunately, it's going to cost the taxpayers—

Public Works Director Downey said a small thing that happens is all the stuff we pick up off the street, we can't even—we have to take it to the landfill at \$40 a ton. It has to go through an approved landfill site. Everything we suck out of the catchbasin has to go through an approved landfill site. It's going to be costly.

Councilor Truitt said and I'm not disagreeing with what we have to do here. I think that what my concern lies within is the fact that we're 7% over our personnel expenditure category right now. I'm just a little worried. I know that we've saved \$50,000 times some factor, and I appreciate that's quite the investment. I think from that standpoint, it makes economic sense, looking at it that way, but I think when you talk about adding another burden of \$50,000 on top of a bucket that's already over budget— Judy [Clerk-Treasurer Rhodes], correct me if I'm wrong here, I'm reading through your personnel chart—

Mayor Mills said this will be out of the Utility—

Councilor Truitt said I know, but I'm just thinking as an overall standpoint of just budget planning, it's just hard to factor—

Clerk-Treasurer Rhodes said going back to the departure of the former Director Mr. Darter, there were a series of salary adjustments at the plant, as various individuals assumed additional responsibilities. Because Mr. [Public Works Director] Downey doesn't carry the license needed to be Chief Operator and sign those federal reports, and there

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have been a number of adjustments, of course, as things have changed at the plant. I don't have figures on growth of salaries, but, as you know, you see that annual review of the Utility—in fact we should receive it within the next month or so—and normally will show you expenditures to their forecast. My recollection is their personnel expenses, if anything, have been at or below budget for several years.

Councilor Keen said are you talking just in the Utility?

Clerk-Treasurer Rhodes said in the Utility. I'm talking about the wastewater treatment report. I don't have those reports with me—

Councilor Keen said okay, because I was looking at the other—

Councilor Satterly said that's a separate one.

Clerk-Treasurer Rhodes said that's the General Fund.

Mayor Mills said this position is paid out of the Utility.

Councilor Keen said right. Well, the other question I had—and I don't doubt that these things are needed—I mean, that's not where I'm going with this. I guess I would like to see number one, a job description, and number two, some kind of a budget as to where we're going to pull this money from, other than just— I mean, where is this going to fit? We don't have the salary comparisons in the Utility here in front of us, and I'd like to maybe see that and see how that's going to impact that as well.

Clerk-Treasurer Rhodes said in the budget that you passed, at the request of the Mayor, Mr. [Public Works Director] Downey's entire salary was placed in the MVH full-time salary budget. It's not being paid out of there now.

Mayor Mills said so we have money.

Clerk-Treasurer Rhodes said but his salary is budgeted and could come out of MVH and wouldn't necessarily only need to come out of Wastewater Treatment Utility. Could you hear me?

Councilor Griffin said yes. Thanks.

Clerk-Treasurer Rhodes said I was only looking in one direction.

Councilor Plomin said so this was in the budget, back when we signed it?

Clerk-Treasurer Rhodes said yes. And you received detail on the positions in each of the line items.

Councilor Plomin said yes, during the discussions, we talked about how much over budget, based on the salary ordinance, the Sanitation Department was. So this was in the

works, has been in the works since then. Then I was told it was for merit raises and not for this new position.

Clerk-Treasurer Rhodes said we've got a couple of departments, we've got the Sanitation people that would be trash recycling, we have the MVH/Street Department, snow removal, pothole repair, and Mr. Public Works Director] Downey as Street Commissioner, his salary used to come out of there, before it became Public Works Director, then it was split, then it went over to Wastewater, now in the 2006 budget, there was provision, if the Mayor desired, the flexibility to restore Mr. Downey's current salary entirely in MVH. That's flexibility. It's obviously not being expended out of there now. It's different from the Sanitation budget, which is General Fund.

Councilor Plomin said so it was in which?

Clerk-Treasurer Rhodes said MVH, Motor Vehicle Highway.

Councilor Plomin said was Dave's salary.

Public Works Director Downey said gasoline tax funds.

Clerk-Treasurer Rhodes said his salary actually is now being paid out of the Wastewater Treatment Utility, as it was last year, but in the line-item budget, that budget was made large enough to bring Mr. [Public Works Director] Downey's salary back into MVH.

Councilor Plomin said and so then in Wastewater Treatment Utility, had this salary in it?

Clerk-Treasurer Rhodes said no, it had Mr. [Public Works Director] Downey's salary in it.

Mayor Mills said it had Mr. [Public Works Director] Downey's salary in it.

Clerk-Treasurer Rhodes said but the Wastewater Treatment budget that goes to the Board of Works doesn't come with a roster of individuals. You don't get that detail that you got with the City budget, so I'm not sure how you budgeted that line-item.

Mayor Mills said Mr. [Councilor] Plomin, I think your question is this is not a surprise, because we have been knowing, with the advent of the stormwater, that we were going to have to do something.

Councilor Plomin said okay.

Mayor Mills said and so, in the budget, we made sure we had enough money that, if we got to the point this year and we wanted to go ahead and advertise, the money was there. It's budgeted.

Councilor Plomin said it is a surprise, because—I will dig through the minutes, because it just came to me during this meeting—during the budget discussions, I asked why the salary ordinance didn't line up with salary line item, why there was so much more money

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in the salary section than the ordinance allowed for. And so this position—the answer to that question was that it was for merit raises or it was for additional incentive pay for people to get additional certifications. I'll have to look through the minutes to see what the answer was, but it was not because we're going to hire a Utility Director.

Mayor Mills said I think we're talking about two entirely different funds—

Councilor Plomin said it doesn't matter, but there's more money than the salary ordinance.

Clerk-Treasurer Rhodes said Mr. [Councilor] Plomin, I will say, in all fairness here, that there might have been a Q and A in public regarding that, whether it was at a budget work session or at a Council meeting, but I did include it in the roster that went with your budget. So it might have been in the discussion there was not an announcement of it, if you asked somebody else, but in the information I gave you, it was there. I'll be glad to provide another copy.

Councilor Plomin said no, that's okay. I have all my copies still. I just—

Councilor Keen said a point of clarification, then, just make sure I got this straight. As a Public Works Director, Mr. Downey is not currently being paid out of the Utility? He's being paid out of MVH?

Clerk-Treasurer Rhodes said incorrect. He is being paid out of the Utility.

Mayor Mills said out of the Utility.

Councilor Satterly said out of the Utility. And they're bringing him back to MVH.

Public Works Director Downey said one thing, I'm only getting one salary.

Mayor Mills said he is running the Wastewater Plant and the Street & Sanitation Department, Councilor Keen, as the Public Works Director.

Councilor Keen said I understand that.

Mayor Mills said so he is still being paid out of the Utility and will continue to be paid, until such time that we hire a new Director.

Councilor Satterly said and then he'll be moved to MVH.

Councilor Keen said and at that time, he'll be moved to MVH?

Councilor Satterly said and there's money in the budget for that.

Mayor Mills said correct. Other questions?

Councilor Plomin said is this a two-reading? This will come again next month?

Mayor Mills said yes, sir, it will.

Councilor Plomin said okay.

Councilor Griffin said did you indicate you wanted this read—?

Mayor Mills said well, if there's a problem, we'll wait. I can't really advertise the position until everybody's comfortable with it, and we are in a bit of a hurry to find someone good, but I will wait another month, if you would like to have more discussion.

Councilor Truitt said I would appreciate that. Thank you.

Mayor Mills said are you ready to vote tonight?

There was no further discussion.

The roll call vote:

AYE
Griffin
Hunt
Keen
O'Callaghan
Plomin
Satterly
Truitt

Ordinance No. 6-06 passed on first reading, 7-0.

Ordinance No. 7-06 An Ordinance To Recommend Granting An Edge Credit To QuadraSpec, Inc. (Prepared by the City Attorney) Councilor Griffin read Ordinance No. 7-06 by title and moved that it be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said Mr. [City Attorney] Bauman will give us a little background, and Cinda Kelley is here from the Economic Development Corporation to add any answers to questions. Mr. Bauman.

City Attorney Bauman said as a preliminary matter, this basically refers to a State-level incentive proposed by the Indiana Economic Development Corporation to retain and recruit QuadraSpec to stay in Indiana. The State has asked us to change the wording of some of the ordinance and has also—apparently there's a change in the amount and the time period from the information that was previously furnished to me. That's reflected in the amended ordinance you received tonight. The EDGE Credit is an acronym for Economic Development for a Growing Economy. It is an incentive, which has been passed by the General Assembly and is administered by the Indiana Economic Development Corporation, which is the successor to the Department of Commerce, to attract and retain companies in Indiana who are providing employment here. The people are here from QuadraSpec, and I think they have some information they'd like to present

about their company. Certainly this is a company with a lot of potential that would provide jobs in the Research Park, which are good, well-paying jobs. We have tonight two items on the agenda which relate to QuadraSpec. The reason we are involved with the EDGE Credit, typically a local community is not, but the State statute requires the local community to consent to the extension of the credit, if the employer would be within a Certified Technology Park, which is this portion of the Purdue Research Park. In addition, we will also be considering a resolution, the declaratory resolution for tax abatement for QuadraSpec. If you want to go ahead and tell us something about your company and the project. Thank you.

Mayor Mills said this is Mr. Barden, Chad Barden, from QuadraSpec.

Mr. Chad Barden [QuadraSpec] said if I may, while the projector is coming up, I'd like your permission to give some handouts to the Council members.

Mayor Mills said please.

Mr. Barden said two handouts coming. The first handout is a copy of the presentation that I'll cover immediately, and then the second-handout is an overview of the manufacturing facilities for the second item on the agenda later. QuadraSpec is a company focused on clinical diagnostics. We think we can become the gold standard for any large molecule diagnostic testing, and we think, specifically, our systems will have the benefit of shortening assay development times, improving data reliability for the tests that are coming out of doctors' offices and clinical laboratories, and we think we offer unprecedented scale and throughput, meaning we can run more tests faster than any other technology in the industry. We do this all with industry-leading sensitivity levels, that is, we're looking for molecules that are the proverbial needle in a haystack, that haystack being your bloodstream. But most importantly, we can do all this at significantly disruptive prices. We can do blood testing at one-tenth the cost of current testing in the marketplace. Our ability to capture value in the marketplace comes from the fact that we use one-two-hundredth of the amount of antibody, compared to traditional methods, and so whether you're running one sample by five tests or you're running five tests by a single sample, we are the clear price winner. We're focused on three primary markets. The first market that we're focused on is veterinary diagnostics; it is a relatively lower level of regulation in this market, and we plan to enter this market on a beta basis in June of this year, followed by a production basis in October of next year. There's a research and drug discovery market, but it's largely focused on the advent of personalized medicine, basically looking at diagnosis of particular people and their receptiveness to particular drugs. This market's growing extremely rapidly, about almost 80% per year; it is already \$1 billion, and we plan to enter that market in the first quarter of next year. Finally, we see an emergence into clinical diagnostics, that is the routine blood testing that's done on a daily basis in doctors' offices today, and we plan to enter that market in the first part of 2008. You can see a broader overview of these markets, how quickly they're growing and when we anticipate entering those markets. You can see our product roadmap, when we plan to launch certain products focused on particular markets. We'll go ahead and move on to emergent applications. Those are the markets that exist today. Where we're going is actually focused on diagnosing cancer and a variety of other diseases, based on multi-

marker tests that are emerging in the marketplace. These are excerpts of a number of different research papers that exist in the marketplace today, where people have discovered signatures of proteins, signatures of molecules in your bloodstream that are perfect indicators of disease. A perfect example of this is breast cancer. 35 million women receive a mammogram on an annual basis. Insurance companies pay \$81 for each of those mammograms. There is a 65 molecule blood test emerging out of the IU School of Medicine that can replace the mammogram and be a much more efficient way to diagnose breast cancer. The challenge is being able to do 65 blood tests for \$81. There's not a technology in the world that can do that today, and ours can do it for \$36 to the insurance company. So we see a wonderful opportunity here to replace the mammogram as a diagnostic method, and breast cancer is just one type of cancer, and cancer is just one type of disease. So you can imagine the potential that this company has. Our system is made up of a number of components. The first is a sample processor that basically sits and spits samples from test tubes onto particular locations on our disk. You can see there are two distinct disk formats, one that allows for very, very high economies, and one that allows for greater levels of sensitivity. We also have a reader that is a glorified CD player. You can imagine taking these CDs and putting them in a CD player; this is essentially what we're doing, using many of the same optical detection methods that are used to read a CD. All of this is controlled by a computer workstation that interfaces with a broader networked system. You can see we're relatively close to product launch. Basically all of the systems and all of the disks that you saw before are built today. Those are things that we have outsourced a bit up to this point, and the later proposal is to build a manufacturing facility, so that we can build those disks that you see up there here in West Lafayette. The management team is truly world class. I have experience bringing technologies out of a university environment and turning them into companies. Joerg Schreiber was former VP of R & D at Roche Diagnostics, the largest diagnostics company in the entire world. Ignacio Sanchez is our VP of Manufacturing, has a great deal of experience in manufacturing for FDA-regulated environments, as well as for manufacturing semiconductors. Those are two unique skill sets, and we needed both of them in the manufacturing. Our VP of Business Development was VP of Business Development and Strategy at Roche Diagnostics. Greg Renz who is here tonight is our Chief Financial Officer and has been with other companies that I've started. Our scientific founders are Dr. Fred Regnier and Dr. David Nolte, two professors at Purdue University, two people that I'm very privileged to have worked with over the last year and a half. Our Board of Directors is made up of the following people [showing a slide of their names]. You'll see one of our first customers is on our Board of Directors, Joe Leeth. Antech Diagnostics controls about 85% of the veterinary diagnostics business in the country, and they will be our first customer. So in summary, I think we have a wonderful opportunity, a wonderful team to be able to be the new gold standard for live molecule diagnostics. We hope to build this company and grow this company here in West Lafayette with all of you. We appreciate your time and attention.

Mayor Mills said thank you. Are there questions for Mr. Barden? For Cinda Kelley [Acting Executive Director of the Lafayette-West Lafayette Economic Development Corporation]? For Mr. [City Attorney] Bauman?

Councilor O'Callaghan said I think it might be helpful to say where the EDGE Credit

money comes from, and what it might be used for if it was not granted to QuadraSpec. Somebody can answer that. I bet Cinda.

Mr. Barden said do you want to comment on that, Cinda?

Ms. Cinda Kelley [Acting Executive Director of the Lafayette-West Lafayette Economic Development Corporation] said I will. The EDGE Credit is just that, it's a credit on the payroll taxes that you pay.

Councilor O'Callaghan said so it's payroll taxes that would have been paid to the State and are not now.

Ms. Kelley said actually, it's new job creation, so without this, the new jobs being created, we would not have seen those new payroll taxes. The same thing with the tax abatement, it's only based on new investment. So the community has never seen a loss in any revenue.

Councilor O'Callaghan said I just wanted to make that clear.

Mayor Mills said other questions?

Councilor Truitt said Cinda [Ms. Kelley] could you talk just very briefly about how important it is for the Research Park to have companies like—

Ms. Kelley said the Research Park is based exactly for companies such as QuadraSpec and other companies like that. These are very high-paying, knowledge jobs. These are jobs that will be created at, I think, around \$35 an hour. These are the types of jobs that you're going to be seeing—you know, engineering, research and development, exactly what a sort of high-tech park such as we have here based in West Lafayette, taking that technology and putting it to work.

City Attorney Bauman said for the benefit of the Council, if you skip ahead to the Resolution No. 5-06 on the Tax Abatement and the Statement of Benefits form, the first page of that will give you a snapshot of the kind of employment that we're looking at growing out of this.

Councilor O'Callaghan said oh, and it's just really exciting. With 13 jobs retained at \$987,000, that's a salary of \$75,000 each, 40 additional jobs with a payroll of \$2.5 million, that's \$64,000 each position. It's exciting.

Mayor Mills said QuadraSpec was the winner of the—you'll have to refresh my memory, Mr. Barden, what competition last year the company won?

Mr. Barden said certainly. There were three of them, actually, that we were fortunate enough to have won. There was the Opportunities for Indiana; the Life Sciences Competition, which was a national competition; and also Burton Morgan Entrepreneurial Competition that was just recently held.

Mayor Mills said thank you. We're very pleased to be able to keep them in the Research Park.

Mr. Matt Hunter [owner of Hunter's Pub] said are you publicly traded?

Mayor Mills said I asked him that at the Pre-Council.

Mr. Barden said not yet.

Mayor Mills said anything else?

Councilor Plomin said which Pre-Council? You weren't at the previous Pre-Council meeting.

Mayor Mills said I guess it was Economic Development Commission meeting, I asked him that, if they were publicly traded. I thought it sounded like a good idea. All right, other questions? Thank you. Let's go ahead—

City Attorney Bauman said you need to do the amendment first.

Mayor Mills said correct. Would you like to point out what the difference is, Mr. [City Attorney] Bauman? We need to—

City Attorney Bauman said no, I don't think so, because we didn't have it.

Clerk-Treasurer Rhodes said I have it. I have the original.

City Attorney Bauman said there was also some change in the verbiage—

Clerk-Treasurer Rhodes said that's the original.

Mayor Mills said that's the original.

City Attorney Bauman said yes, but there was some change in the verbiage that was requested by the State, the Indiana Economic Development Corporation, in the operative paragraph.

Councilor Keen said I'd like to offer Ordinance No. 7-06 to be amended by substitution.

Councilor Griffin said it's the "Pursuant to" paragraph. I can—

City Attorney Bauman said correct.

Mayor Mills said Mr. [Councilor] Griffin, would you read that, please.

Councilor Griffin said so in the third "Whereas," the "\$240,000 incentive over three years" is changing in this amended version to be "\$645,000 incentive over seven years." And

then in the original ordinance, if you are looking at the amended ordinance, the first two lines remain the same, "Pursuant to Ind. Code § 6-3.1-13." that's where the original ordinance ends, and so what you see in the four and a half lines that follow that constitute the amended verbiage.

City Attorney Bauman said I don't see it as a substantive change. They just felt they wanted to amplify on the language.

Mayor Mills said questions?

Councilor Keen said do we need a motion?

Mayor Mills said we need a motion, please.

Councilor Keen said I'd like to—

Councilor Griffin said so I'm moving for amending [Ordinance No.] 7-06, reflecting the changes just indicated.

Mayor Mills said is there a second?

Councilor Truitt said second.

The motion to amend Ordinance No. 7-06 by substitution passed unanimously, *viva voce*.

Clerk-Treasurer Rhodes said I don't know if this is directed to Cinda [Kelley] or Bob [City Attorney Bauman]. My understanding, then, is that the gross income tax which normally would have been captured in the Certified Technology Park as increment, instead of being captured would be funneled to the EDGE Credit, up to the amount of \$645,000. My question then is will that diversion of the capture not count toward our \$5 million limit?

Mayor Mills said it defers that amount toward the limit.

Clerk-Treasurer Rhodes said so that we have the full benefit of the limit?

Mayor Mills said we do.

Clerk-Treasurer Rhodes said great. Thank you.

Mayor Mills said it was just deferred. We had the same question for the Economic Development gentleman who came from Indianapolis.

There was no further discussion.

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The roll call vote:

AYE
Griffin
Hunt
Keen
O'Callaghan
Plomin
Satterly
Truitt

Ordinance No. 7-06 (Amended) passed on first reading, 7-0.

Resolution No. 5-06 A Resolution Approving The Designation Of An Economic Revitalization Area For Property Tax Abatement For QuadraSpec, Inc. (Prepared by the City Attorney) Councilor Griffin read Resolution No. 5-06 by title and moved that it be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said now we are addressing the resolution for property tax abatement. This is for personal property tax abatement on manufacturing equipment and information technology for 10 years. Again, we discussed the salaries and the types of jobs, the investment that is being made. Are there any additional questions?

There was no further discussion.

The roll call vote:

AYE
Griffin
Hunt
Keen
O'Callaghan
Plomin
Satterly
Truitt

Resolution No. 5-06 passed on first and only reading, 7-0.

City Attorney Bauman said I'll remind you that under the State statute, the process for tax abatements, there will be a public hearing and confirming resolution on the agenda next month.

Mayor Mills said thank you for being here, Mr. Barden. Thank you very much.

Ordinance No. 8-06 An Ordinance To Repeal Chapter 64 Entitled Health And Sanitation And Reenact It With The Title Smoking In Public Places And Places Of Employment (Submitted by Councilor O'Callaghan) Councilor Griffin read Ordinance No. 8-06 by title and moved that it be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

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Mayor Mills said we are taking up the smoking ordinance again. This is a new ordinance and I will ask Councilor O'Callaghan to give us a short presentation on this new ordinance, please.

Councilor O'Callaghan said the changes in this ordinance is that the language has been tightened up, definitions are clearer, all the outdoor regulations have been removed, and the enforcement date has been moved to July 1, 2007, for all businesses. This gives plenty of time to get ready for implementation. It's a month before Purdue starts. When students come to campus, they'll know what to expect, West Lafayette as a smoke-free community. The weather will be more pleasant for those who do want to go outside to smoke, and hopefully some will stop smoking before the winter sets in. Most Indiana statutes begin July 1, so it seemed an appropriate time to go with a July 1 date. Since it has been a while since this concept was proposed, it seemed appropriate to review some of the major points. This ordinance is about public health, worker safety, and what the West Lafayette citizens want. Exposure to second-hand smoke is dangerous. It is the third leading cause of preventable death in the United States, killing 53,000 nonsmokers each year. There is broad scientific consensus that second-hand smoke can lead to deadly diseases, such as lung cancer, stroke, and coronary heart disease. It also contributes to asthma and other serious respiratory illnesses. Recent studies point to second-hand smoke as a cause of breast cancer in young, premenopausal women. For people at risk of heart disease, as little as 30 minutes of exposure can have serious and lethal effects on the heart. And second-hand smoke is costly. In 2000, the Marion County Health Department spent over \$56.2 million in expenses related to second-hand smoke. This was spent on health care, hospitalization, and premature death of nonsmokers exposed to second-hand smoke. Governor Mitch Daniels has said that Indiana is fourth worst in the country for health care costs, affecting our ability to attract and retain businesses and jobs. Much of these costs come from higher rates of smoking and treatment of the diseases related to smoking and second-hand smoke. Lost work time is also tremendous. When smoke-free policies are in place, companies experience a decrease in employee absenteeism and health care costs, and see an increase in productivity. This ordinance is a worker safety issue. Smoke-free workplace policies cover 75% of white-collar workers, but less than half—only 43%—of service workers and only 52% of blue-collar workers. Smoky bars have up to 50 times more cancer-causing particles in the air than highways and city streets clogged with rush hour traffic. It is appropriate for government to step into protect the public health and worker safety, as in health inspections in restaurants and requirements to remove asbestos in workplaces. There's a growing number of states, localities, and even entire countries have taken action. 2,129 municipalities in the U.S. have local laws that restrict where smoking is allowed. 15 states have state laws that restrict smoking, and more than 20 countries, including Ireland, England, Spain, much of Canada, and most of the continent of Australia. Right here in Indiana, many have enacted smoking bans. Governor Mitch Daniels, in responding to a question about a statewide ban, said that he is happy when he sees a ban passed, and "if I were a city council member, I'd be for it." Mickey Maurer [Michael S. Maurer], President of the Indiana Economic Development Corporation, has stated that smoking bans are good for the economic development of our State. Certainly a statewide ban is ideal, but typically they come after many local units of government in this State enact laws. And, of course, a countywide-Lafayette-West Lafayette ordinance would be

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great. But, again, where cities are side by side, like Minneapolis-St. Paul, once one city enacts an ordinance, the other is likely to follow. And where one municipality within the County enacts an ordinance, like Bloomington in Monroe County, the county often follows with a similar ordinance. True, West Lafayette-Lafayette is working on branding and uniting our cities, but we are still different, and we need to do what is best for West Lafayette. We do have a unique situation with Purdue University, and I believe that we do have a responsibility to the Purdue students. Contrary to what a recent letter to the editor stated, most Purdue students do not smoke. Of the 20% to 25% who do, most are social smokers. They smoke less than five cigarettes a day. So we can have an immediate impact on their health by ridding the places they patronize and work of second-hand smoke, but we can also have a long-term impact by decreasing the number who go on to be addicted to smoking. That's what will really impact health care costs, reducing the number of smokers in Indiana. Again, I challenge the bar owners to do the right thing and Derrick [Raymer, owner of Wabash Yacht Club and Where Else Bar] to make one of your places smoke-free in this time before an ordinance would be enforced. I do believe, if you give the students a choice in the Village, they will support you. In fact, I hope that by July 1, 2007, that this ordinance would be a moot point, as all businesses would have taken the positive step to protect their customers and their employees by going smoke-free on their own. I hope consumers will let businesses know what they want, by supporting those which are smoke-free and letting the businesses know why they are doing so. That's my synopsis.

Mayor Mills said thank you. We will start at the Council and see if there's any comment from you, and then we will take public comment. So anything from the Council before we take public comment, or would you prefer to hear public comment initially?

Councilor Plomin said I was the only person to vote against this the first time it went around. I've actually had a little bit of change of heart, where I would be in favor of an ordinance regulating smoking, if it did it in a progressive, innovative, and smart way, and established tolerable levels of smoke that could be attained either through filtration, air exchange, or not allowing smoking. I've received quite a few emails over the past couple days, since the news broke that we were going to come back and address this again. They said, "I'm for a smoking ban. I wish that you guys would regulate smoking, but I think you need to take more time and be smart about it and do it in a way that finds a real balance between the impacts it would have on business and the impacts it would have on people's health." So I can't support this, because it's substantially the same thing that I voted against twice, and actually I think this one is probably worse than the one that I voted against, because it has a different timeline for implementation. So I can't vote for this ordinance, but I would be able to support one that would, in a real and positive way, be innovative in this field. Thank you.

Mayor Mills said other comments from the Council?

Councilor Keen said I had a couple questions to Councilor O'Callaghan. She stated that there were 15 states and a number of other places that have smoking restrictions. I guess one question I'd like to ask is how many of them only restrict smoking as opposed to banning smoking all together, and how many of those would allow exemptions for different

COMMON COUNCIL MEETING MINUTES, MARCH 6, 2006, CONTINUED

venues, as far as do some allow for bars? Do some allow for— I mean, we've got a number of exemptions in our own ordinance that you have presented here, and I was wondering, on a percentage basis, how many of them are an absolute flat-out ban, versus allowing some type of compromise within their ordinances?

Councilor O'Callaghan said as of January 3, 2006, there are, as I mentioned, 2,129 municipalities that have local laws in effect where smoking is restricted. I do agree that a lesser number, 327 municipalities have a law in effect that requires 100% smoke-free workplaces. But I will note that, across the United States, 6,010 municipalities are covered by 100% smoke-free provision in workplaces and/or restaurants and/or bars by either a state or local law representing 39.4% of the United States population.

Councilor Truitt said is that last statistic down there at the bottom, that's 5%, roughly, right? 24 of 2,129?

Councilor O'Callaghan said that is of the local ordinances that are 100% workplaces, restaurants, and bars, that's true. But it is also true that, across the United States, 6,000 municipalities are covered by 100% smoke-free provision in workplaces, when you take into account state and local laws, and that's 39.9% of the—

Councilor Truitt said but that's an and/or, though?

Councilor O'Callaghan said right.

Councilor Truitt said so that's a cumulative number, but, correct me if I'm wrong here, but would this last category right here be the West Lafayette ordinance?

Councilor O'Callaghan said that would be the West Lafayette ordinance. I did address that in my synopsis, that it is a very important part of the West Lafayette ordinance. I guess one thing that we could do would take these down to those that are in university towns, and most of the ones in university towns, like Bloomington and Madison—and I have a whole list of them—are 100% bans.

Councilor Truitt said but 5%—I just want to make sure that I'm understanding the scope of this, because I think it's important later—but 5% of the municipalities in the United States have a ban like we're getting ready to enact. Is that correct?

Councilor O'Callaghan said that is technically correct. Again, I will tell you that more of them are covered, because some of them are covered under state or county laws. But of municipalities, that is correct.

Councilor Keen said one of the things that I had. I, just today, got a copy of the Carmel smoking ordinance, and I distributed copies to all of the Councilors here. And I wanted to discuss briefly some of the exemptions that they had allowed. If you have it, it's on page 5, starting at line 226, 227, it talks about—

Councilor O'Callaghan said these are some of the ordinances I've looked through.

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Councilor Keen said the reason I brought this is because I thought, in looking at it, it was very similar to the ordinance that we're crafting here, and I thought that some of their exemptions were reasonable compromises, because a number of their exemptions are the same ones we have—hotel and motel rooms, tobacco bars—but they do exempt taverns, bars and taverns under theirs. Specifically, I guess the point they were going after was exempting bars or establishments that have what we would classify, I suppose, as a three-way liquor license, which would prohibit anyone from under 21 to even go in those establishments. I would like to see us consider something along that line for our own ordinance, as a way of easing into this, so this ordinance could be much more palatable for everyone's that involved.

Councilor O'Callaghan said we certainly have considered some of those exceptions before, and we've discussed them thoroughly, in terms of the age 21, that second-hand smoke is a danger to all people, not just to minors, and it is certainly a danger to all those employees that work in a place that 21 or over, and many places that have enacted ordinances like these have now gone back and made it tougher. We can take advantage of the experience of other communities that have done this and make it right from the get-go.

Councilor Hunt said since the 9th of January when we voted on this, or we discussed it, we postponed it, I guess, in January, I've had about 110 emails from people, talking about the ordinance. It's been running consistent since last month when I gave the statistic, it's about 85% of people that want a complete smoking ban, that includes bars and restaurants. I've spoken to several housing units in my district, a women's group and a men's group, and they—I've mentioned this before—they would like to not have to deal with smoking in the bars. The Purdue Student Government has come out in favor of this. I think this is what the people of West Lafayette want. I do.

Mayor Mills said other comments from the Council before we take public comment?

Councilor Keen said I would like to ask one other question, in relationship to what I was speaking of earlier, about the 21 or over exemption, or anyone that would hold perhaps a three-way liquor license. At what point does personal responsibility for individuals go into effect here? People who are 21, they're required to do a number of things, and allowed to do a number of things that require significant responsible choices. The whole reasoning behind having age limit on bars and those things is so that people who have reached that age, who are responsible for themselves, can make those kinds of choices for themselves. I guess I really struggle with the idea of government coming in and telling us that you're not quite old enough, I guess, to make your own choices, and so we're going to ban this thing, even though—if I go to my house and it's on fire when I get there, and I run into my house, I know very well before I run into my house I have a good chance of being killed or injured in the process. The same thing, if I go to an establishment who allows smoking, I know before I go in the front door that I know what the risks are, I know what my chances are, and if I choose to go in there, that should be my choice. I really struggle with this whole concept of personal responsibility here, and I think we don't give the citizens enough credit for thinking for themselves. How much more does government have to think for us?

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Mayor Mills said any other comments from the Council before we take public comment?

Councilor Plomin said I just have one question for Patti [Councilor O'Callaghan]. How will this affect smoking, as far as incense in a church?

Councilor O'Callaghan said it would have nothing to do with that. Our definition of smoking would not include anything like incense.

Councilor Plomin said it doesn't specify tobacco, though, in this—

Mayor Mills said it does on the first page, Councilor Plomin.

Councilor O'Callaghan said it says—

Councilor Plomin said it says, "smoking means the act of puffing, having in one's possession, holding or carrying a lighted or smoldering cigar, cigarette, pipe, or smoking equipment of any kind, or lighted cigar, cigarette, pipe, or smoking equipment of any kind." So, smoking equipment couldn't be defined as the incense burners at my church?

Mayor Mills said on the first page, in the third Whereas, it says, "cigarettes, cigars, pipes, or any other tobacco product."

Councilor Plomin said so the Whereas—correct me if I'm wrong, Mr. [City Attorney] Bauman, the Whereas sections in this ordinance are not the changes in the City Code, are they?

City Attorney Bauman said they are not the changes in the City Code. If there were a question of the interpretation of a matter that was in the City Code, the Whereases could be used to illuminate the intention of the Council, and that intention then relates to tobacco.

Councilor Plomin said I see. Thank you.

Mayor Mills said Councilor Griffin, did you have a comment?

Councilor Griffin said this ordinance goes to public health, as Patti [Councilor O'Callaghan] has said, and this is, in very many ways, identical to so many of the public health rules that we have, where we do not distinguish ages, we do not distinguish whether we are talking about minors or whether we are talking about people of legal age, and that's why I think that the issues of why we put this in are driven by concerns by our business people, from which there's a great deal of information that says that the impact of an ordinance such as this from a financial standpoint only is as likely to be significantly positive as it is to be a little bit negative. But far more important than that is that this is something that I believe that this Council needs to take action on and in supporting public health. We've talked about the issues of drivers of health care costs, and smoking is absolutely the number one thing that physicians see as a driver of health care costs, how it drives so many other illnesses. The companies that pass this, as Patti [Councilor

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O'Callaghan] has already said, the companies that pass smoking restrictions themselves do so for many reasons, but what they do is to see an impact on their health care costs. All of us, all of us, business people and everyone, need to take responsibility for that, and need to take responsibility toward controlling our health care costs. I think that this is what we need to do, to make it so that all the businesses do that in West Lafayette.

Mayor Mills said all right. We will take public comment. It is 10:10, so will you please limit yourself to two minutes. Come to the microphone, please, identify yourself—

Ms. Mary Cook [co-owner of Harry's Chocolate Shop, The Pub, and The Other Pub] said [unintelligible]

Mayor Mills said Ms. Cook, would you please come to the microphone.

Ms. Cook said [unintelligible]. I have a question.

Mayor Mills said well, this is an opportunity to ask a question or make a comment.

Ms. Cook said this is not my two minutes. This is a statement that I have about this going ahead and having both readings now. There are ambiguities. We spent a lot of time working through those previously.

Councilor Keen said I never heard anybody say anything about two readings tonight.

Councilor Plomin said we won't have both readings now.

City Attorney Bauman said yes.

Councilor Plomin said and it requires unanimous consent to have the second reading, so—

Ms. Cook said okay. We thought we heard that in the back.

Mayor Mills said we would not do that. Two months.

Ms. Cook said clove cigarettes? I have a couple customers, at the Pub, that smoke, exclusively, clove cigarettes. You're looking at me like I'm crazy, I'm telling you I can smell it when I walk through the dining room. Is that not illegal?

Councilor Plomin said well, not at The Pub.

Ms. Cook said you're right. I want my two minutes.

Mr. Chad Krockover [2229 Indian Trail Drive, general manager of Ruby Tuesday in Lafayette] said Ruby Tuesday went non-smoking 18 months ago. We decided to go non-smoking to mainly provide a safe workplace for those that work at Ruby Tuesday. Second-hand smoke, additionally, being a large factor in that decision put us towards that

effort, but it, more importantly, was to lead, was to make a leadership decision, so we would not have to follow later on any type of other decisions that were made. You know, a lot of the opposition mentions the fact that businesses will lose revenue. Ruby Tuesday is experiencing right now the highest sales volume numbers since the restaurant opened nine years ago. Sales increase is in double digit numbers. Bar sales increased, double digit numbers. People frequently come to the restaurant, and this one's not measurable, but people frequently come to the restaurant and they're excited. Does an occasional smoker walk in the restaurant? Of course they do. I would say 99.9% of them still eat in the restaurant. So should government regulate smoking in a business? I think that question also needs to talk about public health issues. Does OSHA regulate that we must provide a safe workplace for those that work in our place of business? Of course they do. Safety is our duty. For those that manage and operate businesses, our duty is to provide a safe workplace. As many have said tonight, months ago, the paper, smoking is not safe. Second-hand smoke is not safe. Some people say there's more important issues we should be talking about. I think health and safety of our community is the utmost important issue to discuss. A smoking ban will occur sooner or later, whether it's at a federal or State level. It's our choice right now, it's our decision to lead, it's our opportunity to lead. I think that's what we should do. Thank you.

Mayor Mills said thank you.

Mr. Neil Zimmerman [237 Connolly Street, professor of industrial hygiene] said industrial hygiene is the science of studying how chemicals and other hazards can affect people's bodies, specifically in the workplace, but also in the surrounding community. However, I'm not going to address that issue, because we all know that cigarette smoking is dangerous, it's hazardous to our health, and also environmental tobacco smoke, second-hand smoke follows that also. What I want to address is the issue of freedom. This is an issue that's been—freedom of choice has been the major issue running in the newspapers, as Councilman Keen's main concern, and I would like to address the issue, especially I'd like to humbly present to you, as well as to all the other people who are writing letters about freedom of choice, you're totally missing the point. This has nothing to do with freedom of choice, it has to do with freedom from harm, freedom from harm of the workers in these establishments. It has nothing to do with the freedom of choice, the patron deciding where they want to go into a restaurant. It's strictly protecting workers who have no other choice of where they're working and what they're breathing, what they're being exposed to. We're trying to protect the workers from a hazardous environment in their workplace. Thank you.

Mayor Mills said thank you.

Dr. Ed Langston [2005 Tippecanoe County Medical Association President] said we forwarded a letter, endorsing the concept and the actions of the ordinance to eliminate smoking in our restaurants. I chose to come this evening to once again rearticulate and reendorse the support for that ordinance. I, too, remind you that we're dealing with a health issue, not only for the patrons of the public business, but also for the employees. In days gone by, I was vice chairman of the Air Pollution Board for the State of Indiana. I remember a presentation of that was given that, in a room such as this, one cigarette

releases enough organic volatile compounds and nearly 4,000 carcinogens would be released if one cigarette were smoked in a room this size. I would assure you that at no time, with all the monies, the billions of dollars we spent to protect the ambient air quality standards in the State of Indiana, would that air meet those ambient air quality standards that we so vigorously enforce and deal with. So I would suggest that, as a clinician who sees patients on a daily basis, children and adults—I do family medicine and geriatrics and happen also to be a pharmacist and graduate of Purdue University—I would urge you, and first of all I applaud you for the courage to bring this issue into this room and discuss it, an issue heard earlier, this wouldn't be the first municipality in the State or in the nation to deal with this issue. So I urge you to not only to consider, but to pass this ordinance, because it is a health issue. We're on our own as patrons, but as I stated earlier, employees have to work in that facility. I recall when we were dealing with air quality standards up in the northwestern corner of the State. I remember hearing the argument that if you don't like the volatile particulates that are floating there, you just don't need to live there. Well, most people don't have that opportunity, and many employees don't have that opportunity as well. So I urge you to pass this ordinance. Thank you very much.

Mayor Mills said thank you.

Councilor Plomin said may I ask a question? Sir, where could I find the ambient air quality standards that you mentioned?

Dr. Langston said Indiana Department of Environmental Management.

Mayor Mills said IDEM.

Dr. Langston said they have all that data.

Councilor O'Callaghan said that's outside. That's what he's talking about.

Councilor Plomin said yes, but they have standards, though. So, that's a place to start.

Mayor Mills said okay. Yes.

Dr. Dixie Peterson [Tippecanoe County] said I'm a psychologist in private practice in Lafayette. I have a Ph.D. in psychology and, prior to that, I earned a Master's degree in counseling psychology with an academic specialization in vocational rehabilitation. My work with persons with disabilities has led me to attend this meeting tonight. This ordinance proposed has raised many issues. Among those issues, we talked and considered the possible effects of smoking on employees in the workplace. However, we have not talked about how smoking in the workplace bars certain individuals from employment. Specifically, many individuals with already existing respiratory conditions, disorders, and disabilities, are simply medically unable to work in a setting where the employer has elected, opted to allow smoking in the building. Is it possible that any policy that allows smoking in the workplace represents a violation of the Americans with Disabilities Act? The permitting of smoking in any workplace is not essential to its

function, including bars, taverns, and even casinos, as evidenced by the entire state of California which bars smoking in any public place and also apparently by Ruby Tuesday in our own community, I'm happy to say. In my own practice, working with physicians in vocational rehabilitation, I'm keenly aware of patients who suffer from asthma, emphysema, allergies, COPD—which is chronic obstructive pulmonary disease—and lung diseases and damages resulting from toxic exposures in military combat, industrial settings, and other environments, as well as genetic disorders. In attempting to help find job placements for these individuals, I have seen many job openings that are simply not possible for these people. The rationalization has been, "Well, you really wouldn't want to work in a smoky place like that anyway, would you?" Or, "Well, there are other jobs." However, in a recessionary economy, especially, there may not be other jobs.

Mayor Mills said two minutes, so if you'll wrap up.

Dr. Peterson said all right.

Mayor Mills said so finish, please.

Dr. Peterson said it's very illegal for an employer to maintain this optional barrier to their employment. There have been many issues discussed about freedom—[unintelligible]—and having been born and raised in west Texas within 50 miles of the then-locally famous original Marlboro man, I am very sensitized to the issues of individual freedom and liberty and the wish to be self-determined, free of unneeded governmental control. However, with the Constitutional rights to life, liberty, and pursuit of happiness are highly prized in the culture [unintelligible]. However, our culture has also taken measures to ensure that the individual pursuit of happiness or pleasure does not supersede the rights of others to access economic resources and opportunity. For example, private organizations—

Councilor Griffin said madam mayor, I think in fairness— I appreciate your comments, doctor. In fairness to all people, I think that we need to cut the—

Dr. Peterson said two minutes?

Councilor O'Callaghan said you've had two minutes.

Councilor Griffin said you're beyond two minutes.

Dr. Peterson said okay. Thank you very much.

Councilor O'Callaghan said Dr. Peterson, you can always send that information to all the Councilors. That would be very helpful to have.

Dr. Peterson said I'll just make photocopies.

Councilor O'Callaghan said thank you.

Mr. Frank Rosenthal [2856 Ashland Street] said I have lived in this community for about

15 years. I also study air pollution and lung disease, but we can talk about that another time if we need to. I just want to talk to you as one community person to another community person. We need this ordinance? This is what's best for our community, and you know it is making some people uncomfortable, and it may have some economic impact on some people. But we have to think of what's best for our community, and I think this ordinance is. I don't want to live in a community where people where people have to put their health at risk to earn a living. That's a fundamental value that to me warrants the support in this community. Now someone talked about the fact that people who work in these places smoke. Well, that's true. Some people don't smoke who work in these places. Most people who smoke are trying to quit. You look at surveys, the average smoker has tried 5.3 times to quit. And the ones that quit, not everyone can quit, but the ones who quit make an enormous improvement in their health status. If you can imagine how hard it must be to try and quit if you work in a smoking establishment. The other thing I want to say is all of you, I think every single one of you, has spoken about the need to control the smoking health hazards, every single one of you. I think the time to act is now. We can perfect this, and we'll talk about this improvement or that improvement, and there will come time to consider some changes and some improvements and some amendments, but I think this has been discussed a great deal, and I think the time to move forward is now. And I hope you do so. Thank you.

Mayor Mills said thank you.

Ms. Erin Menser [356 Northwestern] said I don't have statistics to offer, and I regret not being organized, but sometimes, like the psychologist said, avoiding the effect if I smoke is not always a choice. There are people who have allergies like myself. As far as concerning whether or not people know what they are walking into, like a burning house, we put warning on cigarette packs. Maybe we should put warnings on bar doors. As far as, like, losing customers for in bars, all bars in West Lafayette, I don't go to them at all because of the overwhelming amount of cigarette smoke in the air. I went once and it was too overwhelming, and I don't go back anymore. So I know a lot of other people how avoid going also for the same reason. As far as, like, my rights for drinking, since I am a legal adult, over 21, I can chose to drink since I am over 21, but in order for my rights to not be taken away, and to protect innocent bystanders, there are many laws I have to abide by. I can't drink while I am driving. I can't, you know, be drunk in public. Smokers have almost unlimited rights to trample on innocent bystanders, and I really think that we need to enact this ordinance. I think many people want it, and me as a Purdue student, I really want it. Thank you.

Ms. Amanda Carlson [1821 Summit Drive] said I am a Purdue student, too. Pardon me for not looking you in the eye. I write better than I speak. The reason the proposed smoking ban is being considered as a beneficial ordinance to the citizens of West Lafayette is: (a) smoking is and second-hand smoke are health risks; and (b) it is the responsibility of the City Council to assure an environment free of smoke risk. The second of those statements is false, rendering the first irrelevant to legislation. If Mr. X decides he does not want to be in a smoky environment because of the inherent risk, it is in Mr. X's every right to abstain from entering into such environments. No one is forcing Mr. X. to suffer a smoke-filled room. If he enters a bar or restaurant or club or place of

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employment, where smoking is allowed by the owner of the building, then he does so by choice. Yet according to this legislation, Mr. X would have this Council force another citizen to provide that environment for him against their wishes. And contrary to popular opinion, it is not your obligation to protect my health and my welfare. It is my own. If you pass this legislation in the name of the public good, then please count me out of the public, because setting the precedent for violating property rights is not in anyone's best interest. If the local business owners of West Lafayette wish to allow their patrons to smoke on their property, then it is not for anyone else to say otherwise. It is not the prerogative of any governmental body to dictate what citizens may freely chose to do on private property, whether they are smoker or non-smoker, business owner or customer. I have often heard the argument that if left to themselves, businesses wouldn't offer non-smoking services. To that, let me point out—

Mayor Mills said would you wrap up, please. You are over the two minutes.

Ms. Carlson yes, I am. To that, let me point out that businesses do not fail to capitalize on such consumer demands. And that if it is found businesses can't make a profit from catering to non-smokers, it is a failure of the demand for such a service, rather than that of the business.

Mayor Mills said thank you.

Abelardo Molina [107 MacArthur Drive] said I am also a Purdue student. First, I'd like to start off by saying the American Cancer Society reports that smoking is the most preventable cause of death in this country. So why aren't we doing anything about it? After having worked with the American Cancer Society, the Umatilla County Coalition Against Tobacco rallying at the state capital in Oregon on tobacco issues, I have become well aware of the health effects and all of this about second-hand smoke. According to the American Cancer Society, this is the most dangerous air pollutant most Americans will ever encounter. Smoke contains over 4,000 chemicals. Two hundred of these are poisons, and 43 of these cause cancer. The American Cancer Society also reports that some of these chemicals include arsenic which is used in rat poison, methanol which is used in rocket fuel, and acetone which is used in nail polish remover, and cyanide which is used in the gas chambers for death sentences. And I am supposed to be breathing all of this? In a 2004 report for the Centers for Disease Control, it was estimated that second-hand smoke killed 53,000 Americans each year. That comes to 145 people a day, six people every hour, one person every ten minutes. According to a 2003 article in the *New York Times*, it stated that is only take 30 minutes of exposure to second-hand smoke for it to cause platelets in the blood stream to become stickier, which causes blood clots to form more easily causing heart attacks. And well, all right, let's look at the City of Helena, Montana.

Mayor Mills said two minutes, please, so finish.

Mr. Molina said in Helena, Montana, in 2002 a smoking ban was enacted. Doctors at the local hospital noticed that heart attack admissions were dropping. Was this a coincidence? Well, in December, the Montana state legislature was pressured into

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repealing this ban. Heart attack counts, right back up, just as fast as they dropped. Coincidence? So, is my time almost up?

Mayor Mills said it's up. It's up.

Mr. Molina said okay, I'll just finish by saying, all right, back in December, a Southwest Airlines jet ran off the end of a runway in Chicago, causing one fatality. Now, that caused sparks to fly and you know action is being taken to prevent further accidents like that. One fatality. Here, thousands of people are dying. How many more people have to die before action is taken?

Mayor Mills said thank you.

Ms. Mary Cook [co-owner of Harry's, The Pub, and The Other Pub] said some of the kids that work for me have asked questions that I cannot answer, concerning your proposed smoking ban in West Lafayette. Even though I graduated from Krannert, I cannot promote the irrational need for you to protect these kids from themselves. I have invited some of them here tonight to see our government at work. I'll let them introduce themselves to you.

Tim Dock said I am a Sergeant in the Indiana National Guard.

Tim Kennedy said I am a Sergeant in the United States Marine Corps.

David Hoff said I am Sergeant in the Indiana National Guard, veteran of Operation Iraqi Freedom.

Ms. Cook said actually, I have five employees currently that have served in Iraq. They served in Iraq to preserve all our freedoms. Ms.[Councilor] O'Callaghan, Ms. [Councilor] Hunt, Dr.[Councilor] Griffin, Mr. [Councilor] Satterly, would you please explain to these gentlemen why the rights of the non-smoker supersede the rights and the freedoms of all people to work where they choose? Can you explain to these invaluable members of our community why the risks they took in Iraq to protect all of our freedoms are believed to be less than the risk of those you propose to protect with this ordinance?

Councilor Griffin said is the response now or later?

Mayor Mills said I'm sorry?

Councilor Griffin is the response now or later.

Mayor Mills said why don't we hear them. Then you can respond.

Mr. Timothy Dock [400 North River Road] said I'm the night manager at The Pub, also a Sergeant in the Indiana National Guard. I was deployed to Iraq in January 2003. At that time, I was fighting for freedom. Today, I'm fighting for people's rights to do as they choose and to go where they want to go. First of all, I think this proposed plan is almost

as lubricious as the annexation plan. I don't see how any type of ordinance can force business owners how to run their business. No one that's here is disagreeing that smoking and second-hand smoke is dangerous to your health. As Mr. Keen said, no one is asking you to go The Pub, Harry's Chocolate Shop, or the Neon Cactus. Also as well, no one is making you go there and apply for employment. All I am asking is let the owners run their business however they would, as they have for the past several years. Thank you.

Mayor Mills said thank you.

Mr. Tim Kennedy said I have been in the Marine Corps for six years, and I volunteered to go to Iraq because it was my choice and I wanted to do something right. And when I come back here, and I volunteer to work—I don't volunteer, she pays me—that's where I wanted to work. And I knew the risks, and just like anyone else in this industry knows. I am glad to be there. And people who worry about that, they don't go to work there. They go to Ruby Tuesday's or one of those places, I don't know. I just feel like—it's frustrating to me, to return back to America, and to feel like our freedom is taken away a little bit that this is even being discussed right now. Thank you.

Mayor Mills said thank you.

Mr. David Hoff said I agree what Tim [Mr. Kennedy] said about our freedom. I just think we need to look at the other options as opposed to just taking the ban of the smoking here. Maybe look at more, like Councilman Plomin said, more filtration devices, more smoke-eaters, that could possibly take away some of these toxins that—us, that we have fought for, everybody before us and in the future, can have a right to go where we want to go, and be with people that we want to be with. Thank you.

Mayor Mills said thank you.

Mr. Chase Slaughter [425 West State Street] said a very wise man once said, "Private business and industry is one of the most over-regulated over-taxed, under-appreciated parts of American society." It is imperative that government do everything that it can to help business. Government should not tell business what is best for them. These business owners have put their hearts and souls into these businesses, they know them like they know their own children. I should know. I come from a long family of business-owners, people who have sacrificed fortunes to be where they are and give up quite a bit of it. They know what is best for their businesses significantly better than you or I do. If this will help these businesses, like it has been said, then let capitalism do its work. They know what is best for them. A problem with government, and particularly the elitist body, it's also evident by the Ordinance No. 29-05, is that the government feels that it knows better than the people that it serves. Another very wise man once said, "The best government is the least government." It is my hope that government will stay out of citizens' homes and businesses, let capitalism do its work. If non-smoking restaurants truly are best for the business, then the business owners will know it better than anyone up here.

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Mayor Mills said thank you.

Eric Timmerman [1937 Abnaki Way] said I hope we don't get annexed. I want to start this out with a quote from C. S. Lewis, "Of all tyrannies, a tyranny exercised for the good of its victim is most oppressive. It may be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometime sleep. His cupidity may at some point be satiated. But those who torment us for our own good, will torment us without end, for they do it with the approval of their own conscience." Some of you on this Council, if that may be offensive, I apologize. But I want you to examine your thoughts and your reasoning behind this smoking ordinance. In looking at the ordinance itself, Ms. [Councilor] O'Callaghan, your WHEREAS of the individuals who are affected by this, what percentage of those individuals attend bars on a whole? In terms of the present health and safety risk in employees and so on, there are many other factors we can look at. Obesity, for example—are we going to see a ban on fast food here in the near future? In terms of the issue of the workplace, that's an OSHA issue. It is not the place of City Council to put demands on local businesses in the workplace. In regard to your comment about communities and municipalities passing this and repealing the bar aspects of it, are you worried that Montana overruled the entire smoking ban because it infringed on private business rights?

Councilor O'Callaghan said are you aware that Montana has enacted a new ban? They have.

Mr. Timmerman said has it passed?

Councilor O'Callaghan said yes, it has passed.

Mr. Timmerman said can you show me the—

Councilor O'Callaghan said yes, I can.

Mayor Mills said well, she can show you afterwards. Please, let's continue with your comments.

Mr. Timmerman in terms of other municipalities, there are exemptions that are made for bars. If we look at the effect it's going to have on the bars in our community, as well as the smoking restaurants with liquor licenses, there are several factors here. I have 20 pages of documented losses to business that had three-way licenses. If you like a copy of this, I can make it for you. I ask the members of this Council to consider not only the economic impact, but the personal property rights of these business owners in looking into this amendment.

Mayor Mills said thank you.

Mr. Matt Hunter [owner of Hunter's Pub, Hunter's Pub Down Under, and soon-to-be Hunter's Pub South] said I have a speech. I am going to kind of knock it around because of some of the comments made already. One of the comments—I'll bring my father into it

because he is a pretty well known retired doctor who has practiced for 30 years in West Lafayette. He supports what I support here, which is, if you are going to do a ban, it has to be a total ban—West Lafayette, Lafayette, and the County. I am all for that. The way you are doing it here, could really hurt some of us. Our businesses are small businesses. If you don't care about that, then that's one thing. In talking with my father, he also said, on the health issue, why don't we control sex if this mattered. We can control STDs, we control that all that stuff. We can make a ban on sex. We can get rid of all that. That's a health issue. Is that the next thing? A license for—I mean, that would really get everybody in an uproar, wouldn't it? You know, you have to have a license to have sex. Anyway, I'll get off of that one real fast. It was an interesting conversation with him. Reading in the paper and stuff, it has come to my attention that all of a sudden now, people like myself are being made into the bad guys here. You know, "The business owners, the restaurateurs don't want this." Well, that's not true on all of us. I'm all for it—again, if it's done the right way. I don't understand how you can't demand Lafayette and the County to get involved in this. In the *Journal and Courier* you can state it that exactly the same way. Get them involved in this. Demand it, and if they say no, then print their names, the people who said no. Print their names, print their emails, and print their phone numbers. It's all public, is it not, public record of all these people?

Mayor Mills said two minutes, Mr. Hunter, so wrap up please.

Mr. Hunter said real fast in closing, at the end of your opening statement, Ms. [Councilor] O'Callaghan, was it my imagination or did you ask people not to go in my restaurants?

Councilor O'Callaghan said absolutely not.

Mr. Hunter said that's what it awful sounded like. You said you know I just wish people would just stop going to these establishments.

Councilor O'Callaghan said I did not say anything about people stopping going anyplace. I encourage people to go to places that are smoke-free.

Mr. Hunter said you know that I am getting that feedback from people and I am not breaking the law in any way shape or form at this point. So, anyhow, God bless West Lafayette. I hope you guys do the right thing.

Mayor Mills said thank you.

Mr. Ryan Anderson said I live in Lafayette but I work at Ruby Tuesday Lafayette. I would first like to thank Chad [Krockover] and the corporation of Ruby Tuesday for enacting that smoking ban in our restaurant. It has provided me a safe atmosphere to work in. And I know others would agree that have 75% of our staff probably does smoke, but we lost none of that staff when we went non-smoking. They deal with it, and they actually like it. They don't like the smell of the smoke in the work area. Our bar area was the smoking area and on the direct two-fifth's side of the wall was this non-smoking area, which doesn't help any. I am a non-smoker, and as my health goes, I love that they gave me this option of a safe work environment. I don't believe it is an option to go find another job. If

anybody is my age and in college trying to make a living, I'd like them to find me a job paying as much as a server does in a non-smoking environment. And if they could do that, paying more than I can make right now, I'd thank them and take that job offer right away.

Mayor Mills said thank you.

My name is Mya. I live and work in Lafayette. I just wanted a quick comment to the person who wanted to outlaw or wanted a ban on obesity and fast food, just so you know it since you seem to be kind of misinformed, eating cheeseburgers doesn't cause the person next to you to drop dead or possibly get sick. Just so you know.

Julie Johnstone [401 South Chauncey] said I am a Purdue student. I am also a founding member of the group on campus called Colleges Against Cancer. For four years we have been working to educate the campus about various issues concerning cancer and how, you know, we can provide it. I come here tonight on behalf of many students who are not able to make it. It is unfortunate, like we just heard from the young man, that the students who are living from paycheck to paycheck on these jobs have their health compromised when they're reporting to work. A young woman wrote into *The Exponent* the other day, expressing how those in favor of the smoking ban were being selfish, and how we should just stay at home. We are not being selfish. Smoke-free laws help 7 out of ever 10 smokers who want to quit smoking, by providing them with public environments free from any pressure or temptation to smoke. Countless studies, as you know, from across the country have shown there is not a negative economic impact on businesses. In fact, employment in many places such as California and New York City, their bars and restaurants, the employment has increased after passing these smoke-free workplace laws. This ordinance will benefit everyone in the community. And like Councilor O'Callaghan already mentioned, about one-third of Americans are protected by smoke-free laws. So I urge you to consider this new proposal, on behalf of the constituents who voted you into office. For the record, I do vote here, I am registered to vote here as a student. And on behalf of cancer survivors such as myself, and all those who are affected by second-hand smoke, to add our community to the growing list of cities that are smoke-free. Thank you.

Mayor Mills said thank you. Anyone else, please?

Ms. Roseann Lyle [641 North 400 West] said I work at Purdue University. Many of the points that I wanted to make have already been made, so I'm going to skip over most of those. But there are a couple of things I would like to just reiterate. I think it is clear that there is no doubt that second-hand smoke is a deadly air pollutant, and it's clearly a public health issue. And Indiana actually ranks 49th in policies protecting workers from second-hand smoke, and I mean 49th at the wrong end of the spectrum. In the 25 years that I've lived in this community, I've always been proud to be in a community that's very forward looking, in terms of policies and procedures to protect its citizens and make this a good place to live and to work. And so I would like to see us be a leader and do the opposite of what the State has done in the past, and also be a leader in our county. And I would encourage you to take a stronger stance than the State has so far, and to be the first in

the County to take a stance as powerful as this. I feel that a non-smoking ordinance in West Lafayette would be an excellent start to building a culture of disease-prevention and health promotion in our community, that, in turn, will reduce overall health costs to both employers and employees. And even more importantly, it is going to save lives. A favorable decision on this ordinance will make our community a more desirable place to live, to work, and to do business. Thank you.

Mayor Mills said thank you.

Ms. Marissa Markofski [3031 Courthouse Drive] said I am currently a Purdue grad student, and I care about the health of the workers in our City. It is nice to hear that one of the best ways for students to pay for school is to work as servers in restaurants and bars. As an undergraduate for 3 years, I did the same. However, I was an undergrad in California at the time the state was in the process of passing a labor code to prohibit smoking. And I was fortunate enough to work in a restaurant that was ahead of the curve and actually prohibited smoking before that ordinance went into effect. California did do just restaurants first, and if there was a bar area, that part was exempt. But due to the overwhelming success, of course, of the restaurant ban first, they went into the total all-out ban. And most of my points have already been made, but this is not a smoking ban, but is an ordinance that provides workers with a smoke-free environment. Smokers can still smoke, just not in the workplace. My friends and I specifically pick restaurants such as Scotty's or Lafayette Brewing Company before 9 p.m. that do not have smoking, so that we can still go out and enjoy ourselves. And as far as—I like regulations that the government does, particularly in restaurants. I like going into a restaurant knowing that there are health codes in place, that my food is safe, and I would also like to know that the air is safe, as well. So I am a registered voter of the City. I support the effort to make West Lafayette workplaces smoke-free and better for the workers, and, ultimately, the community.

Mayor Mills said thank you.

Mr. Robert Molter [343 Laurel Drive] said if you care about everybody, let's go outside and let's go for a mile run. Anybody with me? Very few hands, so that means if we start this, it doesn't mean Lafayette or Tippecanoe County is going to follow right along with it again also. Boy, everybody has made some great points, and my opinion has not changed. It's a disgusting habit. I don't like to breathe it. But that is not the point. First of all, the point is we made a decision last month, whatever it was, and now we are back to it again. My father always told me, make a decision and stand by it. Apparently we can't do that. We're right back to square one again. Mr. [Councilor] Griffin, you said about the effect that it has on smokers. I totally agree with that. What is the policy of the City for your own buildings? Do you have a ban on your City buildings?

Councilor Griffin said not yet.

Mr. Molter said why don't we govern ourselves before we start worrying about the private sector?

Councilor Griffin said that may happen.

Mr. Molter said well it should have happened a long time ago, before you start enacting something on somebody else. Check you own house first. Like in the Bible, what it says, don't criticize somebody else when you've got the same piece sticking up in your eye. Boy, there are so many points—

Mayor Mills said make them quickly. You've got 20 seconds.

Mr. Molter said I will try. The gentleman from Ruby Tuesday, I applaud you for everything you do with your facility, but don't sit up here and boast about it. Govern your place the way you want to do, and let everyone else govern the way they want to go. That's the way it is supposed to be, that's America. I don't have to sit up there and tell everybody that I'm a health fanatic and all that kind of stuff. I do what I want to do. I think that should be the same for all taxpayers and business owners. The other thing is, if we asked everybody in the City—which you had said you had got 110 emails back— 110 to me is not very many, considering the size of the City. However, we'll use that point then, is that—

Mayor Mills said wrap up, Mr. Molter. You are way over.

Mr. Molter said I am, two minutes? If we asked those same citizens, and we can't use cigarette smoking or some other subject, but just ask them this, "Do they want more government intervention to the residents of the City?" And I'll almost bet that 85% will say no, they don't. But you can't pick and choose what things you want to legislate. If that's the case, everyone here should be at the State or the federal—that is where it needs to stop, where it is banned completely.

Mayor Mills said okay Mr. Molter, thank you so much. Next person, please.

Ms. Delores Delleur [124 Mohican Place] said many of the persons and who have spoken and who have written to the newspapers talk about the right to smoke. I notice that tobacco is taxed, and that our governor is planning to augment the tax. To me that says it is not a right, but rather a privilege, and I would like for Mr. [City Attorney] Bauman to straighten that out.

City Attorney Bauman said we have many rights which are not unrestricted. That's the judgment and, obviously, people take both sides of this, as to what is or isn't a reasonable restriction.

Mayor Mills said other speakers please?

Mr. Steve McKenzie [2495 Matchlock Court] said earlier, one of the speakers brought up this idea that in Helena, Montana, there was a reduction in heart attack admissions to the hospital, and I would like to just point out a couple of others. One was presented at last year's American Heart Association meeting in November of 2005, which is from Pueblo, Colorado, and indicates that during 18-month period after the tobacco ban was put in in

Pueblo, there was actually a drop of 27% of heart attack admissions from 399 heart attack admissions in the 18 months prior to the ban, to 291, which is a 27% decrease, in a 18-month period. And that was noted as rapid decline and an improvement in health after a city-wide ban. In addition to that, in California, this is a quote from the president of the California Medical Association, it says "Going smoke-free has reduced deaths in California. Since we have been smoke-free, California's lung cancer rates have fallen six times faster than U. S states without smoking/smoke-free laws." What I would like to suggest is that we need not lose sight of the true reason for this ordinance in the first place, and that's to protect the workers. And there are certainly some workers that would say, "Well, it's my right to smoke, and it's my right to work in a place where you can smoke." But at the same time, there are also some workers who chose not to do that, who are subjected to that, and I would add that I would firmly suggest to all of you that you really consider the public health implications of this. I think it's absolutely the right thing to do, morally and ethically

Mayor Mills said thank you. Anyone else?

Ms. Aida Muñoz and I am part of the Latino Coalition, part of the Latino community in Lafayette. I know many people because I work and I have been a volunteer in the Latino Coalition for seven years. I know there are many people, Latinos, working in different places, between people working in restaurants and bars for 30 or 40 years, and there are many young people who are students, and they might be there for a long time. Or they might not have too many opportunities and have to be there. This is not the first time I talked about this. I believe that this ordinance has to be passed. We need to think about the health of everybody. I believe that health is a lot more important than money or power or other things. Thank you.

Mayor Mills said thank you.

Mr. Greg Ehresman [co-owner of Triple XXX and Route 66 Diner] said I've been up here before, a month ago, talking about things. I would just like to say with the passage of the ordinance, you ignore the rights of life, liberty, and the pursuit of happiness as guaranteed in the United States Constitution. By the passage of this ordinance, you no longer allow an individual their right to chose, but demand their compliance by force. Passage of this ordinance against evidence to the contrary, i.e. the *Journal and Courier* poll—61% against the ban, flat out; 38%, wait for a County-wide; and 75% against the ordinance. Over 700 people at one particular establishment do not want this ordinance to take effect. They are at 5-1 against the ban at two other restaurants at a very impromptu poll that was put together in about five days prior to the last meeting. I have said that this will open the door for future control of individual freedoms. That's already happened—a proposed tax on soda is currently being entertained, because individuals cannot stop consuming these products. The proponents of this tax claim that this will help in the reduction of obesity—all in the name of health, and, of course, controlled by—not the individual, but the government. This is the next crisis, the next excuse to control people by removal of your freedom to choose. Please vote to maintain all individual rights and free choice by voting no on this ban.

Mayor Mills said thank you. Anyone else wishing to speak, please step forward.

Ms. Tristan Emery [Coordinator, Tobacco Free Coalition of Tippecanoe County; West Lafayette resident] said every health, medical, and scientific authority is unanimous that there is no safe level of second-hand smoke. So Councilor Plomin's suggestion to set a level of second-hand smoke that establishments should get to abide by and consider safe is arbitrary to all of the prevailing science. And even ASHRE—which is the American Association of Heating, Refrigeration, and Air Conditioning Engineers—have said that it is impossible to ventilate in order to remove health hazards due to second-hand smoke. Also, I would like to address one of Mr. [Councilor] Keen's comments about exempting bars and taverns, and I would like to ask, why would the West Lafayette City Council aspire to be mediocre instead of aspiring to be great? They should aspire to achieve one of the best ordinances that the State of Indiana has ever seen. I also want to deliver to the Council a press release that just came out today from a study done in Madison, Wisconsin, which is also home to a Big Ten University, University of Wisconsin, and it deals with employment in bars and restaurants since their county has enacted its smoke-free ordinances. And so I have copies of that for all of you, because I am sure my time is running out. But just to show a little bit, read one sentence out of it, "Employment in the food and drink industry increased in the Madison area by 3.5% in 2005, while employment in the rest of the state increased by only 1.7%." And I have copies for all of the Council members. I encourage you all, and thank you all for considering his ordinance again. And I look forward to working with you in the future on protecting our citizens.

Mayor Mills said thank you. Anyone else that wishes to speak, please come up quickly and let's get on. It's 11 o'clock. Let's try to—

Ms. Sheila Cochran [co-owner of the Neon Cactus] said trust me, we know what time it is. We've been here, too. On this, I have a whole page of things, but you know I am so frustrated that I am only going to mention a few of them. I think that we've been here for what, three months we've been going over this and over this and over this, and rehashing about second-hand smoke. But I just have a couple of things I want to address. On is, Ms. [Councilor] O'Callaghan, why is it that every time anyone from the side that is, as you put it "for smoking," asks a question that you dance around the issue. You can never come up with clear and concise answer ever on any question we ask. That is very frustrating, and to ask more questions of you seems not worthwhile. At the latest Pre-Council meeting, you the Council, those of you who were there, got into an argument and showed disrespect to one another, and acted ludicrous as a public Council shouldn't in front of the public, which we all heard. I do have some questions, though. One is, what new criteria, and I asking you, Ms. [Councilor] O'Callaghan, what criteria are you using for making exemptions from this horrific health hazard issue that we have, in your exemptions?

Councilor O'Callaghan said if you are talking about the exemption for hotels, motels, which is the only ones besides private residences, that is typically what is done. We have 13—

Ms. Cochran said what about the Hookah Bar?

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Councilor O'Callaghan said we have a 13-page list of places that regulate hotels and motels, and only one of them is a 100% ban. Three of them are 85%, but most of them are 50%, 75%, or 80%. So that is well within the range of that other people do. The Hookah Bar—I've said from the beginning that I am not out to put any businesses out of business, and that is a business that depends on tobacco and that's why that is in the ordinance.

Ms. Cochran said can I read something to you from your written, well-studied, time-ending endless work you have put in on this ordinance, "WHEREAS, there is a clear and present health and safety risk posed to all employees and patrons of facilities owned and operated in the City of West Lafayette by the smoking of cigars, cigarettes, pipes, and any other tobacco product." Hookah is a tobacco product.

Councilor O'Callaghan said and I will also read to you that by doing this ordinance, we tired to balance the—

Ms. Cochran said it doesn't matter how you are going to balance it. The problem is that you are trying to pass an ordinance that contradicts itself within itself.

Councilor O'Callaghan said not when it has balanced the needs and desires of businesses and—

Ms. Cochran said not when you are the person who is trying to give the answer.

Mayor Mills said let's please keep it polite. Let's keep it polite.

Ms. Cochran said you know what? You should have been at the Pre-Council meeting because you could see how your Council acted.

Mayor Mills said that Pre-Council is a work session for the Council to work through the issues.

Ms. Cochran said well, you should have been there.

Mayor Mills said I was out of town. Next speaker, please.

Mr. Mike Edwards [463 Mathew Street] said the evidence tonight is very divisive, where we're at. What can't we just put it on the ballot at the next election? Let the public vote take care of it.

Councilor O'Callaghan said because there is not State statute for that.

City Attorney Bauman said there is no procedure, under Indiana law, for doing that. Whether you think that is a good idea or not, there isn't.

Mr. Edwards said thank you.

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Councilor O'Callaghan said there would first have to be a law enacted by the State Legislature to allow us to have that referendum.

Mayor Mills said anyone else speaking, please, come to the microphone.

Carrie Ehresman [co-owner of Triple XXX and Route 66 Diner] said I am co-owner of Route 66 Diner which is a completely non-smoking establishment, and Triple XXX Family restaurant which is half non-smoking. As you are well aware, I am lifelong registered Democrat. The Democrats on this Council claim to represent Democratic ideals, but I am ashamed to be affiliated with these particular Democrats. You seem to have an agenda with no regard for representing the wishes of the majority. I believe I have landowner rights. While recognizing that customer and employees have choices on where to spend their money and where they chose to work, I can honestly say that I know how the potential annexation homeowners feel about losing their property rights. It is a shame to see the erosion of true democracy in our community. Please vote no on this smoking ban.

Mayor Mills said thank you. Anyone else wishing to speak to the ordinance tonight? Come forward now. Councilor Griffin, comment?

Councilor Griffin said I would like to thank the four gentlemen, who—by whatever means you came to serve in the armed services—for doing so. And, yes, you deserve answers. This is a balance of freedoms. When any law is passed, it curtails freedoms. People have the right to smoke, when that freedom to do so does not significantly impact other people. And that is what we are talking about here the balance between the rights and risks. And what I've tried to do, in speaking personally, with the notes that I have made in favor of these ordinances—the different forms of this ordinance—is to achieve balance. One balance that we tried to strike was one of delaying the implementation of this. And that was not a balance that we could get enough votes to carry. There are some people who would like to have something that is more restrictive than this. There are others who would like to have an ordinance that is less restrictive than this. What I want is an ordinance that is in place that will protect the workers, and to get that I've had to make some compromise. That's also a right that we have. Oftentimes we have to have compromise. We can't have all freedoms. Thank you for serving. This is to protect the health of you, even if you don't care about it right now. That's all right. It's to protect the health of a lot of others. That's why I'll vote for this.

Mr. Kennedy said that is why we went to Iraq and Afghanistan in the first place—

Mayor Mills said we can't have this back and forth go on too much, please.

Mr. Kennedy said was to protect people's rights.

Councilor Griffin said right.

Mr. Kennedy I was fighting for freedom and my rights.

Mayor Mills said any comments from the Council? Any comments?

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Councilor Keen said I am not sure where to begin. I think that with the City of Carmel—back to the City of Carmel's example that they have given us as far as allowing exemptions—I think we are talking about how many businesses here in the City of West Lafayette that's going to be affected by this? I mean we are talking about—

[Unidentified] 19.

[Unidentified] 17, 15.

Councilor Keen in comparison to all of them, I mean, the percentage is very low, especially if we were just to exclude bars or taverns. I would like to offer an amendment to Ordinance No. 8-06 to exempt bars or taverns as defined in the Carmel ordinance on page 5, line 224 through 238.

Mayor Mills said is there a second?

Councilor Keen said if you like, I can read that.

Councilor Truitt said I'll second that.

Mayor Mills said is all right, we have a motion and a second to make an amendment. Councilor Keen, would you read us the amendment please.

Councilor Keen said for the sake of the people here, I'll read it, the amendment would read, "to add the words, 'the following establishments would be exempt: Any bar or tavern that: (1) Holds a beer, liquor, and/or wine retailer's permit under the laws of Indiana; and (2) Allows no customer to enter therein who is under the age of twenty-one (21); and (3) Employs no person who is under the age of twenty-one (21); and (4) Is not physically located within a business otherwise required to be smoke-free pursuant to this Section; and (5) Has provided written notice to the City Attorney that it intends to allow smoking and that it meets all of the criteria entitling it to an exemption under this Subsection.'"

Mayor Mills said all right, is there discussion?

Councilor O'Callaghan said I would just reiterate my concerns with this again, that anybody over 21 is still subject to the same health hazards of second-hand smoke, an employee in that place is still subject to the hazards of second-hand smoke, and particularly for West Lafayette, in a college town, where there is no choice for the Purdue students in the Village area to go to a place that is non-smoking, I think it is crucially important for us to protect the rights of the Purdue students to their health and safety.

Mayor Mills said other comments?

Councilor Plomin said Patti [Councilor O'Callaghan] said if a bar in the Village went smoke-free would you pull this back?

Councilor O'Callaghan said I would hope by July 1, 2007, all of them will go smoke-free

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and then it will not be—

Councilor Plomin said no, that is not the question. The question is if bars in the Village want to—their options—went smoke-free, would you withdraw this ordinance?

Councilor O'Callaghan said I would certainly look at it again, but—

Councilor Plomin said no firm answer then?

Councilor O'Callaghan said no.

Mayor Mills said other comments?

Councilor Keen said I had one other question. What is the possibility at arriving at any kind of a compromise on this ordinance in the next 30 days?

Councilor O'Callaghan said we tired that once and we thought that we had compromised to what you guys had proposed, and it didn't go. You didn't vote for it. You proposed it, but did not vote for it.

Councilor Keen said I proposed number of exemptions that were denied. And I guess my question is what would it take, from your perspective, to make this palatable for everyone who is involved. In other words, how can we make this a compromise where we could all be reasonably happy with what we are getting here? Because I will tell you right now, if I thought there was a prayer of getting any kind of a compromise where it would be palatable for a lot of people, I would vote in favor of it. But I see constant denial of cooperation in trying to work out any kind of a compromise on this.

Councilor O'Callaghan said well frankly, I was about the only one that did compromise last time around.

Mayor Mills said Councilor Griffin has a comment.

Councilor Griffin said the compromise I would like to see would be to get rid of all of these exemptions, but I think that's going to be unattractive to other people. I am voting in favor of this, because I think that we've got something that we can finally get carried. There is never going to be a perfect thing because there are conflicting needs here. There are conflicting interests. But the one that I think everyone here needs look at very seriously is the one that just cannot be denied, the public health one. I've just heard things that cannot be denied, and I don't think that any of us can say that changes that we would make in this, to allow more employers, an increased number of employers, to have smoking in their establishments— What statement are we making about public health?

Councilor Keen said I think the statement that I am making about public health is that I agree 100% with what you are saying. I think that public health is an issue. I believe that cigarette smoking is an issue. But I am also saying is when did personal responsibility get thrown out the window and government step in to take over?

Mayor Mills said other comments? Councilor Truitt.

Councilor Truitt said my count is 17. We are talking about 17 businesses here. Four chains, 13 homegrown businesses. Homegrown businesses. And for somebody to think for a moment that me personally, Randy Truitt, doesn't care about health and safety of all of you that are taxpayers is hurtful from that standpoint. But I personally believe it is not the right ordinance. And I have maintained—and everybody in this room if you have been attending the meetings—I've said over and over again, I will support the right ordinance. But this is not the right ordinance. For us to sit here and say that we're not to going to be able to sit down and compromise— I agree with Councilor Keen. If we agree to sit down and dynamically, maybe not as emotionally as Mrs. Cochran made mention of, but if we are able to sit down and actually think about this. I mean 5% of the municipalities have something in place like we are going to put in to place. Now you could say, all right, that's being progressive, that's being awesome. That could be true. Mr. Krockover brought up a great point from a business owner's perspective. Safety is their duty. Their job in the hospitality industry is to bring people in. I think if they felt that going non-smoking—remember, it's a business—if they felt going non-smoking was in the betterment for their staff and for their customer base, I think that they would do it. If not, shame on them from that standpoint. But to sit here and say that people that vote against this don't care about public safety and health—totally, totally disagree. We're talking about 15% of the restaurants here. And Scotty's, Bruno's, kudos to you for stepping up and going no smoking. Kudos to Ruby Tuesday's. And if it means that much to those other businesses, let them have the right to do it on their own. And we chose where we want to go. And people can chose where they want to work. We have 84 other restaurants in our town. I've dealt with a lot of my issues about the County-wide. I really wanted it to be county-wide, but I've had a lot of strong people communicate with me in regard to that position and I have weakened, I guess, from that standpoint, because—you know what?—I don't represent Lafayette, I don't represent Tippecanoe County. But to Councilor Hunt's statement, I've had the emails and I've had the phone conversations, but—you know what?—they are also on the other side of the spectrum, too. It used to be very heavy to pass, pass, pass, but I can honestly say, very straightforward, that those numbers have changed a little bit. So I would like to have the commitment to work on a compromise, if we have the willing to work on a compromise. If it ends up being what it is, then it ends up being what it is. But if I can get a commitment and a verbal compromise, I will vote for this in order to keep it moving forward.

Mayor Mills said other comments?

Councilor Hunt said I think I do need to comment, please. Randy [Councilor Truitt], my numbers haven't changed. It was like 84%, I think I said last time, and it still is—or 85%. I still think the people of this community want this, I truly do. I think there are some concerns about businesses being told what to do by the government. I look at all these other things that government tells us what to do—like seatbelts, and seatbelts have saved so many lives. And it does impinge on freedom, but my goodness, it saves lives. And besides, it saves tremendous amounts of insurance dollars, and head injuries, and all sorts of rehab. I think the City and the people that I have listened to, and I listened to all of you. But the bulk of the people that I have heard want this ordinance. I think the fact

that we put it off 12 months in this ordinance, I think that's somewhat of a compromise. At one of the meetings, public hearings, they asked for—I think Mr. Hunter, you asked for it or somebody asked—for two more football seasons. I'm also very optimistic, very optimistic, that there won't be a loss in businesses. From the students I've talked to, two large groups, and the Purdue Student Government is for it. I was in a restaurant eating in Indianapolis last night, a long-term Italian restaurant with very good food, and they said their businesses hadn't been hurt. So those are my comments.

Councilor Griffin said Randy [Councilor Truitt], back in November when at the end of our meeting and you asked that we—and you were going to be out of town in December and you asked that we delay that—and one of the things that I said at that time, as long as when we enact this, it will be enacted in July of 2006. Now, we've had a lot of discussions since that time, and I thought we had a compromise worked out when we came to this room a month ago. I thought that we had compromise worked out and I thought that, because we had extended this by 18 months. After six of us had said that July of 2006 was going to be okay, we'd make several changes—not all the changes. We didn't make all the changes, but we made several of the changes and we made, in my opinion, I thought we made a great big change that I thought, this is going to carry more people. I didn't know whether I was going to get Mr. [Councilor] Plomin to come along, but I thought that we had enough compromise. And I think what you are saying is you are asking for compromise, and I think the question is, well how far? I think what we essentially said is that tried farther than we were. We tried farther than this, okay? And it didn't get the votes. We need an ordinance. We can talk about compromising for months and months and months to come, and I am not sure we are going to be in any better circumstance than we are to decide tonight.

Mayor Mills said any other comments before we vote? Sorry, we have an amendment on the floor to add language from the City of Carmel's law.

Councilor Plomin before we call the roll on this, I think this is good, but I think that I'll vote for this amendment to exempt bars that allow people only over 21 in. But I still wouldn't vote for the whole ordinance, because I think we need a substantive change, and not a ban, but something that allows for health, prevents people from losing their jobs—because we are talking about college students how live paycheck to paycheck, don't earn much money, who may lose their tips, a significant portion of their tips, and then their jobs also. We need to be innovative. There are health codes in restaurants, and we need to define a significant level of exposure. I mean I know that Ms. Emery said it is impossible to ventilate, but we ventilate welding stations. We ventilate grills. We ventilate lead solder. Very toxic substances get removed from the air in workplaces all the time. And so we can take a step and do our best to come up with a standard. I think we need to look at that in a more substantive way before we consider the final issue.

Mayor Mills said all right, we are voting on the amended ordinance.

Councilor Satterly said no, the amendment

Mayor Mills said the amendment to the ordinance, thank you. Will you call the roll, please.

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There was no further discussion.

The roll call vote:

<u>AYE</u>	<u>NAY</u>
Keen	Griffin
Plomin	Hunt
Truitt	O'Callaghan
	Satterly

The motion to amend Ordinance No. 8-06 failed, 3-4.

Councilor Griffin said I call the question.

Mayor Mills said I know this has been a difficult, emotional issue for public and Council alike. I was disappointed personally in February that we didn't pass it then, because I do believe that most of the West Lafayette residents do support this ordinance. The day after we voted last time, I was in a big public venue, and I had many, many people come up to me, and the only expression was one of just dismay and just surprise, because I think people assumed it was going to pass, that it wasn't even going to be really a question. So I am pleased that we are moving forward with this. I think the residents do support the ordinance. And I appreciate the support of the Council in representing your constituents.

There was no further discussion.

The roll call vote:

<u>AYE</u>	<u>NAY</u>
Griffin	Keen
Hunt	Plomin
O'Callaghan	Truitt
Satterly	

Ordinance No. 8-06 passed on first reading, 4-3.

Mayor Mills said I will remind you all that we will be hearing it again in the April meeting. We will again take public comments. Thank you all for taking the time and sticking it out to the bitter end so we could hear from you. We have a little bit more business, so if you will move out as quickly as possible, we can get on with the Council meeting. Want to take a few minutes? Anybody need a few minutes to take a potty break or anything? All right, are we ready to continue?

Councilor Griffin said yes, we are.

Mayor Mills said all right, we are going to continue, please, so keep the conversation—

Ordinance No. 9-06 To Amend Certain Portions Of the Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (UZO Amendment #50) (Submitted by the Area Plan Commission) Councilor Griffin read Ordinance No. 9-06 by title and moved that it be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

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Mayor Mills said all right, Mr. Griffin, do you want to talk to us about this?

Councilor Griffin said I will. This is about crematories. Crematories have been in the zoning ordinance for a long time. Previously, you could put a crematory in a residential zone. It had to be done by special exemption. These were not permitted in any industrial zones, interestingly enough. Over time, there's been a change in where crematories actually are built. They are no longer built, for example, in cemeteries, which typically are surrounded by residential zones. Typically now, they are built in conjunction with a funeral home. So what we are looking at are changes that make it so that essentially we've identified that an industrial zone is an appropriate area for a crematory, and that these can occur in other business zones but they require a special exception, that there is no longer a special exception for crematories in any of the residential zones, and they are permitted by right in I2 and I3. So those are basically the changes. A lot of that, all of this, was when I became a member of the Area Plan Commission, all of this was alphabet soup to me. I will be glad to address any questions that you have about these, if there are any.

Mayor Mills said I will just add that the County Commissioners voted on this this morning, and passed this, for the County. But as is true with all of the Unified Zoning Ordinance changes, every entity also passes or does not pass it. Any questions for Mr. [Councilor] Griffin?

Councilor O'Callaghan said I guess I would just reiterate that West Lafayette does not have any I2 or I3 zones.

Councilor Griffin said right.

Councilor Plomin said so if any crematory were to go into West Lafayette—

Councilor Griffin said there would have to be a public— It could only be in certain areas. It could not be in any residential ones. And, it would require a public hearing where people could come forward and express their support or their lack thereof.

Councilor Plomin said okay, thank you.

There was no further discussion.

Ordinance No. 9-06 passed on first and only reading, 7-0.

Ordinance No. 10-06 An Ordinance Providing For Temporary Loans From A Fund Having Sufficient Balance To A Depleted Fund (Prepared by the Clerk-Treasurer) Councilor Griffin read Ordinance No. 10-06 by title and moved that it be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly

Mayor Mills said this is an ordinance to move money from the Parks Nonreverting Fund, \$250,000, and the Wastewater Treatment Utility—sorry, I left out part of it, from the Nonreverting Fund into Parks and Recreation, and the Wastewater Treatment Utility, also into Parks and Recreation, both of which are \$250,000, and that gives us basically cash

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money to use for operating until we get our first tax draw. Any questions?

There was no discussion.

Ordinance No. 10-06 passed first reading, 7-0.

Clerk-Treasurer Rhodes said may I ask for a suspension of the rules, as you can note that I've already needed to begin the temporary loan process.

Councilor Griffin said I move to suspend the rules to consider Ordinance No. 10-06 on final reading at this time. Councilor Satterly seconded the motion.

Mayor Mills said all right, we have a vote to suspend the rules and consider the ordinance again. The motion to suspend the rules passed, *viva voce*.

Councilor Griffin said Ordinance No. 10-06 is on the table for second reading. I move for passage and that the vote be by roll call. Councilor Satterly seconded the motion.

Mayor Mills said any other further discussion?

There was no further discussion.

Ordinance No. 10-06 passed on second and final reading, 7-0.

Resolution No. 6-06 A Resolution Approving The Transfer Of Funds (CCD) (Prepared by the Clerk-Treasurer) Councilor Griffin read Resolution No. 6-06 by title and moved that it be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said we have a transfer from Cum Cap Development Fund, Parks Improvements of \$12,700 into Contract Services. Mr. [Parks Superintendent] Payne is here, if you have any questions, but he gave you a nice write-up. This is to help with playground installation. Any questions or comments?

There was no discussion.

Resolution No. 6-06 passed first and only reading, 7-0.

COMMUNICATIONS: None.

CITIZEN COMMENTS:

Mayor Mills said public comment?

Ms. Mary Cook [co-owner of Harry's Chocolate Shop, The Pub, and The Other Pub] said this is in reference to the Wastewater Treatment discussion, Mr. [Public Works Director] Downey, whom I respected more than anyone else in this world the day that the huge blizzard hit on Christmas Day, he passed us at 24 hours, waving from his snowplow. He

did a great job, picked up all the trash on the west side when I lived there, from sofas to everything. But my question about that ordinance is, that discussion on that ordinance, if smoking is allowed in specific places, such as restaurants and bars, then cigarette butt disposal would be the responsibility of the business, not the responsibility of the City, correct? If smoking is banned in restaurants and bars, the City needs to give us, or let Mr. [Public Works Director] Downey know, because the City should supply some kind of cigarette disposal unit outside of the businesses and maintain them. If the City does not do so, surely the butt problem will prevail. They are dictating smokers to go outside, and should not return within the businesses with their butts. So, based on the facts you brought up, you brought up all of this other on the Wastewater, that was just one point that I thought hasn't been discussed, and maybe you could talk about it or figure out what we are going to do, because as businesses owners, there are no ashtrays in the Village in particular. The streets are littered now as people come inside to get rid of them so they don't bother others, but now we are sending them outside. So that to me is going to be a big problem between the groundwater and the trash and everything else.

Mayor Mills said okay, thank you.

Ms. Cook said then a point was brought up at the Pre-Council meeting, calling for violations to be called into the Police Department. And I wondered if anyone from the Police Department could speak to that, because that wasn't addressed at that time.

Mayor Mills said no one is still here from the Police Department.

Ms. Cook said okay, so maybe before the next meeting, someone from the Police Department could address that, because enforcement and all of that hasn't been addressed in this ordinance. And as business owners and the responsibility of sending people outdoors, these are things that we are trying to figure out and are going to complicate— You know, right now our job is to keep people inside and to not let underage people in, and the things that I do in my business and these become, yes more responsibilities which I will take on, in order to maintain my business. But as there is no real enforcement clause other than the fine and all that. I try not to call the Police. I mean, I think they're busy enough on most weekends, but when I do call, they do respond. And between fires and automobile accidents, and truly disruptive, serious situations, I think having to call the Police to report a cigarette violation is going to be ridiculous. So I would like some of you to somehow compromise and discuss these points, because we as businesses have spoken about them a lot, and we can't begin to imagine how it's going to turn out. Thank you.

Mayor Mills said thank you.

Councilor O'Callaghan said Mayor, could I just address the enforcement just a little bit? It's not until July 1, 2007, and that's plenty of time to figure all those things out. And that kind of thing is the kind of thing that would be more like administrative procedures that result from the ordinance, not to have all those procedures in an ordinance. That's typically how it is done. So we'll have plenty of time to figure out the procedures.

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Ms. Cook said when I was on Council we did. I mean, that was one thing I thought about in an ordinance when I read an ordinance, when I read the very first ordinance here, because I read ordinances for four years. You know, tax abatements, all the way through. I tried to look to the ramifications of the law we were addressing. And that's one thing that jumped out at me in November was when there's no set guidelines for enforcement, we're the businesses, and it's up to us to enforce it.

Councilor O'Callaghan said right, but those kinds of things would not typically be in an ordinance and it's certainly something that we will need to address before it goes into effect.

Ms. Cook said okay, then maybe someone from the Police Department or someone from whomever might end up with this assignment, could give us an idea what we are in for in enforcement.

Councilor O'Callaghan said probably not by next month.

Mayor Mills said but we will be working on it, definitely. Thank you. Other comment?

Mr. Eric Timmerman [liquor distributor] said this is addressed in the definitions in the smoking ordinance. You've got a private club in there, and I am curious as to how you included private club in the exemptions.

Councilor O'Callaghan said it is because it is private, it's not public. This is an issue for public health.

Mr. Timmerman said but back to the issue of the liquor licenses. A private club still has a three-way liquor license, okay. Everyone in there, for the most part, is over 21. It's a choice to go in a private club, just as it's a choice to go to a bar. When looking at this, the only difference between a private club and a bar in terms of a liquor license—yes, you have to show your membership card, but in the same regard you still have to show your ID saying you're 21 to go into a bar. You are still choosing to go. So when you look at your exceptions, and I will bring this up again at the next reading, the definition of a private club is really not that different than a bar or tavern.

Councilor O'Callaghan said except it's private, not public.

Mr. Raymer said the patrons of a private club and the bars are not private. I go to all the time to private clubs.

Mr. Timmerman said it is not private. Private clubs can bring a guest in. It's not private; it's public.

Councilor O'Callaghan said that's the difference. I'm talking about, public health not private.

Mr. Timmerman said you can still bring a public person into a private club.

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Mr. Raymer said public citizens are allowed to go into those.

Mr. Timmerman said public citizens are allowed to go into those [unintelligible]. Under liquor law. I'm a liquor distributor; I know the law. I service them every day. I see public citizens go into there. They do not show their membership card to get into the bar. So still, you have the public going into the private club. So again I ask, how are you differentiating between a private club and a bar or tavern?

Councilor O'Callaghan said and I again I say, it's the difference between public health and private. And that what—

Mr. Timmerman said but I just made the point to you that public individuals still go into the private clubs, so therefore—

Councilor O'Callaghan said the general public cannot just go into a private club. They have to be with a member.

Mr. Timmerman said when was the last time you went into a private club?

Councilor O'Callaghan said according to this definition, they have to be a member.

Mr. Timmerman said your definition is flawed under Indiana State law.

Councilor Plomin said the Elks Club isn't within the City limits. If we chose to annex—the City may choose to annex vacant farmland rather than people's homes, and places with value, so—it wouldn't be effective.

Mr. Derrick Raymer [owner of Where Else Bar and Wabash Yacht Club; West Lafayette resident] said a little bit along those same lines, as far as the private clubs go, those private clubs do still employ people, they still employ private citizens.

Councilor O'Callaghan said exactly.

Mr. Raymer said you've given exemptions in this ordinance to, obviously, private residences, hotel and hotel rooms, retail tobacco stores, private clubs, and tobacco bars. The reason that you have given these exemptions is because this would be detrimental to their business, correct?

Councilor O'Callaghan said to balance the needs of businesses with the needs of public health, as much as possible.

Mr. Raymer said well, it is possible to give an exemption to the one more industry in this town that will be affected by the smoking ordinance, and that is bars and restaurants. There is no way of saying that the impact of this smoking ordinance won't be just as great on my business as it is these businesses, even more so in some cases. A hotel room, if somebody's here in West Lafayette and they need a place to stay, they don't care if they can smoke or not. They have to go to a hotel room. But you give them an exemption.

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People do not have to go to a bar or restaurant, but they want to, and they want to be able to smoke there. Some people do, some people don't. There's lots of non-smoking places. We need to have some smoking places as well. There's nothing that says this smoking ban is not going to be detrimental to my business as well. So why can't we allow for the one last industry that is being neglected by this ordinance, to make the exemption that Councilor Keen brought up and that [Councilors] Truitt and Plomin supported, and I'm pretty sure that 99% of your opposition is going to go away overnight.

Councilor O'Callaghan and that's true, and it would not protect a significant portion of our population.

Mr. Timmerman said it would not, is that what you said?

Councilor O'Callaghan said it would not.

Mr. Raymer said it would.

Councilor O'Callaghan said if we put that exemption in, it would not protect a significant—

Mr. Raymer said it still protects every other business in the City, except for the 13 that Mr. [Councilor] Keen or Mr. [Councilor] Truitt was talking about. And this doesn't affect anyone that works in tobacco bars, or anyone that works in tobacco stores, or anyone that works in hotels, or anyone that works in private clubs. So what makes them so special?

Councilor O'Callaghan said I told you, that was the best way that I could come up with to balance the needs of business and the needs of public health—

Mr. Raymer said but we have given you options for other ways and you're—

Councilor O'Callaghan said and that would not protect a significant portion of the population in West Lafayette that I believe that we have a responsibility to protect.

Mr. Timmerman said is the bigger issue here the smoking ordinance or the bars themselves?

Councilor O'Callaghan said no, the issue is the smoking ordinance and protecting our people that go to the bars.

Mr. Timmerman said because the way it sounds to me, the bigger issue here isn't the smoking ordinance itself, it is the bars in general in West Lafayette.

Councilor O'Callaghan said that's not true.

Mayor Mills said that's not true. That's not true.

Mr. Timmerman said but you are allowing private clubs to do it. It's the same industry. You are calling apples, apples. You are calling oranges, oranges. Bars and restaurants are

the same industry as private clubs.

Mayor Mills said we can sit here and debate this for several more hours, I am sure.

Mr. Timmerman said I can show you in State law it's the same business.

Councilor O'Callaghan said but if you want to adjourn the meeting, I'll stay and listen.

Mr. Raymer said one more quick thing.

Mayor Mills said all right.

Mr. Raymer said retail tobacco stores, you allow smoking in retail tobacco stores. To what purpose? You have to purchase tobacco there, you don't have to smoke it there. You can't drink in liquor stores, even those you go in there to purchase your products. So why is that one more exemption which is totally pointless, when you won't give an exemption to an industry that needs one?

Councilor O'Callaghan said again, because it's a business that depends on—

Mr. Raymer said on tobacco sales, not tobacco consumption. But yet you allow them an exemption.

Councilor O'Callaghan said exactly.

Mr. Raymer said why?

Councilor O'Callaghan said I am telling you, because it is a business that depends on tobacco.

Mr. Raymer said tobacco sales, but not consumption. And yet you allow consumption, right? So why do they get an allowance for consumption on a place that depends on sales, not consumption?

Councilor O'Callaghan said I gave you my answer, Derrick [Mr. Raymer]. It is going to be the same answer every time you ask it, so why bother?

Mr. Raymer said but it's not an answer. It's not an answer. You're avoiding the question.

Mayor Mills said all right. Are we—

Mr. Hamid Hanjani (manager, Neon Cactus) said one comment, really quick.

Mayor Mills said quick.

Mr. Hanjani said since we are doing this compromise, why don't we switch the compromise and take out private clubs and tobacco bars and replace them with bars and

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nightclubs? Why can't that be a compromise?

Mayor Mills said that is not the way the ordinance is presented. Let's wrap this up and go home.

Mr. Fadi Boulos [owner of Hookah Bar] said I have been silent for quite a while, but at this point I have to speak up. There is a reason why tobacco bars should be exempt. Tobacco bars, essentially derive—40% of my revenue is derived from the sale of tobacco in that tobacco bar.

Mr. Timmerman said do you have a beer and liquor license?

Mayor Mills said let him speak, please.

Mr. Boulos said the name of the restaurant is Hookah. It is not Fadi's Bar or Joe's Bar or Joe's Restaurant. It says it all. People that come into that restaurant or bar know exactly what they are getting themselves into. It's hyperventilated. Everything has been done for the protection of our employees, who by the way, 95% of them are smokers. And in the State of New York, City of New York, State of California, as well as other jurisdictions, there is over 350 hookah bars that are exempt or they have been running, despite the fact that there is a smoking ban. So that I believe that Miss [Councilor] O'Callaghan and other of you members that I have talked to at length, understand that. The issue is a bar—I am against philosophically, and I think I have been the first person in this town, whether it is West Lafayette or Lafayette, that has publicly spoken against the ban, because philosophically, I am just against it. I left the country, my country was Lebanon. I came to the United States. I felt I came to the land of opportunity and the land of the free. Now, I can understand all of the issues about tobacco—I understand it's bad, and that's one thing. As long as this is legal, I am allowed to run my business. Now if I was owning a bar or a restaurant, I could maintain my business. I will incur a loss of revenue which could be detrimental, and I compete with other bar owners, especially when people can go across town and have the same service. But on the other, they can still remain in business. Whereas I cannot. The day, if that exemption is not allowed for tobacco bar, that same day I would have to have my door closed, because, not only I would suffer 40% of my business going away, but maybe another 15% to 30% of my other revenue coming from food and/or liquor. So if that happens, there is no business that can take a 70% cut and stay in business. I thank you for the time.

Mayor Mills said thank you. All right, do I hear a motion to adjourn?

ADJOURNMENT:

There being no further business at this time, Councilor Truitt moved for adjournment. The meeting was adjourned by consent, the time being 11:49 p.m.

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Respectfully submitted,

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