

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES

JUNE 29, 2006

The Common Council of the City of West Lafayette, Indiana, met in the Board of Works Room at City Hall on June 29, 2006, at the hour of 4:30 p.m.

Mayor Mills called the meeting to order and presided.

Present: Griffin, Hunt, O'Callaghan, Plomin, and Satterly.

Absent: Keen and Truitt.

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

UNFINISHED BUSINESS:

Ordinance No. 16-06 An Additional Appropriation (Police Merit Commission, Legal, Cumulative Firefighting Building and Equipment Fund) (Prepared by the Clerk-Treasurer)

Mayor Mills said we have just one item of unfinished business, and that's the public hearing for the additional appropriation that we did last month.

There was no further discussion.

NEW BUSINESS:

Ordinance No. 17-06 An Ordinance To Amend Gun Permit Processing Fees Payable To The City (Submitted by the Police Chief)

Mayor Mills said the ordinance to amend the gun permit processing fees is the first thing. Dan [Police Chief Marvin], do you want to say anything about the ordinance for the gun permit processing fees?

Police Chief Marvin said just that we're changing it to be in line with the new State law that takes effect July 1. Obviously, we have to be consistent with what the law says. They have changed the fee structure, because they've come up with some new licenses. They now have lifetime licenses that you can apply for.

Mayor Mills said any questions for the Chief?

There was no further discussion.

Resolution No. 15-06 A Resolution Appropriating The Necessary Funds Resulting From The 2006 Community Development Applications Of The City Of West Lafayette Under Title I Of The Housing And Community Development Act Of 1974, As Amended (Submitted by Department of Development)

Mayor Mills said Mr. [Director of Development] Andrew, any comments? Anything unusual?

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Director of Development Andrew said no, we took a little bit of a cut this year. And we're hearing it may be available again next year for us, so keep your fingers crossed.

Mayor Mills said we're keeping our fingers crossed, because that's about \$400,000 that we've relied on for some time.

Councilor O'Callaghan said so have agencies.

Mayor Mills said yes, our public service agencies.

There was no further discussion.

Resolution No. 16-06 A Resolution Approving The Designation Of An Economic Revitalization Area For Property Tax Abatement For SSCI, Inc. (Prepared by the City Attorney)

Director of Development Andrew said I believe you got both forms for the real property and personal property. This is for SSCI. We're talking roughly 96 jobs, in addition to eight new jobs, averaging about \$75,000 a job. This is the third abatement we've done for SSCI, and it's been a very good investment for us. They're purchasing the building from PRF. It's a 22,000 square foot building. The abatement for the equipment is five years, and it's for \$2.8 million. The real estate abatement is for 10 years, and it's for \$1.3 million.

Mayor Mills said and Jody Hamilton [Director of Business and Administration for the Economic Development Corporation] is from the EDC, if you have other questions. I think we probably all know this, but this is one of our home-grown great businesses that started in the garage of their house, and now they are buying the whole entire building. They started out, I think, when they moved into that building, in a quarter or less of that building, and now they're buying the building. Truly one of those really great success stories for them and for the community.

Councilor Griffin said will Sally [Byrn, President and CEO of SSCI, Inc.] be available Monday?

Ms. Jody Hamilton said yes. I'll be here Monday, and also I believe Sally Byrn will also be here Monday.

Mr. Shawn Comella [Vice President of Business Development, SSCI, Inc.] said I talked to her Monday, and I thought she was going to be here this evening. I'm sorry.

Mayor Mills said do you have anything to add to—?

Mr. Comella said no, other than we closed on the building about two weeks ago, and are actively deconstructing and reconstructing it. The growth is on pace for double digits this year as well, so looking forward to staying in the Research Park and growing the business even more, and hopefully building another building next door.

Mayor Mills said thank you. Thanks for being here.

Councilor O'Callaghan said what was your name?

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Mr. Comella provided his name and title.

There was no further discussion.

Order of Business: Question regarding Ordinance No. 17-06

Councilor Hunt said Mayor Mills, can we go back to [Ordinance No.] 17-06?

Mayor Mills said certainly.

Councilor Hunt said I'm sorry. I meant to ask this before. The ordinance is supposed to take effect July 1. We can't vote until the 3rd. Is that—?

Police Chief Marvin said no, I think that will be fine. Because we'll be open Monday, they would just be applying Monday at the earliest, so I think we'll be okay.

Councilor Hunt said okay. I'm sorry, I just wanted—

Police Chief Marvin said that's okay.

Resolution No. 16-06 [continued]

Mayor Mills said okay, anything else on the tax abatement? Okay, thank you very much for being here.

There was no further discussion.

Resolution No. 17-06 A Resolution Requesting The Transfer Of Appropriations (Clerk-Treasurer, City Hall, Police) (Prepared by the Clerk-Treasurer)

Mayor Mills said Judy [Clerk-Treasurer Rhodes]?

Clerk-Treasurer Rhodes said before we begin, I want to let you know that I was going to ask for an amendment by substitution. It's a bit unusual, but I have not received advice that it's prohibited. It is an ordinance instead of a resolution, because it was a decision by the DLGF at approximately 4:15 Friday that they would require an ordinance rather than a resolution. I believe that there should be something in writing coming out, although it may be that with further input from municipalities that we will be able to use the resolution format. However, I would ask that we substitute the ordinance which has the exact same content as the resolution to satisfy the DLGF, given that I do receive something in writing from them, as I've been told I would at some point this summer.

Councilor O'Callaghan said could I ask a question first? Then this will be for all transfers from here on out, will require an ordinance which then gets two readings?

Clerk-Treasurer Rhodes said not necessarily. The position of the State Board of Accounts is that transfers between major categories within a department or within a fund can be done by resolution. It was also their opinion that transfers between departments in the General Fund be done by

resolution, because of the abolition of a section of the State Code, which was 6-1.1-18.6. That was repealed by Public Law 234-2005—

Councilor O'Callaghan said say it again, 2— repealed by 2—

Clerk-Treasurer Rhodes said Public Law 234-2005. It was not until the June School several weeks ago that the DLGF came and announced, much to the surprise of the State Board of Accounts, that they would now allow transfers between departments in the General Fund to be done without any advertising or notification to the DLGF. At that meeting, they suggested an ordinance. Upon consulting with the State Board to Accounts, they advised that a resolution would be appropriate, because the DLGF was no longer adopting budgets at anything but the fund level. Are you following this rather byzantine discussion? The DLGF used to give us budget orders that would have General Fund, and for each department. It no longer is doing that. It's just in the General Fund budget total, like the MVH Fund total. The DLGF therefore concluded that the procedures we've used in the past when we wanted to increase one department's appropriation to the General Fund and reduce another would not be required. You remember that we do additional appropriations with the advertising such as what we're doing—

Councilor O'Callaghan said and a public hearing.

Clerk-Treasurer Rhodes said and a public hearing. And if we wanted to essentially keep the General Fund budget the same, we would have to do the additional appropriation for the departments we were increasing and do a reduction resolution for the departments we were decreasing. That would keep the budget in sync. They do longer feel they have that authority, and announced that we're not required to do that anymore, none of the local jurisdictions, as long as— We can move appropriations between departments, as long as we don't change the total of the General Fund. This, of course, is the same rationale as we've always used when we've moved appropriations between major categories in one department or one fund, like from Personnel to Services. We've been asked to do that many times. The Council accomplishes that by resolution. The statute that existed no longer exists, and the State Board of Accounts opinion is that a resolution is still appropriate, in fact, their opinion is a resolution is appropriate for all transfers now. However, the DLGF was not entirely persuaded, and, unfortunately, I got the news that they were adamant about the ordinance rather than the resolution after I'd already drafted the legislation. I would ask that we use the ordinance form for now, so that we can be assured that we can accomplish what needs to be done for all the City departments. It is still the opinion of the State Board of Accounts to want to see something else in writing that transfers between major categories could be done by resolution. They said they wouldn't take an audit exception if we actually used a resolution to transfer between departments. However, I wouldn't want to run afoul for the DLGF at budget time. So—

Councilor O'Callaghan said so some things—

Clerk-Treasurer Rhodes said we're basically caught between two bureaucracies, and I think you're correct in that an ordinance would require two readings, and to do it in one night would mean that it had to be unanimous to have the second reading.

Councilor Hunt said to suspend the rules. Is that correct?

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Clerk-Treasurer Rhodes said well, the counsel there can tell you it's required to suspend the rules.

Councilor Hunt said it's not required to pass it, just to—

Clerk-Treasurer Rhodes said right. Someone can agree to have the second reading and still vote against it, but it would give one person a veto power. So that might be less flexibility than you wanted. I am—

Councilor Griffin said there are times when we need it, I mean we truly need it for the business of the City to move forward. There's time when we've truly needed to make that action on one night.

Clerk-Treasurer Rhodes said my opinion is for a City of this size, we're unusual in that the Council only meets once a month. Particularly since you have not allowed the Mayor and the Clerk-Treasurer to do transfers within major categories as we are allowed by law. We've discussed this a couple of times. That would have to be a request the Mayor or department heads would make to me, and then we would make the entries. The Council, under Home Rule, could approve—every transfer—I would see that for the City business to move forward, the bills to be paid timely, we'll be often asking, if it's going to be by ordinance, for two readings on one night.

Mayor Mills said and correct me if I'm wrong, we talked about this the other day, but I think we are both expecting that there will be further discussion on this, and there will be some agreement that's reached between the State Board of Accounts and the DLGF, because all cities and towns are going to have this same quandry.

Clerk-Treasurer Rhodes said yes.

Councilor O'Callaghan said and it seems crazy that, for one thing, they're making the rules less strict, in terms of allowing transfers by resolution in the General Fund without having to have the—making the ones that used to have to have an ordinance and a public hearing be by resolution, and the ones that used to be the—

Clerk-Treasurer Rhodes said that could be why they're making the rules less stringent, in terms of additional appropriations and budget reductions and that's— Apparently the other process is still available. To be honest, I just don't want to cause a snag in our ability to meet our obligations while these two groups discuss and while the local municipalities, cities and towns, have input.

Assistant City Attorney Hermes said do you know whether anybody's requesting an Attorney General opinion?

Clerk-Treasurer Rhodes said no, because I don't have anything in writing.

Assistant City Attorney Hermes said okay, because that might be a more expedient way of getting some kind of definitive—

Clerk-Treasurer Rhodes said there does seem to be kind of a contradiction there, but I'm just making the request on the advice I got, that they were at loggerheads as of last Friday, late in the

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afternoon. And when you get a call after 4 o'clock on a Friday afternoon in the summertime from the State, they must really be at loggerheads, else they would have left for the weekend.

Mayor Mills said we think it's prudent at this point to do it by ordinance.

Councilor Griffin said I move for substitution. Motion was seconded by Mr. Satterly.

Councilor O'Callaghan said I guess along with that, I would ask that we do make our opinion known that we want to have it resolved, so that we don't—

Clerk-Treasurer Rhodes said and if the City Attorney can be of assistance with that, because it's already been discussed somewhat among the finance officers, but the problem is we don't have anything in writing yet.

Assistant City Attorney Hermes said it may be something that it would be appropriate to deal with in the Statewide agency, where the voices of many can be heard in a united effort.

Clerk-Treasurer Rhodes said I would think that—

Councilor O'Callaghan said have you heard anything from IACT?

Assistant City Attorney Hermes said no, not about this.

Clerk-Treasurer Rhodes said I think it was literally just discussed. We may be one of the few first entities to be using it.

Assistant City Attorney Hermes said I'll mention it to Bob [City Attorney Bauman].

Councilor O'Callaghan said I guess I'd also like for us to think about doing it on two readings, because when people put this in, they put it in expecting it to be a resolution that would be approved in one night.

Clerk-Treasurer Rhodes said for my part, I would like to know before Monday night if anybody will object to the second reading. We do not have all the Council members here, but it would be helpful to me—

Councilor O'Callaghan said well, I've looked through them, and I certainly don't have any problem doing them both on Monday night.

Councilor Griffin said I have no question about it.

Councilor Hunt said but we will still have to have a public hearing in the middle of those—

Councilor O'Callaghan said no, in ordinances, we don't always have to have a public hearing.

Mayor Mills said this is already appropriated.

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Councilor Hunt said oh, I got you.

Mayor Mills said it's just transferred between.

Councilor Hunt said okay.

Councilor O'Callaghan said did you have to chance to look at it, Matt [Councilor Plomin]?

Councilor Plomin said yes. It doesn't seem like anything.

Mayor Mills said okay, so we have a motion and a second to substitute Ordinance No. 18-06 for Resolution No.—

Councilor O'Callaghan said 17-06.

Mayor Mills said 17-06.

The motion to approve the substitution of Resolution No. 17-06 with Ordinance No. 18-06 passed by voice vote unanimously.

Councilor O'Callaghan said with those understandings.

Mayor Mills said with those understandings. Thank you. Any further questions about the ordinance now, the details?

Councilor O'Callaghan said the details of the transfers.

Mayor Mills said right.

Councilor Plomin said which neighborhood is getting parking permits?

City Engineer Buck said all of them.

Police Chief Marvin said all of them. They have to be updated every year with stickers. We have to change the stickers, the color, so people don't just—

Councilor Plomin said okay.

Councilor Hunt said that's the ones that request it?

[overtalking]

Councilor Hunt said they've got to petition to do that, because one of the areas in my neighborhood wanted to annex themselves on to be a part of Hills and Dales.

Councilor O'Callaghan said they all have to have contiguous section.

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Councilor Hunt said it was an interesting process.

Police Chief Marvin said yes. They have to renew those every year.

Councilor Hunt said they work really hard and they're complicated. If you don't own the house, I forget what it was. But if you don't own the house and you, I know, you live there and you have an out-of-state license plate, no, driver's license, it gets to be a problem. You've got to prove something.

City Engineer Buck said well, we just have to prove that the person applying for the—

Police Chief Marvin said lives there.

Councilor Hunt said lives there. That's all.

City Engineer Buck said application for the sticker—

Police Chief Marvin said lives in that area.

Councilor Hunt said and that's not an easy process.

City Engineer Buck said if they're an out-of-town student that doesn't have their West Lafayette address on their driver's license, for example, then we'll have to have some other piece of data that ties them to that address.

Councilor Hunt said you were worried that that would be complicated and messy.

City Engineer Buck said it's complicated. It's just one more step in the process and that way there aren't these commuter students that come in and get a sticker and park on the street while they're at class.

Councilor Hunt said okay. It's your deal.

City Engineer Buck said yes.

Assistant Police Chief Walker said that's why we pay for the stickers and they handle the policy.

[overtalking]

Police Chief Marvin said we appreciate that.

Councilor O'Callaghan said also, with the parking permits, I've heard some discussion among neighbors about the possibility of having that suspended during the summer.

City Engineer Buck said what we'd like to do, we're looking at several things, and one of them is the owner-occupieds just get renewed. Much easier than having to come in every year. The rental units may be the same folks for the whole time they're at Purdue, four years in a row or something,

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or it may be completely new set of people every semester or every year, and so that's the legwork involved in verifying who they are. But it's tough when somebody comes in and says, "I'd like to pay to park in front of my house." It kind of sets off the conversation on the wrong foot.

Councilor O'Callaghan said so if they had an automatic renewal, that would be—

City Engineer Buck said it would be a lot easier for everybody.

Councilor O'Callaghan said has anybody talked to you about the possibility of suspending it during the summer?

City Engineer Buck said no. Most folks don't come in and bother to get one at this time of year, because usually there's enough street spaces it's not a turnover problem this time of year, and there's only a couple months left until it's expired in August, and so they don't want to pay the \$10 in June or July for only two months' worth of parking permit.

Councilor O'Callaghan said well I guess by suspending it during the summer, that would allow people to have more people park by their house. When people have company, which is always the biggest problem, but then if it was suspended during the summer, even just enforcement being suspended during the summer, then they could have their bridge club in the summer months and the people would be able—

City Engineer Buck said and that would be during the 7:00 a.m. to 7:00 p.m. two hour restriction, because outside of that, it's not restricted.

Councilor O'Callaghan said right.

Councilor Griffin said it's those afternoon bridge clubs that—

Councilor O'Callaghan said it is, it is, it definitely is those people that have guests, so it's just something to think about. We ran into that with vacation bible school. It would have been alleviated if we didn't have it then. So it's just something that—

[overtalking]

There was no further discussion.

ANNOUNCEMENT: Friday, June 30 Funeral Arrangements

Fire Chief Drew said for the firefighter funeral tomorrow, there will be a special parking area and a special room set aside at the high school for elected officials, if anybody's planning on going tomorrow. The funeral's at 1:00, and—

Mayor Mills said it's at Lafayette Jeff.

Fire Chief Drew said at Lafayette Jeff, yes, and the latest plan has parking off of 18th Street, right at the front entrance, the 18th Street entrance to the Jeff High School for elected officials. You should be able to go in there, and then right in the office area is where there'll be a VIP

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room, and everybody will gather there, and then from there go to the gymnasium. So if you're planning on going and you want to make use of that, what you can do is pull in there and tell them who you are, and go ahead and park. Of if you want to, you can also take a sheet of paper and write "West Lafayette VIP." And then they'll steer you in the right direction.

Mayor Mills said thank you.

Councilor Hunt said you're going to do something with the Purdue Police with some in tandem thing, I mean the Purdue Fire Department? Is that what it said in the paper? You're going to do something?

Fire Chief Drew said West Lafayette and Lafayette.

Councilor Hunt said oh, it's not with Purdue?

Fire Chief Drew said no. Purdue's going to keep their aerial in service, and they're going to cover Lafayette, West Lafayette, and Purdue during that time. Lafayette and West Lafayette, we will be along the procession route. We will be stationary, and there will be a large flag that will be hanging over the street. We'll string it between the aerals.

Councilor Hunt said thank you.

ADJOURNMENT:

There being no further business at this time, Councilor O'Callaghan moved for adjournment. Motion was seconded by Councilor Griffin and passed by voice vote, the time being 4:57 p.m.

Respectfully submitted,

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