

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
JULY 7, 2008

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on July 7, 2008, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Mayor Dennis called attention to "Quiet Machine: Patriot Lollipop" by Michael Lile which was on the wall behind him. It is on sale at the Lala Gallery and Studio in collaboration with the Tippecanoe Arts Federation [TAF]. The City has entered into an agreement with TAF to provide the City a rotating display of art in the Council Cham

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

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, City Engineer Buck, Police Chief Dombkowski, Street Commissioner Downey, Fire Chief Drew, Director of Development Poole, WWTU Director Henderson, and Parks Superintendent Payne.

MINUTES: Councilor Keen moved for acceptance of the minutes of the May 29, 2008, Pre-Council Meeting, and the June 2, 2008, Common Council Meeting. Councilor Truitt seconded the motion, and the motion passed *viva voce*.

COMMITTEE STANDING REPORTS:

STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY: Councilor Bunder noted that the City made *USA Today* and Canadian radio on Friday, June 26, with the WWTU's vanilla fogger story. Steve Nelson was promoted to WWTU lab manager. Reaction has been positive to the red-light cameras at the intersections of Lindberg and Salisbury and Stadium and University. The City will have a roundabout at Kent and Cumberland. Funding for US231 has been solved. Funding for Lindberg Road repair is to come from the County Cumulative Bridge Fund.

PUBLIC SAFETY AND ORDINANCE: Councilor Keen thanked Wastewater Utility Director Henderson for dealing with the Wastewater odors before the Taste of Tippecanoe. With the two hospitals relocating, the Ambulance Committee has met and is discussing the placement and number of ambulances within the County. Fire Chief Drew is on that committee. Two West Lafayette Police officers received awards in June. On June 13, Officer Nancee Hetrick was awarded the Danny Overly Award by the Indiana Fraternal Order of Police for her 10-years plus of extraordinary service as a member of the State's Critical Incident Team, that assists law enforcement agencies and families when an officer is killed in the line of duty in Indiana. Thank you very much for that and congratulations as well. On June 26, Officer Travis Morgan received a Lifesaving Award from the Monticello Fire Department. In May 2007, Deputy Morgan was with the White County Sheriff's Department when he performed CPR on a victim at a crash scene.

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His efforts were attributed to the saving of that person's life, so congratulations to him. The rest of the report will be on file.

PURDUE RELATIONS: Councilor Roales reported that while the majority of the students are gone for the summer, Purdue has taken this time to invest in some infrastructure in various ways. This past Wednesday, they announced the Emerging Innovations Fund, which will channel \$1.5 million approximately every two years into start-ups in the Research Park. That will be a great support to things that the City has been working on with Purdue for a long time. Web-wise, Purdue is soon to release "My Purdue," which will combine 48 different websites that they've previously used into one website, so students now have a centralized resource for scheduling and for planning. This will also be a great resource for communicating with students. This may be a useful channel for the department heads for getting to a large population of students very easily. To go with the Mayor's art theme this month, the Robert L. Ringel Gallery at the Union has a new exhibit.

PARKS AND RECREATION: Councilor Hunt reported that four duck nest boxes were constructed and installed in the Celery Bog area as part of an Eagle Scout project. The municipal pool is open for another five weeks. The Sagamore West Farmers' Market is open each Wednesday from 3:00 to 6:30. The next Park Board meeting is July 21 at City Hall. Ms. Hunt thanked everyone who participated in the June 27 and 28 visit of the America in Bloom judges, showed a book about the City that Lynn Layden assembled, and outlined some of the activities of the two-day visit.

ECONOMIC DEVELOPMENT: Councilor Thomas commented that the Community Development Block Grant application process is continuing with the completion of the environmental review, the advertisement of the request for the release of funds, and the submission of the documentation to HUD. The 2008 CDBG sidewalk replacement project consisted of replacement of sidewalks, curbs, driveway approaches, and universal access ramps on Salisbury between Lutz and Wiggins and was completed by Fairfield Contractors for \$108,437. The City entered a contract with Milestone Contractors for \$14,000 for an 8-foot sidewalk connector from the Friendship House property to the City trail system. This is an eligible CDBG project, as Friendship House is a Section 202 project for low and moderate income persons. Mr. Thomas met with Director of Development Poole and discussed the Council Economic Development Committee, which is comprised of Councilors Thomas, Roales, and Truitt, and how that committee might hold regular meetings to discuss economic development issues and support Mr. Poole.

PERSONNEL: Councilor Burch reported that she had also met with Director of Development Poole and she looks forward to working with him.

BUDGET AND FINANCE: Councilor Truitt stated that the Budget and Finance Committee has begun its process, with the Mayor actively involved. The committee has a schedule of meetings. Mayor Dennis commented that the experience has been very informative.

REPORT OF APC REPRESENTATIVE: Councilor Keen reported that the APC has approved the final detailed plans for Panda Express Planned Development.

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SPECIAL REPORTS:

Street, Sanitation, and Recycling Department Presentation – Street Commissioner Downey
Street Commissioner Downey presented an overview of the Street, Sanitation, and Recycling Department.

PUBLIC RELATIONS:

Council Appointment to the West Lafayette Public Library Board

Councilor Hunt nominated Marybeth Miller as the Council representative to the West Lafayette Public Library Board. Ms. Miller completed a term of another person, and now that term is up, and she could be reappointed to a four-year term. Councilor Truitt seconded the motion.

The roll call vote:

AYE	NAY	ABSTAIN
Bunder		Roales
Burch		
Hunt		
Keen		
Thomas		
Truitt		

When his name was called to vote, Councilor Roales abstained from voting, citing the Library Board's composition without a University or a High School student representative. He stated that Purdue students are 52% of the population of West Lafayette, yet they are not recognized. They should be represented on the board.

The nomination of Marybeth Miller passed, 6-0, with one abstention.

West Lafayette Community Beautification Award

Councilor Keen presented the July West Lafayette Beautification Award to Maryann and Jim Fenn of 3000 Wilshire Avenue. Mr. Keen read from the award nomination:

Jim and Mary Ann Fenn moved to this home 19 years ago, and have gradually changed the design of the landscaping on this corner lot, improving it immensely. Jim eliminated most of the shrubbery in the front yards, opening up the view to more sunshine. He has a love affair with large boulders, and seeks out signature rocks to place in the plantings. This year, the annuals feature hot pink, the designated color for America in Bloom. There are unusual trees in the back yard including evergreens and an aspen brought back from Colorado. All are flourishing. A waterfall, named Fenns' Falls, is a feature along with flowers blooming in succession all season long. Tulips are a favorite of Jim's, and this spring he enjoyed 300 tulips in the front yard with another 200 tulips in the back. Retirement has given him the time to add to the landscaping and to experiment with a wide variety of plants. A recent trip to Italy prompted the addition of container plants to their balconies, adding a Mediterranean influence. This Beautification winner is an excellent example of the evolution of a mature landscape.

Councilor Keen presented a certificate and a picture of the Fenns in their yard.

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Mr. Fenn said that it's a lot of fun, but what's really kind of funny about this is that we have traveled probably, in the last three months, we've hardly been home. The front yard, I think, is beautiful, personally. The back yard is really—there's no grass back there, it's made up of the waterfalls, a couple of fire pits, a hot tub, and the rest is all trees and shrubs and flowers. It is kind of my haven back there. But it's really easy to take care of. It doesn't take much work, once the work's done, it kind of takes care of itself. But it's a lot of joy. It's fun to do. Thank you very much. I really appreciate it.

Mrs. Fenn said and I'm the lucky one, because I get the benefits of all of his hard work. He's the busy one, and I get to sit back and enjoy all of it. Thank you.

Police Officer of the Quarter Award

Police Chief Dombkowski said that the Officer of the Quarter Award is determined by a committee of representatives from the Police Merit Commission and Police commanders. He presented the Officer of the Quarter Award to Officer John Watson, for heading up and writing the implementation for the West Lafayette Police Department Training Academy. Chief Dombkowski said that Officer Watson worked diligently on this program for new recruits, and we trained in several areas of the Department, which will assist in their knowledge and training. It's a four-week syllabus of all the criteria that will go into training officers before they hit the streets in a month program in field training, then before they go to the Indiana Law Enforcement Academy. Officer Watson also put a considerable amount of time and effort in the West Lafayette Police pursuit policy that we are constantly looking at and revising currently. Chief Dombkowski stated that they're still researching some of the data that he compiled. That was an immense amount of work, and the constant evaluation is to see if the Department is where it needs to be in those policies. Thirdly, Chief Dombkowski said that Officer Watson was part of a drug arrest on South River Road this past winter, where two people were arrested on some major drug charges and a large amount of drugs and weapons were seized during the investigation. His efforts behind the scenes and on the front lines are why he was chosen by his fellow officers and his commanders as Officer of the Quarter for Second Quarter 2008.

Police Merit Commission President Leverenz presented Officer Watson a Certificate of Appreciation.

Police Chief Dombkowski noted that the plaque with Officer Watson's name hangs in the lobby of the Police Station.

Officer Watson said there are a lot of Police officers on this Department who do a lot of hard work and a lot of amazing things out there on the streets that the public doesn't see, but I'm sure you appreciate. I'm extremely grateful and humbled by receiving this award.

Celebration Honoring Sameer Mishra

Mayor Dennis reported that last week the City and the School Corporation honored Sameer Mishra for his amazing feat of winning the National Spelling Championship. The City will hang banners along Sagamore Parkway in Sameer's honor.

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FINANCIAL REPORT: Clerk-Treasurer Rhodes presented this report.

We have passed June 30, which is a fiscal year milestone in municipal budgeting. It allows us to enter the 2009 budget process. As Councilor Truitt described, there are a series of work sessions between the Budget and Finance Committee—really, the Council as a whole—and department heads this week. Next week, there will be discussion about the entire budget, our funding options and what we can afford. We have received a preliminary budget notice on our 2008 budget. This is good news, taxpayers. It means that tax bills will be coming soon for 2008. We've done a preliminary review and will be asking for some corrections which will affect our tax rate and levy, so I won't be going into any more detail now, until we have some more discussion with the State and local County folks. We're continuing to work on behalf of the Redevelopment Commission with the County Auditor Jennifer Weston and the County Treasurer Bob Plantenga, in order to delve into a complex problem related to allocation of tax collections in 2007, in which there's some concern about the allocation between all the jurisdictions and the TIF Districts. We certainly have eliminated some areas of concern, but uncovered others. We hope that we'll be able to resolve this in the next several days. The Redevelopment Commission meets on July 14 to review the situation and make a decision on some matters related to the TIF Districts. We expect to have a report reviewing annexation costs and excessive levy options to be considered next week, as part of the overall roundup in reviewing the budget. Finally, I wanted to let you know that the Utility's financial advisors Crowe Chizek are in progress with a review of the Utility. You, of course, have been provided the balance sheets for the Utility this evening. I hope to see that completed within the next month. They're doing a very thorough job. I commend our Utility Director Dave Henderson for his leadership in this regard, and we hope to have a very informative and useful document for the Council within another month or so. That concludes my report.

UNFINISHED BUSINESS:

Ordinance No. 19-08 (AMENDED) An Ordinance To Establish A Go Greener Commission In West Lafayette (Submitted by Councilor Bunder)

Councilor Keen read Ordinance No. 19-08 (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 Truitt.

Mayor Dennis said we will need some discussion. I understand there are some folks in the audience that would like to come forward on this. First off, discussion from the Council?

Councilor Burch said Mr. Mayor, I have a number of questions for Councilor Bunder. Mr. [Councilor] Bunder, in the form given to us by Ms. Damico, a number of areas are listed as topics of consideration by local volunteers—energy efficiency; natural resource stewardship; recycling and environmental purchasing; smart transit; smart development; energy use and City Code best practices; and City staff and public education. A cause for concern is that these areas represent a significant encroachment on the activities of every City department and could drastically interfere with the functioning of City Hall. Since there are so many qualified and well-trained professionals studying these seven topics locally and nationally, can you explain what new insights members of this commission would be able to provide?

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Councilor Bunder said thank you, Councilor Burch. The commission, as it does not yet exist, does not yet have a population, a set of board members, so I am in no position to guess what their expertise might be. The presumption in every city that has such an environmental commission is that this group will provide a kind of resource to those folk who are involved in all of those particular areas. Free advice, consultants without a fee. Generally it is a partnership that is welcomed by city government and one that I believe our City departments would appreciate as well.

Mayor Dennis said one thing if I just might add. Tonight we establish the existence of the Go Greener Commission. One of the things that has to follow from that will be the bylaws. We'll kind of use the model of the Police Merit Commission, where they have bylaws that come through the Council, where there will be actually more procedural stuff, Councilor Burch, that we can actually have some guidance on, then make some decisions. Because, obviously, we're going to need to have things such as if we have members that are appointed and then they don't show up, will we have a process to replace them. I mean, just simple stuff that will help make the mechanics of the Go Greener Commission simpler to understand. A lot of that stuff, when those bylaws come up—and I'm not trying to speak for anybody, but this is my understanding—when those bylaws come up for review, then at that time we can have some fairly pointed discussions on the specifics. Again, anybody that wants to correct me on that, because that's my assumption.

Councilor Hunt said well, one of the requirements also with the proposed ordinance is that we have a Councilor as one of the appointees, so that will certainly allow some interaction. But I think also, and I'll return you to the questions, Peter [Councilor Bunder], the people that are here in this community certainly bring an expertise, both from the community and from their disciplines that can help, rather than bringing in some consultant from Washington, D.C. or wherever else. So I think the individual focus of what we can do in this area is important. That's my take on it.

Mayor Dennis said and I've had conversations with the administration at Purdue, and they have sort of a sustainability committee already. But their plan also is community-wide. So there's an excellent opportunity either for a resource for our Go Greener, or a great opportunity to build a partnership with that. I believe that there are some representatives that are going to cross-pollinate, they'll be on both the Purdue and West Lafayette. And obviously what we don't want to do is we don't want to have two separate entities that are either going to be competing or not sharing the same resources. We want to try and make sure that what we have works well in the collective. But, again, that's stuff that when we get down to the point of getting the bylaws established, and go through that approval process, we can make sure that that's streamlining works well for this community as well as for Purdue University and that community.

Councilor Burch said Mr. Mayor, then, are you saying that questions such as what their goals might possibly be or how much the City needs to invest up-front or what type of investment the City gets in return—are you telling me those questions need to wait?

Mayor Dennis said I think we can get a better response, once we've identified the parameters of the committee. And when they come forward, then that's the best time to get those questions

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answered, because right now—and, again, we don't have any membership, so those would be rather difficult to define.

Councilor Burch said thank you.

Mayor Dennis said okay. Further discussion?

Councilor Thomas said Mr. Mayor, if I may, as the ordinance is written, the Common Council has four appointees to the commission, and I understand there has been discussion within the Council and folks have had a chance to provide input into these appointees, and I'd like to take a moment, if I could, and read a brief bio of the four that I think the Council would like to raise forward as a—

Mayor Dennis said okay, we'll probably have to wait until we pass, once we pass, then...

Councilor Thomas said okay.

Mayor Dennis said because right now we'd be throwing them into the air. There's nothing for them to land on yet.

Councilor Thomas said I will hold off then.

Councilor Bunder said but we appreciate your enthusiasm.

Councilor Thomas said yes, thank you.

Councilor Keen said Mr. Mayor, I did have one question. I was kind of hoping Diane [Damico] would be here, so I could direct the question to her. In looking at this ordinance, I guess my big gnawing question is why do we need this? What is this ordinance going to give this commission or this committee that they don't already have or that they don't already have access to? My personal political view of things is that less government is more. If we don't need to involve City government in a process, then why do we need to go there? And I don't really see the benefit for this being involved or being an associated commission with the City. In my opinion, that would only make the committee, commission, whatever you want to call it— with most government, when you get government involved generally, it gets less efficient and costs more money. I would see a big benefit to not wanting to be involved and have City strings attached to it, if that's the way you want to put it, unless there's some other thought as far as what you're wanting to do later on down the road, as in trying to mandate any of the recommendations that might come out of this commission. And there I would have some issue with that. So I don't understand what this commission intends to do benefit from by being attached to the City through this ordinance.

Councilor Hunt said Mr. Mayor, do you want to answer that or may I?

Mayor Dennis said I'll defer to—

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Councilor Hunt said I know there's some people in the audience that have come to the meetings and been actively engaged in it, as it is in the informal process, and I think there might be a few of them that would like to try to answer your question. And if they don't answer it, I can try to. Could we have that question answered by some people in the audience?

Mayor Dennis said if you'd like to identify someone.

Councilor Hunt said well, Professor Patchen has certainly come to the meetings and might have some ideas, and anyone else, too.

Mr. Patchen said John Schumann and Falon French. I guess the three of us, at least, have been engaged—

Mayor Dennis said come on up, sir. The microphone can't pick you up from back there.

Mr. Martin Patchen [Glenway Street] said I think we do not see this at all as adding to local government. We see it as a citizen group that could provide some ideas, some recommendations, some expertise—the kind of stimulus and forum that would not add to government, but would be of some use to it and supplement to it. Perhaps others would want to add something.

Councilor Keen said can I just add on there that I don't doubt at all for the first minute that your commission would not do exactly what you just said, but the way this ordinance is written, it would certainly become a part of City government and therein, I don't understand why you can't establish and compete everything you just said without this attachment, is what I'm saying.

Ms. Falon French said I think the big thing that we're looking for from the West Lafayette City Council is basically a more formal structure. Because right now, we have a lot of members that come once a week or once a month, but then they don't come again. We're looking for a way to actually make a cohesive unit, so that we do have some structure, so that we do have members that come every time, and we think that becoming a subsidiary of the West Lafayette government is going to help us achieve that.

Mayor Dennis said Ann [Councilor Hunt], do you want somebody else?

Councilor Hunt said I don't know. John, do you want to say anything?

Mr. John Schumann [Soldiers Home Road] said I think for the function of the commission, it's just really important in these times that we have now to have a body like this that really looks at these issues. What we would do is have some continuity between administrations. You'd have a commission that was there for the long term. And I think the issues are so important at this point that I really don't think you want to not do it. I think the cities that have done it have actually saved money. There's numbers of cities who've saved money, having these experts that we've got access to in our community help us. So I think that's one of the things that we really think that it's important that it just has a formal structure that's attached to the City. I think it really would help. I think that's it.

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Mayor Dennis said thank you.

Ms. Patti O'Callaghan [927 North Salisbury] said I did just want to reassure you, Councilor Keen, that there is no thought of mandating recommendations in the future. It is just investigate and make recommendations, and the samples that we've studied, it has been just recommendations that oftentimes municipalities have been excited to embrace, but it's just an advisory body. It's not making any policy. The policy all remains with the Council.

Mayor Dennis said further discussion?

Mr. Sam Haynes [713 Avondale] said I just have a question. I wasn't aware of this, but what is the purpose of this?

Mayor Dennis said Peter [Councilor Bunder].

Councilor Bunder said to establish for West Lafayette a commission of concerned citizens that would attempt to find ways of improving our response to the environmental crisis that we find ourselves in.

Mr. Haynes said what environmental crisis is that?

Councilor Bunder said oh, I suspect that chief among them would be global warming. The second, pollution of groundwater and river water. The list could go on, but those would be my concerns certainly.

Councilor Hunt said Mr. Haynes, if I may, Section 24.171 does have a purpose. It's a little vague, and they also have a mission statement, but the plan is—and, again, as Mayor Dennis said, it's based on the procedure that the Police Merit Commission followed of the commission was established, and then the group came up with a formal set of bylaws, and then those bylaws were approved by the Council. So the process right now is there's a general purpose within the ordinance, sir, and there's a mission statement that they presented, I think the first reading of this. Then they will write their bylaws, once they are official, if that does happen, and then we will approve or disapprove their bylaws.

Mayor Dennis said so this is just the first step.

Mr. Haynes said it sounds very ambitious all right.

Mayor Dennis said there you go.

Mr. Haynes said thank you.

Mayor Dennis said thank you. Any other discussion from the Council?

Councilor Keen said I just want to reiterate what I said earlier. I certainly appreciate everybody's comments on this, and by all means, I am certainly in favor of the ideas of what you want to accomplish, as far as, you know, preserving the environment and those sorts of things.

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In my mind, though, like I said earlier, I think less government is more, and I think you would have a much better approach to things if you were to establish a nonprofit agency or something along that line, as opposed to attaching to City government. I think it would be cheaper for the City, it would be better for you, and I would see that as a much cleaner way of making this thing work out for everybody. Again, I applaud you for your efforts and those kinds of things, but I think that this is not the appropriate way to establish what you're trying to do.

Mayor Dennis said any other discussion? Just one point. We probably need to amend the ordinance to where we could reflect that the bylaws of the commission and any amendments shall be submitted to the City Council for approval. Can we go ahead and get that placed in? I need a motion.

Councilor Bunder said well, I would consider that a friendly amendment.

Mayor Dennis said I'm glad you feel so, Councilor.

Clerk-Treasurer Rhodes said are you making it?

Councilor Bunder said I don't think I have to, if I take it in, do I? I mean, we don't have to vote it separately?

Mayor Dennis said yes, we've actually got a process.

City Attorney Burns said yes, you should.

Councilor Bunder said all right, then I would be happy to accept the Mayor's amendment as offered to the Go Greener ordinance.

Mayor Dennis said is that qualified as a motion?

City Attorney Burns said yes, it does.

Mayor Dennis said I need a second.

Councilor Truitt said I'll second that.

Mayor Dennis said okay, we'll go ahead and do a voice—

City Attorney Burns said I think a roll call—

Clerk-Treasurer Rhodes said may I understand. This would be inserted as Section 24.171, Paragraph two, as part of the establishment and purpose?

Mayor Dennis said yes.

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The roll call vote on the amendment:

AYE	NAY
Bunder	
Burch	
Hunt	
Keen	
Roales	
Thomas	
Truitt	

The amendment passed, 7-0.

Mayor Dennis said is there further discussion?

There was no further discussion.

Councilor Truitt said I call the question.

The roll call vote:

AYE	NAY
Bunder	Burch
Hunt	Keen
Roales	
Thomas	
Truitt	

As her name was called to vote on Ordinance 19-08 (AMENDED), Councilor Burch said I just want to say before I vote that I am for reducing, recycling, reusing. I think this ordinance is an insult to the intelligence of this community, and I cannot support such undefined powers. My vote is nay.

Ordinance No. 19-08 (AMENDED) passed on final reading, 5-2.

Mayor Dennis said now, nominations for the Go Greener Commission. Gerald [Councilor Thomas].

Councilor Thomas said thank you, Mr. Mayor. We have four Council nominations that we would like to present. I will read brief bios on the four individuals that have been brought forth:

Diane Damico, West Lafayette resident; owner of a small business Clearly Organized; former teacher of mathematics; member of the WL Redevelopment Commission; appointed chairperson of the WL Go Green Committee, fall 2007.

Richard Johnson, associate professor of English, Director of Composition; published several articles on conservation; member,

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University Resources Policy Committee; On Roads Committee in Albuquerque NM; grant writer; West Lafayette resident.

Heather Priesandenz, graduate student in Civil Engineering; post-baccalaureate internship, summer 2008, at H2M Associates in Totowa NJ, collected soil and water samples for analysis, H2M offers urban design and GIS specialists, as well as environmental services; Lafayette resident.

Peter Bunder, Common Council, District 2; Episcopalian minister, Church of Good Shepherd; Chair, WL Street and Sanitation Committee; West Lafayette resident.

Councilor Keen said Mr. Mayor, I did have one nomination also that I got an email about today, of someone who is interested in being on this commission, and that was Stewart Bauserman. He lives on Yeager Road; I don't have his exact address. He does teaching at Purdue and a number of other different things. I don't have his bio with me, but he did express an interest—I didn't know we were actually going to be doing nominations *per se* formally today, but I wanted to put his name out there as one of them.

Mayor Dennis said okay. Each name then will have to go in front of the Council for a vote. Are there any other nominations?

City Attorney Burns said do you want to table it for further input?

Mayor Dennis said I guess it would be up to the decision of the Council if they want to table it for further input or not.

Councilor Hunt said I'm sorry. I missed that. What did you say?

Mayor Dennis said it would be up to the discretion of the Council if they would like to table it for further input.

Councilor Hunt said well, it was on the agenda.

Councilor Bunder said I would prefer to proceed. At some point, we have to appoint some people who can be in this process, and there will be three more appointments from the Mayor's office, and five more from the commission itself. I think we could do the first four names tonight.

Mayor Dennis said okay.

Councilor Hunt said in addition, if I may also, the part (d) of Section 24.172 talks about some will be—the first twelve commissioners will be appointed for one, two, or three years. So within twelve months, at least one person will be—their term will end.

Mayor Dennis said I don't have the list of the names.

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City Attorney Burns said okay, we've got five of them. You've got them, Judy [Clerk-Treasurer Rhodes].

Clerk-Treasurer Rhodes said yes.

City Attorney Burns said Diane Damico, Richard Johnson, Heather Priesandenz, Peter Bunder, and Stewart Bauserman are the five that I have, and I would suggest take them in order.

Mayor Dennis said and just do a voice vote on each one?

City Attorney Burns said I would go ahead and get a roll call, the way it will work out. You have five of them. I suggest your procedure is you vote on each one of them in order by roll call vote.

Clerk-Treasurer Rhodes said I will read the name of the nominee and then call the roll. Is that acceptable?

Councilor Roales said point of order.

City Attorney Burns said yes.

Councilor Roales said do we need a motion to take the vote first? I mean, do we need a motion for a vote?

City Attorney Burns said well, the nominations have been made and, by implication, you're going to vote on who's nominated, so I don't think that's necessary.

Councilor Roales said I would like to make a motion that the first four names that were read be voted on all at once, and that vote be by roll call.

City Attorney Burns said my opinion on that would not be appropriate procedure, since you have more nominations.

Councilor Roales said I believe that's Robert's Rules of Order, which the Council is conducted under, that a motion for the vote would need to be taken, and I've made the motion and that's—

City Attorney Burns said that is correct, but since you have more people nominated, it's necessary that each one of them get at least an opportunity to be voted on. How that vote comes out, I guess, is up to the Council, but since you have them in nomination, you could ask that nominations be closed at this point, but you need to take action on each of the names.

Councilor Roales said I disagree that that's the procedure. I think it would take a motion to take the vote. A simple nomination is not enough to take a vote on that. I'd ask that the motion be called for the vote.

City Attorney Burns said and that would be up to the chair to decide. My recommendation and my opinion is that it is necessary to vote for each one of them, as I understand Mr. [Councilor] Roales position is that that is not the correct procedure, and that the correct procedure is that

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the four names that were first read would be voted on *en masse*, and that there would be no vote taken at all on the last one. And so it would be up to you to make a ruling on which of those procedures is appropriate.

Mayor Dennis said well, I think—

Clerk-Treasurer Rhodes said I have a point of order. Normally, a slate would be presented for vote, if there had been a committee so designated that had met and selected the nominees. I'm not aware that there was any Council committee that has met and selected them, and if it occurred in a caucus, that might be inappropriate anyhow, to have taken such official action—

City Attorney Burns said right, and that—

Clerk-Treasurer Rhodes said with a majority of the Council, so you might want to reconsider the vote in that light.

City Attorney Burns said well, I think the chair has to make the initial decision as to how it's going to go.

Mayor Dennis said it's pretty simple stuff. We've had five people nominated for four positions. We'll just go ahead and do a roll call vote on all five.

The roll call vote on the nomination of Diane Damico:

AYE	NAY
Bunder	Burch
Hunt	Keen
Roales	
Thomas	
Truitt	

The vote on Diane Damico was 5-2.

The roll call vote on the nomination of Richard Johnson:

AYE	NAY
Bunder	Burch
Hunt	
Keen	
Roales	
Thomas	
Truitt	

The vote on Richard Johnson was 6-1.

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The roll call vote on the nomination on Heather Priesandenz:

AYE	NAY
Bunder	Burch
Hunt	
Keen	
Roales	
Thomas	
Truitt	

The vote on Heather Priesandenz was 6-1.

The roll call vote on the nomination of Peter Bunder:

AYE	NAY
Bunder	
Burch	
Hunt	
Keen	
Roales	
Thomas	
Truitt	

The vote on Peter Bunder was 7-0.

The roll call vote on the nomination of Stewart Bauserman:

AYE	NAY
Burch	Bunder
Keen	Hunt
Truitt	Roales
	Thomas

The vote on Peter Bunder was 3-4.

City Attorney Burns said so, my reading of the votes would be Peter Bunder, Heather Priesandenz, Richard Johnson, and Diane Damico, based on the voting. Would you agree with that, Madam Clerk-Treasurer?

Clerk-Treasurer Rhodes said yes.

City Attorney Burns said okay. And so those—

Clerk-Treasurer Rhodes said it was a majority for all of those.

City Attorney Burns said yes, a majority for all.

Mayor Dennis said now is there any other legislative action we have to take tonight, or is that it?

City Attorney Burns said no, that's it. They're appointed.

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Mayor Dennis said okay, so we now have the ordinance established, and we've got four members.

City Attorney Burns said we just have to get more members.

Mayor Dennis said right, and as I said earlier, I've been speaking to folks from Purdue University. There are a couple people I have not yet been able to get in contact with because of the recent holiday. As soon as that occurs, I will then be able to make my appointments to the Go Greener Commission.

Ordinance No. 20-08 An Ordinance To Amend West Lafayette City Code Chapter 26 Concerning Credit Card Fees (Submitted by Councilmember Roales)

Councilor Keen read Ordinance No. 20-08 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 Truitt.

Mayor Dennis said discussion? I believe this was submitted by Councilor Roales.

Councilor Roales said this is the first step in the procedure that is required by State law, that we establish a fee if we are ever going to accept credit cards for the payment of various things that the Police Department collects, mainly crash reports. And this is helpful to our citizens and a good customer service. For instance, when a student may go home for Christmas break or summer vacation, they may be able to get a crash report from their home and not have to come in to have to pay the fee. And so this is a good customer service to our citizens and a simple change that will allow us to, but does not require us to accept credit cards.

Mayor Dennis said further discussion on the part of the Council?

Councilor Burch said Mr. Mayor, how much is this going to cost the City to process these credit cards?

Mayor Dennis said I'll defer to Judy [Clerk-Treasurer Rhodes] on that one.

Clerk-Treasurer Rhodes said that is to be determined.

Mayor Dennis said as of yet, we don't know. Any other discussion?

There was no further discussion.

Ordinance No. 20-08 passed on final reading, 7-0.

Ordinance No. 21-08 An Ordinance Requesting An Additional Appropriation (Police Station Nonreverting Fund) **PUBLIC HEARING** (Prepared by the Clerk-Treasurer)

Councilor Keen read Ordinance No. 21-08 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 Truitt.

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Mayor Dennis said Judy [Clerk-Treasurer Rhodes], do you want to go ahead?

Clerk-Treasurer Rhodes said City Engineer Buck has been addressing questions about this additional appropriation.

City Engineer Buck said this is for the second reading for the ordinance that was filed last month and discussed by the Council. I passed out a memo that had some items that we had some quotes for costs for projects on for additional work to this building, as well as some ideas for future things that may be upgrades for technology for this room and the basement room. There are also some Police items that may be worked on in the Police Building as well. I'll be happy to answer any questions.

Mayor Dennis said questions from the Council? Hearing none, I'll need a motion for a public hearing.

Councilor Keen said so move.

Councilor Truitt said second.

The vote to hold the public hearing was unanimously AYE.

Mayor Dennis said now we're in public hearing. Any comments? Hearing none, the public hearing is adjourned. We've had a motion and a second. Any further discussion on Ordinance No. 21-08?

There was no further discussion.

Ordinance No. 21-08 passed on final reading, 7-0.

NEW BUSINESS:

Ordinance No. 22-08 An Ordinance Amending The Procedures And Composition Of The City Of West Lafayette Traffic Commission (Submitted by the City Attorney)

Councilor Keen read Ordinance No. 22-08 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 Truitt.

Mayor Dennis said just as a point of clarification, the spirit behind this is to try to get more community input into our Traffic Commission. There are some voting members on the Commission that I would rather defer to the public on, instead of having active administrators in the City do that. Mr. [City Attorney] Burns is here. He's actually crafted the ordinance and he can provide further discussion.

City Attorney Burns said the only thing I would add is the fact that the Traffic Commission has discussed this at probably three different meetings, and this is the draft that they would recommend to the Council, and I think they look very favorably on the fact that this change will allow more public input. They seem to think it is a very positive change. I was at their last

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meeting, and I indicated to them that I would let you all know that they did pass a resolution, asking that the Council go ahead and make those changes.

Mayor Dennis said so the Traffic Commission moved forward.

City Attorney Burns said yes. They asked that the changes be made. And that was a unanimous resolution.

Councilor Keen said assuming this gets approved, when would these changes take effect then? Would that be an immediate thing, or would there be any changes, for that matter?

City Attorney Burns said right after second reading it would call for some new appointments by the Mayor, and that would activate it. So it's effective upon signing by the Mayor. It doesn't need publication.

Mayor Dennis said further discussion?

Councilor Hunt said I like this. I like that it includes somebody from the County school corporation. I'm a little worried about the size, but I think we can work with that.

Mayor Dennis said I think we can make it happen.

Councilor Bunder said I had one question at Pre-Council, and I'll raise it here. What is a "businessman" in this ordinance? And the question is an attempt by a district Councilman to figure out who he might want on a Traffic Commission. If it is retail, that is one thing. How about a dentist, a chiropractor, a clergyman who manages a large building with many parking spaces? Are these all businessmen?

City Attorney Burns said the original language was that there would be an appointment from the West Lafayette Businessman's Association, so it's sort of the "Old School" term. And this is the West Lafayette business community. The answer to that question is that those that are members of the Chamber who are in West Lafayette would be eligible to be such members. I think right now we have Carrie Ehresman from the Triple XXX as the one member right now.

Councilor Hunt said if I may, I sometimes go to these meetings, because many of my citizens have concerns about traffic, many of my constituents, I should say. And I think Carrie Ehresman makes good comments. She doesn't live in the City, but I think her business is here, and I think she just makes good comments. And the other thing is that there is at least one business community called SWABA, Sagamore West Area Business Association, and you two are going to have to stop using that "businessman" phrase.

City Attorney Burns said I didn't use it.

Mayor Dennis said further discussion?

There was no further discussion.

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Ordinance No. 22-08 passed on first reading, 7-0.

Ordinance No. 23-08 (AMENDED) An Ordinance Providing For Temporary Loans From A Fund Having Sufficient Balance To A Depleted Fund [WWTU to Parks & Recreation and Firefighting Fund To Fire Truck Lease Fund] (Prepared by the Clerk-Treasurer)

Councilor Keen read Ordinance No. 23-08 (AMENDED) 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 Truitt.

Mayor Dennis said discussion? Judy [Clerk-Treasurer Rhodes].

Clerk-Treasurer Rhodes said this ordinance is requested for cash management purposes. As I mentioned, it's likely that tax bills will be going out in the next several months, but it seems that there may only be one tax collection with a very late settlement this year. We need to continue to rely on funds in order to pay our expenses and make payroll in the City, borrowing among funds that have adequate balances to those that are deficient without incurring interest costs outside the City.

Mayor Dennis said further discussion?

There was no further discussion.

Ordinance No. 23-08 (AMENDED) passed on first reading, 7-0.

Councilor Keen said Mr. Mayor, I move that we suspend the rules and consider Ordinance No. 23-08 (AMENDED) on second and final reading. The motion was seconded by Councilor Truitt.

Mayor Dennis said any discussion?

The motion to consider Ordinance No. 23-08 (AMENDED) on second reading passed by unanimous voice vote.

Councilor Keen read Ordinance No. 23-08 (AMENDED) by title and asked that it be passed on second and final reading, and the vote be by roll call. The motion was seconded by Councilor Truitt.

Mayor Dennis said any additional discussion?

There was no further discussion.

Ordinance No. 23-08 (AMENDED) passed on second and final reading, 7-0.

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Resolution No. 13-08 A Resolution Appropriating The Necessary Funds Resulting From The 2008 Community Development Application Of The City Of West Lafayette Under Title I Of The Housing And Community Development Act Of 1974, As Amended (Submitted by the Department of Development)

Councilor Keen read Resolution No. 13-08 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 Truitt.

Mayor Dennis said discussion? Any questions on the part of the Council?

There was no further discussion.

Resolution No. 13-08 passed on first and only reading, 7-0.

COMMUNICATIONS: None

CITIZEN COMMENTS:

► Ms. Jan Myers [1909 Indian Trail Drive] said I did prepare some extra handouts of some of my comments. I want to expand upon those. This is now the third administration I have spoken before about this issue. Long before I sat in what I call my friend, Blue Buggy. The ADA federal law has been around since 1990. This is a City that prides itself on putting up banners that talk about valuing diversity or redevelopment or development about bringing in the high tech jobs for Research Park, talks a lot about our parks and trails, yet I find repeatedly the City does not live up to those comments or those goals. We take precedence of vehicular traffic over pedestrian traffic repeatedly. Every time I've brought up a situation, I've been told, "Wait until that street is finished, then we'll work on the sidewalks." That is not what the ADA law says. Most of our parks, as I heard here a couple months ago, have been either built or improved since 1992 which, according to the law, means they must all be accessible. Happy Hollow is not accessible to myself nor any handicapped children. There are no handicap playground equipment down there, yet we spent \$150,000 a month or so ago resurfacing it. We now just heard you all pass a loan from Wastewater to pay the salaries or Parks & Recreation of another \$150,000. And there is no way to get from that parking lot, even with the new pavement, and I've been down there checking it, taking my van, to get to a picnic table or anything else in an easy fashion. Many of our building codes have not kept up with what's to be there in retail and commercial space. I could elaborate on those more, but I'll leave it at that. We just heard Mr. [Street Commissioner] Downey talk about how many miles of streets we have here in the City that he's taking care of. I believe I'm correct in rounding that at about 73 miles of streets. The vast majority of those have no sidewalks at all. Which means everyone with a baby stroller or a wheelchair or any other conveyance that would ordinarily use a sidewalk is giving the Police Chief fits, because we're out in the street. I've seen, since living here some years now, a number of what I call cosmetic improvements. The Happy Hollow parking lot was one. It could certainly have waited one more year and had \$150,000 spent to make it accessible or make the access on Indian Trail or Salisbury accessible. That park is completely unavailable to anyone who is handicapped. And I will offer to City Council any or all of you that want to go with me through this City, I will rent the wheelchairs for you and we can go together. In the past administration, I heard frequently, "Oh, we're working with INDOT, but they're not very responsive." I heard that very often, until I picked up the phone—actually one email and one

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phone call to Crawfordsville. They made it quite clear to me they had received no written correspondence, although the then-City Attorney told me he had been sending letters, and they had had no phone calls in many months. When I explained what was inaccessible at Salisbury and 52, and at Lindberg and Northwestern—among others, I'm getting my longer list—they have been responsive, they have repaired the ones at Salisbury and 52. Incidentally, they tell me the problem with the concrete there is because the City put it in, and obviously, the City did not know how to put concrete in at a signal, so we have the nice signal buttons down where they belong, the timing is all right—I use it frequently, the Mayor's even aware I disappeared from one meeting to another to go have a blood test. I zoom through that intersection often. Very difficult to reach, because the concrete that was put over the grass was put in incorrectly. So if the City did that, as the State tells me, we still have a correction there. A lot of times, as I've said, we're doing streets before sidewalks. We're talking about roundabouts. I would urge each of you on the Council to learn what the new requirements are for accessibility in roundabouts. It is very costly, and it involves putting in four pedestrian-controlled signal lights, plus a longer lead time for where the car must stop. There are several things. Having lived in a number of countries that have roundabouts and when I go back there to visit, I find they're all putting them to traffic lights, because they have so many problems with roundabouts. So I wonder why we're really going after that. I commented about the State. Incidentally, they promised me—they brought two fellows up here for the meeting with me—that Lindberg and Northwestern will definitely be finished by next spring, properly corrected, and they're going to try to make some temporary corrections there yet this summer. They know I have a tickler file, and they're already set for it. I will be back to them next spring, if I don't see them. We have Grant Street, which has had ramps—usable, not perfect by the newest code, but that's always a changing and growing thing—they're suddenly being replaced. We've got gobs of sidewalks with no ramps, as I told you in Pre-Council, I got caught twice, trying to come home from Wild Bird Shop. Because there aren't even four ramps at each intersection where they have been put in—there are two, or there are three. How many of you would like to drive a car down the street and suddenly find yourself plunging into the Wabash River from a cliff at the height? That's what anyone in a wheelchair or a baby buggy gets all the time. There has been new construction down in the Village. I've forgotten its proper name—where the church has been replaced by commercial and apartments. I had to bring to one of the committee meetings a photograph of how the City had approved some changes in the sidewalk and made it inaccessible. That's a brand-new thing, and it's purposely being allowed to be inaccessible? What is the City trying to do? It appears they're purposely trying to keep any of us who need any assistive devices—and that's really all a ramp is or a proper door handle—we must stay home at night, because we can't prowl after dark—most places there are no sidewalks. If I come to City Hall, and the last two months, two of the meetings that started after 4:30, I was locked out. I had to go pester the Police to let me in, and they're always amazed that I can't get in, because it's been locked up here. I heard Councilman Thomas talk about the changes that are being made near Friendship House. When I attended that Board of Works meeting, the Park Director led the laughter about how funny it was that the people who reside at Friendship House have to go through the grass, because the trail wasn't designed for them. But they can go over the grass, no problem. Excuse me. I told them then I was embarrassed, and I am embarrassed now, to think that that was the idea from the day it was started, it was something humorous, to be sure they excluded the residents of Friendship House. Those two curbs that have no ramps on them on Cumberland are also very close to Friendship House. Are we trying to tell those citizens, "Move out?" What is it we're saying? What is it you're saying by the way

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this budget is being created? Recently I was at a Traffic Committee meeting. The discussion was on crosswalks. There were three of them under discussion. Two very quickly got approval. There was a member of the Engineering Department presenting them. When the third one came up, as part of the presentation, the City Engineer's staff member said, "Well, there aren't any pre-ramps built there. You know how expensive those are. So let's not approve them." And they didn't. Tonight we've been discussing Go Green. Yet frequently when I'm out, and my little Blue Buggy has a 20-mile trip it can do, so I'm out at a lot of places, I find the garbage cans or the trash containers—what am I supposed to call them, Mr. [Street Commissioner] Downey? I'll call them trash cans tonight—are on the sidewalk, or in the bicycle lane where they don't have a sidewalk. So now I'm further out in the street, making great fun for the Police, as I wander around. Yard waste in the streets seems to be the common thing, and yet that seems to feel like, "Well, I guess we're not worried about our Clean Water Act either." We don't seem to worry about it. Many, many mailboxes are placed on the sidewalk with those free-standing concrete foots and so forth. No attempt to tell the property owner, "The Post Office will deliver it where you put it. You are not to have it on the sidewalk." Most of us would wish they didn't have to do it, and I met with them, and they know better. They do. No one in City Hall is making any change to make those sidewalks that do exist accessible. After I have talked through three administrations, and then the handout I gave you, there are two options before this City Council. You can make immediate changes to the budget and promptly start bringing this City—18 years behind the time—into compliance, or you are causing me, forcing me to bring the Justice Department in and they will take over the budget. The prior Mayor was very concerned when I suggested that. I'm sure Mr. [Mayor] Dennis is also aware there are other cities in this State and many other states. If you think you had fun with the budget now, wait until the Justice Department takes it over. And I am so concerned of this lack of interest, absolute lack of interest, more interested in reading computer screens than listening that, if I don't see a change in this budget, there is only one thing you will have compelled me to do, and the Justice Department will be in here. I make no qualms about it. It takes no money out of my pocket to do that. It is all up to you. And your interest in the constituents when parents or grandparents pushing baby buggies to those who may use walkers or canes or need other assistance, that's all the law says. And I have done so by name in other situations and I will do it here, if I do not see the current budget you're working on make major changes. Thank you. I'll take any comments or questions people have.

ADJOURNMENT:

There being no further business at this time, Councilor Truitt moved for adjournment, and the Mayor adjourned the meeting, the time being 8:10 p.m.

Respectfully submitted,

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