

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
MINUTES  
AUGUST 4, 2008

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on August 4, 2008, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

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, Human Resources Director Foster, WWTU Director Henderson, Parks Superintendent Payne, and Director of Development Poole.

MINUTES: Councilor Keen moved for acceptance of the minutes of the July 3, 2008, Pre-Council Meeting, and the July 7, 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 did not present a report.

PUBLIC SAFETY AND ORDINANCE: Councilor Keen presented this report.

For July, the West Lafayette Fire Department did a number of training exercises at Burtfield School with a new smoke generator that they had, and they were able to do a lot of training with that, and it worked out very well. We certainly appreciate the schools working together with the Fire Department to make that happen. Also in July, the Police Merit Commission promoted three officers, David Lord, Jason Philhower, and John Watson to the rank of Sergeant, and they have all been assigned to the Patrol Division. Congratulations to all three of them. Also July 16, the West Lafayette Police Department provided assistance to Purdue University and the U.S. Secret Service for the visits of Senators Obama and Bayh to the Purdue campus. The third RAD class has been completed. If anyone is interested in signing up for that, they can visit the West Lafayette Police Department website and sign up there. That completes my report.

PURDUE RELATIONS: Councilor Roales presented this report.

Thank you, Mr. Mayor. On Saturday, Purdue President France Córdova presented degrees to over 1,000 new graduates of Purdue at the Summer Commencement Ceremony, and that completed the summer semester. Campus won't be empty for long, as students start moving back into the dorms as soon as this Friday. And so just a couple dates for the community to remember: In eleven days, on August 16, 5,000 freshmen will move into the dorms all at once, and August 22, 34,000 other people will descend on West Lafayette, all in about three hours'

## COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

time, usually, and will clog the streets for quite a while. The first day of the fall semester and the first day of classes is August 25, and so football will be among us in just about a month and a half. It's easy to see when students come back, how much an impact they have on traffic and how hard it is to find parking, but Purdue released some numbers today that reiterate how much of a financial impact they have on our community as well. Last year, Purdue students spent over \$415 million in non-tuition items in our community. It's a significant impact. Last year, Purdue reported \$334 million in research funding injected into our community. That's a tremendous 36 percent increase in Discovery Park's research activity. That's great for our community, and helps to make Chandler's [Poole, Director of Development] job a little bit easier. Purdue has some big numbers, but will soon be making a bigger impact on the Olympic stage as well, as three Purdue athletes compete in the Summer Games, Kara Patterson will compete in the javelin; Mike Duursma will complete in the baseball tournament for the Netherlands team; and, before he even attends his first class, David Boudia will be diving for the U.S.A. team as well. So be sure to look on your schedule for those, and look for the Purdue name on TV. Thank you, Mr. Mayor.

PARKS AND RECREATION: Councilor Hunt presented this report.

Thank you, Mr. Mayor. It's hard to follow that. Good for Purdue. I have a couple of events to tell you about that have happened in the Parks Department area. The Kiddie Carnival was held at Cumberland School gym on July 7. Dancing in the Streets was July 19, and it was successful. The Riverfest, as you may know, was rained out, but only after the West Lafayette canoe team beat the Lafayette team in a two-heat race. And then the rains descended. The summer sports programs and the playground program have been completed. Thanks to the West Lafayette Community School Corporation for their continuing cooperation. The last day to enjoy the municipal pool is August 10. It closes at 8:00 p.m. that day. Swim lessons were enjoyed by a large number of students. If you look at individual swimming admissions, there were almost 23,000 this summer. Global Fest is August 30, which is a Saturday, at Morton Community Center. This is our annual ethnic celebration. The day before that, on the 29<sup>th</sup>, there will be a naturalization ceremony of about 100 individuals. That's always very impressive. Art on the Wabash will be September 14 in Tapawingo. The next Park Board meeting is August 18 at 4:30 right here in City Hall. That's it.

ECONOMIC DEVELOPMENT: Councilor Thomas presented this report.

Thank you, Mr. Mayor. The Purdue Research Foundation recently announced that ten new startup companies have begun operations, some in the Purdue Research Park and others outside the Purdue Research Park. The companies that are in the Purdue Research Park that have been announced are GreenTech America; Intelliphage, Inc.; Nutrabiotech LLC; and Imaginestics LLC. The firms that are currently operating outside of the Research Park are McCullough Consulting, in Lafayette; Knight Mechanical Testing, in Fort Wayne; Dynamic Polyol Company, based in Mercer Island, Washington; D-Helix, based in San Francisco, California; NanoG LLC, based in Old Greenwich, Connecticut; and Apex Therapeutics, based in Indianapolis. So, again, good things continue to come out of the Purdue Research Park and the Purdue Research Foundation. That ends my report.

Mayor Dennis said that's good for West Lafayette as well.

Councilor Bunder said could I ask a question that's—I guess more of a request than a question. We always know all the good things that are happening. Could you, at some point, Gerald

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

[Councilor Thomas], tell us what's not happening? I mean, it's obvious as you drive into the City from the Levee that we do not have two new hotels sitting on lots, and it is also apparent that there are probably other projects that have not developed as quickly as we hoped. We all know about the housing downturn, everyone has been appraised of that through the budget process, but—

Councilor Thomas said so you would like to know what isn't happening as quickly as it should happen within the City.

Councilor Bunder said not tonight.

Councilor Thomas said no, I understand. Sure, we can certainly do that.

Councilor Bunder said thank you.

PERSONNEL: Councilor Burch presented this report.  
Mr. Mayor, no report at this time. Thank you.

BUDGET AND FINANCE: Councilor Truitt presented this report  
Thank you, Mr. Mayor. The Budget and Finance Committee, which is, I think, better termed as the entire Council, we've all been meeting. We've had a variety of sessions. The department heads were fantastic in regard to attending the meetings, giving their presentations, being available for questions and answers, which I know all of us were very appreciative of. The Mayor being very open in regard to the process. The Clerk-Treasurer also being very open. We got to see, as a Council, things that we've never been able to see before, in regard to actually constructing the budget and having a hand in the actual determination of numbers and strategies. Typically, in the past, we would kind of receive the final goods, if you want to call it that, and then we would start to discuss and manipulate, based on that information. But this year it was a little bit different. We also had a lot of variables that were out there that didn't allow us to move forward as quickly as we would like. From what I've been told, just today, there's been some other schedule changes, which I will defer the remainder of my time to the Mayor, and he will update us all on those changes and how that impacts our relatively-aggressive budget schedule, which will now not be so aggressive. So that's my report.

Mayor Dennis said actually, it doesn't change how aggressive we've been with the budget, but it does change—

Councilor Truitt said well, no, not on the actual result, but on the timing. On the timing.

Mayor Dennis said but it actually does change our timeline. The Department of Local Government Finance just this morning issued an instruction that is going to expand the timeline for cities to submit their budgets. It was originally scheduled to be submitted by September, and now that's been moved to November. So I guess the good news is that that will get us time to continue with the process of sharpening our pencils and making sure that this budget is as lean and as mean as it can be. I guess if there's any negative or downside to it, that means that it won't be ready until November. But we'll go ahead and continue to keep the process open. A lot of meetings—and this is mostly for the Council and the Budget Committee—we had a lot of meetings scheduled for this month, and because of the timeline, we can go ahead and either

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

delay or postpone those meetings until a future date. Judy [Clerk-Treasurer Rhodes] and I will get together and figure out another timeline to get that across. It's my intention to meet with the individual Councilors, with the budget that we have so far. A lot of what we've done in the collaborative process is make significant cuts, and in trying to bring our spending to a logical level. We've done a pretty good job of doing that, if I must say so myself. So I will reach out and meet with the Councilors individually about the budget process, and also with the numbers that we have currently. But Judy [Clerk-Treasurer Rhodes] and I will go ahead and send out an email, indicating when the next series of meetings will be, as we continue down the path of trying to make sure we do this thing as fiscally responsibly as possible. Judy [Clerk-Treasurer Rhodes], do you have anything to add to that?

Clerk-Treasurer Rhodes said the delay in the budget deadlines is remarkable. That lets you know how much work lies ahead for all the local units, how slow the information and decision-making has been to come out of Indianapolis. As we speak, there are still some pretty important questions to answer. In response to the concern of local units, the DLGF has extended the deadline for the budget passage all the way until December, although we intend to act in November. They are still providing guidance. We would certainly like to know what kind of tax bills the taxpayers of West Lafayette are going to receive in 2008, before we go on to set the budget for 2009. As you know, we're not there yet. I'm hopeful that we'll have that information in the next several weeks, and some other crucial information that will give us better numbers, and better enable us to tell taxpayers what the 2009 budget will take, and what the likely impact on individual taxpayers will be. I applaud the Department of Local Government Finance for taking this step.

Mayor Dennis said thank you, Judy [Clerk-Treasurer Rhodes].

Councilor Truitt said is it safe to assume then that the meetings that we did have scheduled are off?

Mayor Dennis said that's absolutely safe.

Councilor Truitt said okay. Thank you.

Clerk-Treasurer Rhodes said we'll make every effort to work within our regularly scheduled meetings, to make it much easier on the Council members.

Mayor Dennis said and by that, Council meetings that are already scheduled.

Clerk-Treasurer Rhodes said we'll, for the most part, try to keep with the schedule you've already cleared on your calendar, now that we have some more flexibility.

REPORT OF APC REPRESENTATIVE: Councilor Keen presented this report.

Thank you, Mr. Mayor. There was one item that I wanted to mention. APC voted in July by unanimous vote to grant a two-year primary approval extension for Arbor Chase by the Lakes in the Village. That's a 298-lot, single-family subdivision that you all know is located on the north side of Kalberer between Salisbury and Soldiers Home. What this does is it just gives them a two-year extension to continue their development in that area. So that was actually a good thing that they came forward and wanted that extension. I thought that was good news for us.

SPECIAL REPORTS:

Department of Development Presentation – Director of Development Poole

Director of Development Poole presented an overview of the Development Department.

Mr. Sam Haynes [713 Avondale] said one thing I've noticed that I think is probably very expensive for our West Lafayette is sidewalks. When I had houses in Lafayette, I was very grateful when they offered to pay half of it. My suggestion would be to start that program.

Mayor Dennis said thanks, Sam.

PUBLIC RELATIONS:

Banners to Honor Sameer Mishra

Mayor Dennis said before we get to the Beautification Award, as you know, we have the National Spelling Bee Champion here in West Lafayette. We had an event over at the *Journal and Courier* on Friday, where we were able to unveil the banners that will be hanging in our City, honoring Sameer. Just for those that didn't get a chance to see it in the newspaper, here we go. [Mayor Dennis showed a smaller version of the street banners.]

West Lafayette Community Beautification Award

Councilor Thomas said I have the distinct pleasure this evening of introducing the August 2008 Beautification Award Winner, Bessie Ncube. Bessie, if you would just raise your hand, we'll have you stand later. Although Bessie and her daughter, Lisa, have only lived at 2700 Covington for three years, monumental changes have been made to the landscape. The first task was removal of a large, dying tree and then renovation of the soil in the existing beds. New beds were carved out bordering the front walk, and a large corner garden featuring perennials, grasses, bulbs and evergreens was designed for the intersection of Covington and Barlow. After all these changes were made, nominations for this property started arriving in the Beautification Committee. You can imagine the dismay and distress when this colorful garden was dug up in clumps in September, 2007, for replacement of sidewalks and curbs at intersections in Barberry Heights. Bessie managed to save many of the perennials while the concrete work was being completed, but has added many new plants to the garden. She is especially proud of shasta daisies from her native Zimbabwe. Bessie has developed many friendships with neighbors who come over to see the next landscaping improvement and is very surprised by all the praise and attention. She believes that West Lafayette is the most friendly of all the communities she has lived in here in Indiana and around the world. Bessie, it is the pleasure of the Common Council, the Mayor, and the City of West Lafayette to present you with a certificate of congratulations for the August 2008 Beautification Award. Here is a photograph of some of Bessie's work. We did a drive-by over the weekend, and viewed that beautiful landscaping. You've done a great job. Our congratulations to you.

Ms. Lisa Ncube said thank you so much for the award. We are greatly humbled and honored by this award. We do the gardening for enjoyment. We love gardening, we love the flowers, and this is just a real pleasure for us, to take over that line and do what we want to do with it. So, in a way, we took what was so barren, and we will continue to beautify and make it a crossroads of our neighborhood. Everyone seems to come by that way. We really appreciate this honor and will continue to do our very best, so that our neighbors continue to enjoy the flowers and everything else in our yard. Thank you so much.

FINANCIAL REPORT: Clerk-Treasurer Rhodes

I wanted to just speak briefly about the fact that we've had some updates from the State. We have a tax rate, 0.7182, which is down from 2007. We're talking about the 2008 tax rate. It's down close to a percent, even though we received a small increase because of the annexation. The biggest news is that our assessed valuation is up almost 6%. That's quite a change for us. It's unusual, in that it's in our core City, the pre-annexation area of the City. It represents a combination of growth and the trending, and I think also, honestly, it reflects partly the timing of when the assessed valuation was certified last year for our tax rate with the DLGF. There were some delays in seeing all the assessed valuation come through into the certified AV, and it's all come through now, and we're seeing a larger than expected increase. In our annexation area, we've seen very slow growth. I'd estimate about \$1.5 million over last year. Nonetheless, it is about \$13.7 million, which—going back to 2005, when they first envisioned the annexation—the AV was certainly less than half of that. So we have seen growth out there. As we discussed earlier, we're going to be utilizing the extended deadlines provided by the State, so that we have the advantage of all of the decision-making and information that's coming out of Indianapolis, and we can make the best decisions in this budget. This involves both the budget for 2009 and the consideration of the annexation appeal. These are complicated matters, and we're going to be able to really benefit from having the guidance of the State in how they're going to implement several new legislative initiatives as we move into our budget. You have received your cash reports, your balance sheets and income statements on the Utility, and your State Board of Accounts ledgers. Thank you.

UNFINISHED 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 second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Truitt.

Mayor Dennis said we also have an amendment to that ordinance, and I believe that was submitted by Councilor Roales.

Councilor Roales said Councilor Truitt, do you have a copy of that?

Clerk-Treasurer Rhodes said Councilor Roales, an email was sent to our office which contained an attachment and another amended version for this ordinance. Since the send list was blind, we don't know whether that was provided to the Council members.

Councilor Roales said all Council members received that.

Councilor Keen said is this the first or the second amended version that you gave him?

Councilor Roales said that's the first. I don't have any printouts of the second. I expected the Clerk to provide those.

Councilor Keen said because in my email, I didn't get one. It said there was one attached, but there wasn't one there.

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

Clerk-Treasurer Rhodes said there was no instruction. We can produce those copies now.

Councilor Roales said it's a simple change. It takes—

Clerk-Treasurer Rhodes said here's the email. If you don't mind, we'll just submit your email, which you sent to us. It wasn't clear whether you were filing it or what, because there was no instruction or note to this.

Mayor Dennis said so procedurally, where are we? We have a new amendment. Correct?

City Attorney Burns said would you like to withdraw the one you filed at Council Caucus and substitute it with this one that was just passed out, Councilor Roales?

Councilor Roales said you know, I presented the one at Council Caucus for information and for the beginning the discussion.

City Attorney Burns said okay, so the one that was just passed out is your motion?

Councilor Roales said yes.

City Attorney Burns said okay. So we can discard the other one, just for clarity of the record.

Mayor Dennis said so, given that this is a motion, do we need a second?

City Attorney Burns said we do.

Councilor Bunder said second.

Mayor Dennis said it's been motioned and seconded. Now, for discussion.

Councilor Hunt said I have some comments. I see no big hurry to make these changes. And, as Councilor Roales said, he brought this up for discussion at Pre-Council, but we were rather rushed for time and we didn't have a discussion. I would very much like to postpone discussing this ordinance, because I think we need a little more input from the Traffic Commission. We've all received an email from the Chair of the Traffic Commission, asking for more time to discuss this. I very much would like to do that. I think it has some wisdom. There's no hurry. We have a little bit of dab here that we want to change, some things that I would like to change, and I think other people, so my suggestion is we put all of these on hold and meet with the Traffic Commission. Maybe have a public hearing if we feel we need to, and then not vote on either one of these this evening.

Mayor Dennis said so, insofar as the amendment goes—

City Attorney Burns said motion to table both.

Mayor Dennis said so you want to table them both?

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

Councilor Hunt said if I can do that—if you can lay it on the table—

City Attorney Burns said you may.

Councilor Keen said do a procedural thing. The motion has been to amend by substitution. Now, do we need to vote on that?

City Attorney Burns said she can move to table, and that would take precedence over the amendment and the main motion.

Councilor Keen said so that's in order.

City Attorney Burns said so that's in order. Her motion is in order, as a motion to table.

Councilor Hunt said and I would certainly like discussion on it, on the tabling, or the postponing.

Mayor Dennis said so where do we stand right now? We have a motion—

City Attorney Burns said motion to table both.

Mayor Dennis said and we're at the point—

City Attorney Burns said you need a second.

Mayor Dennis said we need a second for that.

Councilor Bunder said second.

City Attorney Burns said and that is a non-debatable motion. So it calls for a vote. You are voting on the motion to table both the amendment that's been filed with the email from Councilor Roales, as well as the main motion, so it would table both of those issues.

Mayor Dennis said so it would table Ordinance No. 22-08.

City Attorney Burns said and the amendment.

Mayor Dennis said and it's been motioned and seconded.

Councilor Hunt said and now we're not voting to consider it—

City Attorney Burns said for tabling.

Councilor Hunt said we're voting to table it.

City Attorney Burns said yes, correct.

Mayor Dennis said so then we would move on.

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

There was no further discussion.

The roll call vote:

<b>AYE</b>	<b>NAY</b>
Bunder	Burch
Hunt	Keen
Thomas	Roales
	Truitt

The motion to table Ordinance No. 22-08 failed, 3-4.

City Attorney Burns said there is now an amendment on the table for discussion.

Mayor Dennis said discussion?

Councilor Keen said can I ask a question?

Mayor Dennis said that's discussion, yes.

Councilor Keen said thank you.

Mayor Dennis said and this is for the amendment only, Gerry [Councilor Keen].

Councilor Keen said right. I know that there was some resistance by the Traffic Commission on the original amended version. My question is has the Traffic Commission seen the second version, or do we know?

Councilor Roales said I don't believe so, but I tried to incorporate their comments and their feedback into that version and tried to improve it, based on the two correspondences that I received since Thursday.

Councilor Burch said no, Councilor Keen, the Traffic Commission has not had a chance to discuss this at any meeting.

Ms. Jan Myers [1909 Indian Trail Drive] said excuse me, Mayor. Is the public allowed to know what that amendment is, since there were no copies on the table?

Mayor Dennis said sure. We have extra copies.

Councilor Roales said so I'll give you a brief idea of what it is. On Thursday, I presented the first amended version, which changed the composition a little bit, and on public suggestion, I included the original language for section (a), for 41.09 (a). The City Attorney used a little bit different language there in (a) that established non-voting members and specifically listed who that would be. I included his section at the request of some constituents, and that's all the difference is between the Thursday version and yesterday's version. So, if you're in the audience, the Thursday version is correct, all except for the City Attorney's section (a), under 41.09. That's the only change.

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

Councilor Truitt said Councilor Roales, the overall motivation of these changes, since I was not able to attend the meeting on Thursday, can you just kind of educate me quickly, in regard to what the overall strategy here is?

Councilor Roales said sure. The strategy is to establish a diverse and well-represented City Traffic Commission. Since our community is very diverse with multiple constituent groups, from students to international students to long-term community members to high school students, I felt it was important that all of these groups were represented in proportion and explicitly represented in a diverse Traffic Commission. They all hold unique viewpoints and unique needs that the Traffic Commission affects. So to ensure the safety and to ensure a well-functioning Traffic Commission, I thought it was important to have a diverse established Traffic Commission. There were questions in the previous month about some vagueness about "businessman" and what does that mean, and I attempted to clean that up. And so, working with public comments, Councilor comments, I attempted to improve the ordinance, based on what the City Attorney had already presented.

Councilor Burch said Mr. Mayor, I request permission to read an email from the Traffic Commission Chairman, Professor Kumares Sinha, if I may, please.

Mayor Dennis said sure.

Councilor Burch read:

"I do not agree with many of the changes suggested in the amendment. The changes suggested will make the Commission grossly ineffective. If the Commission membership does not include people with necessary knowledge and expertise, the Commission will not be able to discharge its duties. Unfortunately, I will be out of town on Monday, and therefore I am sending this note, with the hope that the City Council will give me and other members of the Commission adequate time to express our views. The Commission has served the City very well over the years, and I do not want to see its effectiveness reduced."

Mayor Dennis said further discussion?

Councilor Roales said I believe in response to that email, which I also received, the reinclusion of the non-voting members would supply that expertise that he is citing. The makeup is unlikely to change the long-term experienced experts that we already have on the Commission, the valuable members that have been contributing over time. We'll certainly make every effort to make sure that they fit into one of the new appointment categories, and I don't believe that the new appointment categories differ dramatically from the other one, since we're making the Commission much larger. I think that everyone that's a valuable member already will be allowed to continue to serve, and I think we would encourage them to. And so, I mean, I am responding to his feedback and that was valuable feedback, and I hope that, you know, he feels that this improved version takes in that feedback.

Councilor Burch said Councilor Roales, we have a very diverse Traffic Commission already. A lot of expertise, a lot of diverse individuals. I'm not clear where you're going with this, or the need for this amendment.

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

Councilor Roales said well, this amendment more explicitly states that diversity is important to the Commission and to the Council that appoints the Commission. Currently, yes, we are blessed to have a fairly diverse Commission in a number of areas, but it sorely lacks in also a number of areas. Students are vastly underrepresented on the Commission makeup, high school students are not represented at all in the current Commission makeup, and international students are represented right now but not explicitly. I think acknowledging the tenets that the diversity of that Commission is very important because of the nature of its work is important. The nature of the work of the Traffic Commission is such that it affects a lot of different people very differently. High school students walking to school are affected in a very different manner than a businessman who is concerned about traffic to his property. And so the explicit statement of that diversity and the maintaining of that, I think, is important.

Councilor Keen said can I just say that I understand where you're going with this, and I certainly see where you're going with it. My position is I know that the Traffic Commission has spent months working on their original version. I think to come through at this later hour and put in a version that they haven't even seen is almost like pulling the rug out from under their feet. I don't think that would be fair to them, or to the City to do something like that. I have been to a number of these Traffic Commission meetings, and anybody can go to these meetings and provide input. So if you have high school students who are concerned about something, they are more than welcome to go and provide input—as well as Purdue students—and anybody who wants to can go and provide the input that you're talking about. And they don't have to be members to provide that input. I see this amended version as just circumventing what has already been, you know, a lot of work been put in to, in order to make this an effective and meaningful Commission.

Councilor Roales said I'll respond to a number of different angles that you had there. I realize—we heard just Thursday or Friday that the Traffic Commission had been working on this for a number of months, and so it's curious that the Council was not included or carbon copied in those discussions. You know, for a Commission to determine its own makeup and regulate itself goes against the tenets of diversity. It's legacy-type thinking that's inappropriate in West Lafayette, in that a non-diverse committee will continue that non-diversity, because diverse elements are not present in the discussions about what the new makeup should be. And so I think the Council's opinion is important in this, I think we should have been included in those discussions. It's regretful that we haven't, but I feel I presented this with enough time. I didn't ask for the motion to amend by substitution on Thursday intentionally, so this could be presented to the committee, to the Council, to the public. And it has been. We've received public comments. This document is 99% what they've been discussing for months, and so, I think, based on their work, we've tweaked it just a little bit, based on public comments and feedback, Councilors' feedback, and I think it's a better document that's based on their work.

Councilor Keen said well, all the public comment I've gotten on it so far has been negative –

Councilor Roales said one comment, Sir?

Councilor Keen said that I have gotten personally on this has been negative. Every person that I have spoken with about this, about the amended version, has been negative. That's my own person experience with this, but you may have other. But that's been my experience with it.

Mayor Dennis said further discussion? Again, this is on the amendment only.

Councilor Hunt said may I continue to comment? Essentially, this discussion is why I wanted to table the whole thing. I think it needs more discussion. I'd like to go over the fine points of this. It's too important, and there's no hurry. It's too important to devote right now, and, again, there's no hurry. In reference to the work of the Traffic Commission, I agree with Councilor Keen. They're always very, very responsive to citizen input. I had a problem with the lanes on Lindberg, making a left turn into Northwestern, went to the Traffic Commission with one of my constituents with pictures and diagrams, and it was agreed that that was a good concern, and the lanes were painted the next day. In addition, I had a problem with the school bus stop at the base of Ravinia, I went to them and the school bus stop was changed. The Police are certainly always at the meetings, because they're a member of—essentially non-voting, and there were Police there watching the school bus stop every day for weeks and weeks and weeks. I still think we should continue tabling this. I know we voted on it. I just think it's—I'd like more time to think about it, and to maybe compromise with the Traffic Commission. I've gotten several negative comments, at least three, also. So I just don't see any hurry.

Mayor Dennis said just point of clarification. The original ordinance was passed unanimously last month, and with no amendments. So there has been time for discussion. And all of the Traffic Commission meetings are public, are publicized, so the information is available, and the option for participation exists also. Further discussion on the amendment only.

Councilor Bunder said let me speak to the amendment. The amendment is offered by Councilor Roales, to a proposal from the City Attorney. And that dynamic is probably informative. We have a new political reality. For the last 24 or 28 years, the majority party and the City Attorney were the same, represented the same political party, and information flowed as it would. We now face a certain awkwardness in involving the Democratic Council majority with the deliberations of the City Attorney, acting perfectly appropriately, his function with the City commissions. We will come to this again, I suspect, in the discussion of the Violations Bureau. I point out that awkwardness as a way of commenting on the usefulness of Councilor Roales' amendment, and to try a different parliamentary tact. I would move that we set aside to a date certain discussion of Ordinance No. 22-08, and that date certain be the next meeting of the City Council.

City Attorney Burns said and that's in order. That would need a second.

Councilor Hunt said wait a minute. Let me clarify what you said—

City Attorney Burns said that would be a motion to table to a date certain, essentially.

Councilor Hunt said well I'll—next Council meeting? In a month?

Councilor Bunder said that's what I picked.

Councilor Hunt said there's not a lot of people here for the August Traffic Commission, because it's right when Purdue starts. Does it have to be—may I do this dialogue? Does it have to be—could it be within two months?

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

Councilor Bunder said sure.

Councilor Hunt said then I second that.

City Attorney Burns said and then—two months? For two months?

Councilor Bunder said then my dates—the September meeting of the Common Council of the City of West Lafayette becomes my date certain.

City Attorney Burns said and that is also non-debatable.

Mayor Dennis said so we now need, Judy [Clerk-Treasurer Rhodes], a roll call vote on the motion—

City Attorney Burns said to set to a time certain, which would be the September Council meeting.

Mayor Dennis said right. And this is for the amendment, and then the ordinance?

City Attorney Burns said for both. Correct.

Mayor Dennis said okay.

Councilor Bunder said this sweeps them both up.

The roll call vote:

<b>AYE</b>	<b>NAY</b>
Bunder	Burch
Hunt	Keen
Roales	Truitt
Thomas	

Councilor Roales said, when his name was called for his vote, that I wanted to have some discussion, and Councilor Hunt's motion came very early without any Council discussion, and so I think it's important that the public hear a little bit of that discussion now, they can respond to that, and I'm happy to table it, so the public can continue to respond, we can continue to improve this document.

The motion to set aside Ordinance No. 22-08 to the date certain being the September Council meeting passed, 4-3.

Councilor Hunt said may I make a request, that people get in touch with us. Please.

Mr. Sam Haynes said I'm a little disappointed we didn't get a chance for the audience to make comments.

Mayor Dennis said we never got to that point, Sam [Mr. Haynes].

Mr. Haynes said I noticed that.

Mayor Dennis said and we'll do that at the end of the meeting, if you'd like.

Mr. Haynes said at the end of the meeting. Okay.

There was no further discussion.

NEW BUSINESS:

Ordinance No. 24-08 An Ordinance Providing For Temporary Loans From A Fund Having Sufficient Balance To A Depleted Fund (WWTU to General Fund) (Prepared by the Clerk-Treasurer)

Councilor Keen read Ordinance No. 24-08 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 discussion.

Clerk-Treasurer Rhodes said we're asking the Council for temporary loan authority. I'll be requesting two readings this evening. We have to date \$3,731,000 in temporary loans, to the General Fund, primarily, but also Parks and the Pension Funds, in order to pay necessary expenses in advance of receiving our property tax draw.

Mayor Dennis said further discussion?

There was no further discussion.

Ordinance No. 24-08 passed on first reading, 7-0.

Councilor Keen said Mr. Mayor, I would move that we suspend the rules and consider Ordinance No. 24-08 on second reading. The motion was seconded by Councilor Truitt.

Mayor Dennis said discussion.

City Attorney Burns said no discussion. Non-debatable.

The motion to consider Ordinance No. 24-08 on second reading passed by unanimous vote.

Councilor Keen read Ordinance No. 24-08 by title and moved for passage on second and final reading, and the vote be by roll call. The motion was seconded by Councilor Truitt.

Mayor Dennis said all right, any further discussion?

There was no further discussion.

Ordinance No. 24-08 passed on second and final reading, 7-0.

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

Ordinance No. 25-08 An Ordinance Requesting An Additional Appropriation Of The Motor Vehicle Highway Fund And Consolidation Of The LOHUT Fund With The Motor Vehicle Highway Fund (Prepared by the Clerk-Treasurer)

Councilor Keen read Ordinance No. 25-08 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 discussion.

Clerk-Treasurer Rhodes said Councilmember Keen, at the request of City Engineer Buck, he would like to make a presentation to the Council this evening regarding the Salisbury Street Phase II Project. He has asked us to prepare an amendment that could be considered for action as amended by substitution.

Councilor Keen said is he going to discuss it first, or should I move—?

Clerk-Treasurer Rhodes said perhaps you could have a motion, so that we could begin the discussion.

City Attorney Burns said that would be fine.

Councilor Keen said I would move that we amend by substitution Ordinance No. 25-08, as submitted.

The motion to amend by substitution was seconded by Councilor Truitt.

Mayor Dennis said any discussion?

City Engineer Buck said we are moving forward with the Phase II Salisbury Street Safety Improvements Project, very similar in scope to the Phase I that ran from Robinson up to Riley. This one will run from Riley up to Rainbow. Inflation has risen out estimate. The original project estimate was \$1 million, then it went to \$1.2 million, and now I'd like to have \$1.5 million to do this reconstruction project—new curbs, new sidewalks, ADA compliant ramps. The thing that's different about this section, it's nearly the same length, it's a little shorter, but the concrete pavement underneath has a lot of joints, and it's caused all the asphalt overlay that was placed on to pop off over the years. That's the nice little areas that you drive across that everybody sees; it's really obvious. We'd like to bid the project, to be able to replace and patch that concrete pavement underneath, and then put down basically a membrane and then overlay over the top of that. And attempt to make a longer-lasting repair. The overlay that we did in Phase I, you can see the cracks already, and we're going to be crack-sealing that this fall yet, to keep the water and moisture from getting down into those reflective cracks, causing further damage to the pavement structure. Phase II, we'd like to try to fix that problem more thoroughly, I guess, would be the way to describe it. Is that good?

Mayor Dennis said that works for me. Any questions from the Council?

Councilor Burch said Mr. Buck, will we be putting in any more medians in the middle of Salisbury?

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

City Engineer Buck said not in this phase. There are none proposed. Too many driveways and intersecting streets.

Councilor Burch said wonderful. Thank you.

City Engineer Buck said thanks.

Mayor Dennis said further discussion?

There was no further discussion.

Ordinance No. 25-08 as amended by substitution passed, 7-0.

Ordinance No. 25-08 [AMENDED] passed on first reading, 7-0.

Ordinance No. 26-08 Amendment To City Code Making Any Violation Of City Code A Violation Of The Ordinance Violations Bureau (Filed by the City Attorney)

Councilor Keen read Ordinance No. 26-08 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 called on City Attorney Burns for explanation of the proposed ordinance.

City Attorney Burns said thank you. As I covered on Thursday, this is an ordinance amendment that's being offered in order to give the enforcement personnel in the City of West Lafayette further tools in order to enforce the City Code. The Ordinance Violations Bureau is a creature of statute. It came up probably a decade or so ago. It used to be that cities only had the power to walk into a courtroom, file a lawsuit, and seek enforcement in that manner, either by an injunction or a fine or both. The Legislature decided that they needed to have a little bit broader powers, powers that would allow them to take charge of perhaps smaller types of infractions without having to go to the expense of a lawsuit. And so the Ordinance Violations Bureau, which is in effect in this City for a few different violations, is one that can be used to issue a ticket. You can think of it as a speeding ticket or a parking ticket. If there's a violation after a warning, then the City official would write that ticket—it looks just like a ticket—and it would be given to the person who's in violation. That person would have the option of paying it or not paying it. If they choose to pay it, usually \$50 for the first offense, then that goes to the Clerk-Treasurer and gets paid. If the person chooses not to pay it in the time designated, then it would go to City Court for enforcement. If it came to City Court, then the City, if they use the City Attorney's office as opposed to the Development Department or somebody else, we would be asking for attorney fees for the costs of that enforcement action. So if it has to go to Court, which less than half of them would, in my experience—I worked with this in the City of Lafayette for eight years—if it had to go to enforcement in the Court, then the City comes off as close to even as you can get in that situation, with a fine being paid and the City's attorney fees being paid by the violator. It's obviously up to the Court how that's enforced, but the person would then have their day in Court, if they chose not to pay. This ordinance states that everything in the City Code can—not has to, but can—be enforced by the Ordinance Violations ticketing process. It does not, and explicitly says it does not, substitute for any procedures that are

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

currently in effect. Therefore, in the appropriate situation, even though the Ordinance Violation Bureau could be used, it would not have to be used and you could go straight to Court, get an injunction, get a sizeable fine, larger than the Ordinance Violation Bureau would provide for. As you see in the draft before you, \$50 is the first offense, \$100 is the second offense, and then \$250 is the third offense. Each day that a violation occurs is a separate offense, and so my experience has been if your goal is to gain compliance with the City Code, which is my goal as the City Attorney, this is an excellent way to do it. Because it is progressive, in terms of always upping the ante if someone does not follow through, and it gets people's attention. It tends to be very effective in changing behavior, so that people will start following the City Code in whichever particular area is being enforced. I think it's a good change, and I would ask for your support of it. I'll be happy to answer any questions that you might have.

Mayor Dennis said further discussion? Questions for Mr. [City Attorney] Burns?

Councilor Hunt said I have a question. I got a letter from a citizen—maybe all of us got it, I'm not sure—about an area in the City, and his neighbor both had trash and noise and I know there was something else. Would you walk me through—say this citizen wrote a letter to any Councilor. What's the next step? What's the friendly approach? Walk me through it with this one.

City Attorney Burns said with the Ordinance Violation Bureau—as a matter of fact, I just met today with the Director of Development, as well as two of the staff members who are in charge of the enforcement. What we're working on is a door hanger system, so that a person who has a certain kind of violation would get a door hanger. This would be for the more minor violations—excessive grass height, things of that nature—and so there would be either a warning by a door hanger, perhaps a warning by a knock on the door by an enforcement official and hand them a door hanger, or by a letter. And exactly which of those three would, I think, be dependent on the severity of it and whether or not someone was home. And so the warning would be given, they would be given a period of time to comply. And if they do not comply, then that code official would go back by. If it has not been complied with by that time, then they would be issued a ticket. And the ticket, again, looks like a uniform traffic citation that has all the information on it, and it would give the details to the person about how they pay it and give the details to the person how they can contest it if they choose not to pay it.

Councilor Hunt said so if I got a letter, I could forward it to—?

City Attorney Burns said sure, to the Director or Buz [Assistant Director of Development Grady] or any of the folks in Development. Depending on what it is, there might be other departments involved, too. But that would be the mainstay for enforcement, that department.

Councilor Hunt said thank you.

Mayor Dennis said Peter [Councilor Bunder].

Councilor Bunder said on the one hand, I really like this idea, and I brought some photos of things that I think could get tickets and it would be really helpful. These are all in Wabash 13, these are in the top half of the Second District, generally considered to be the nicer half of the Second District, and they were all taken on July 20, as I walked from my house to Lambert to

## COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

exercise my bad right knee. These are not taken with the students moving in, they are just sort of what you usually see as you go down the alley between Vine and Grant and Vine, and North Chauncey. So here's my first "wouldn't-it-be-great-if-this-were-ticketed" photo. I'll show these to Paul [Councilor Roales] and to you guys, and I'll pass them down. This is 204 West Stadium, and the property is owned by Plonski Apartments, LLC. For most of you in this room, you understand that one of the reasons why compliance is difficult is we have moved away from your Aunt Tillie or retired Professor Jones being the chief renters, and on to far more sophisticated corporate structures. We have an ordinance, 67.06, about lids, and we have an ordinance, 67.07, about trash being inconspicuous. These poor folk never have lids. I don't know where the lids went. They haven't been there in ten years. This is a feral cat nursery. This is a place where the feral cats in our neighborhood go to have their babies. If you look down in this corner, you'll see that there are no boards at the bottom of the garage, so if you are a feral cat and you are having a litter of kittens, this is a great place to get out of the rain. There's lots of food—the trash itself—or the vermin who also feed off the trash. This is a real smorgasbord for the cats. I would hope that would get a ticket. I have it as a winter scene, too, in case you think that this is just some sort of summer event. Now as you walk down my alley towards Purdue, you'll come to the alley in back of—the place in back of—339 Oak, where this couch has been sitting all summer long. It allows the squirrels a great view of the alley. This is owned by Dilip C. Pendse Trustee. The couch is moved occasionally, as they mow the lawn around it. Sometimes it gets flipped over, then it gets flipped back, but the couch is always there, 339 Oak. Now if you look across the street from the couch, if you were sitting on the couch, you would be looking at 348 Stadium on the Grant-Vine alley. It's owned by Anthony Murphy et al. Again, I've never seen a trash lid there. It would not be inconspicuous by my definition. Left of the couch—if you were in the couch and turned to your left, you would be looking at the trash in the back of 331 Oak in the Grant-Vine alley. This is owned by George Xioufarides. And this is fairly regular—again, no lids, not inconspicuous. And I sent all of these to Curt [Cunningham, Nuisance and Housing Inspector] on July 21. So for that reason, I would endorse wholeheartedly ticketing violations in the City of West Lafayette. And I don't really care if the bungee jumping fine changes. There is an ordinance, 10.06, that says for \$2,500, you get to be yelled at for bungee jumping. Now if that goes down to \$50, I really don't care. I don't know what happens to the bungee jumping fine under this proposal, but I am concerned about all of those portions of 117.20 in the City Code, all those violations that are in place or incorrect affidavits, false or materially incomplete information on applications, and failure to post occupancy stickers. I would love to be able to vote for this, I truly, truly would. I believe it's a great step in terms of speeding enforcements of nuisance violations in the City of West Lafayette. But I'm reluctant to do so, unless I can see some specification of which fines are likely to be enforced through the Violations Bureau, and which ones are unchanged. That information would be important to me. And it may be that we cannot provide that tonight. In my head I see an Excel spreadsheet with bungee jumping at \$2,500 and then bungee jumping at \$2,500 or \$50. That degree of specification is important. Why? Because these size of these fines were hard-fought, hard-won. And the process of taking folk to court under 117 has been useful. Perhaps I would be more inclined to vote for this if the Liu and Huang or Patti and Jerry Weida or Edward Bowden cases had finally been settled. Perhaps if there had been a new filing against someone for over-occupancy, I would be more inclined to vote for this. I am aware, as one of the students I know mentioned Sunday, that they have been important and continue to be important. Why? One of the landlords, one of the companies I just mentioned, was about to rent to a fourth unrelated student. And then he stopped and said, "Oh, nuts, I can't do that." And it was a good candidate to be the fourth student. Why? Anybody who lives in a 47906 zip code and can send their mail home from Purdue is less likely to get caught over-occupying. But

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

the landlord said, "No, I can't do that, because if I break the law again, will owe the City \$30,000, and I can't afford to do that." So the size of the fines under 117.20 is important to me, and I believe to my constituents, even though we would love door hangers and tickets. And that I guess stands as a comment and a question. Could we be provided a list of fines that go under the Violations Bureau and those that are likely to be handled by the Development Office or the City Attorney's office?

Director of Development Poole said we'd be happy to try to figure that out and provide a list.

Councilor Bunder said until that list, I will not be voting for [Ordinance No.] 26-08.

Mayor Dennis said further discussion?

Councilor Roales said I share a lot of concern that Councilor Bunder also shares. You know, the history of this hasn't been explained to me, but certainly the procedure of how it got here is interesting, that it's presented by someone who's not an elected official, and that hasn't been discussed and debated by elected officials until this point. And so I would ask that the citizens provide feedback on this. That's important. That helps us do our jobs, and I'd ask that, you know, in the future, that we try to include the Council in discussions of the construction of these as much as possible. You know, the City Attorney operates a little interestingly in our City. He represents both the Council, as the Council attorney, and the Mayor, as the Mayor's attorney. And often that can be an interesting position to put himself in. And so, you know, I hope that in the future, that in the interest of transparency and the interest of vigorous public debate about public policy, that, you know, that we allow a little more time for the Council to present their opinions on how these things are constructed specifically. I'd like to see us take a little bit more time on this, and if that takes a No vote, maybe that's what it takes.

City Attorney Burns said you realize that there are two votes on this ordinance, and they would be a month apart?

Councilor Roales said I'm familiar with the procedure of the Council.

City Attorney Burns said are you also aware of the fact that the statutory duty of the City Attorney is to enforce the code of ordinances in the City of West Lafayette?

Councilor Roales said I'm familiar.

Mayor Dennis said further discussion?

Councilor Keen said I think that implying any kind of impropriety without any kind of substantiation against the City Attorney is completely uncalled for. I interpreted your comments as that, and I take exception to that. And I think that the only thing that this ordinance is going to do is provide an easier venue to get compliance. That's it.

Councilor Roales said Councilor Keen, I don't disagree with the intent of the ordinance, I don't agree with the mission we're at. I have a problem with the procedure with how this was brought to the Council. And I think that procedure is important, because it allows for the public input and public debate. It allows for the debate among elected officials that worked hard to go out and

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

work with the community to hear their input and get their vote and support. And I think that the view of non-elected officials that advise the Council is important. But that ordinances and legislation should be vigorously debated among the elected officials, before placed on the official agenda, and so I'd like to take the time to do that.

Councilor Keen said is that anything like the Traffic Commission proposal that you submitted tonight? You know, we didn't have an opportunity to look at that one, either.

Councilor Roales said at every point, I've asked for public comments. On Thursday, I asked for public comments. Tonight I asked for public comments. That's—

Councilor Keen said I think that's beside the point. I think that this is a good ordinance and I really think that we need to push forward and allow the people that deal with these things the opportunity to make their jobs easier anywhere we can. And just for the record, it doesn't require someone to be an elected official to file an ordinance within the City.

Mayor Dennis said further discussion?

There was no further discussion.

The roll call vote:

<b>AYE</b>	<b>NAY</b>
Burch	Bunder
Hunt	Roales
Keen	
Thomas	
Truitt	

Ordinance No. 26-08 passed on first reading, 5-2.

Resolution No. 14-08 A Resolution To Reduce The 2008 Budget (Prepared by the Clerk-Treasurer)

Councilor Keen read Resolution No. 14-08 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?

Clerk-Treasurer Rhodes said this is a mechanism that's used in order to prepare the 18-month budget, which will include the last six months of this year and the entire period of 2009. As we see department requests come in, it's sometimes helpful to cut the appropriations in budgets for 2008 which are now known not to be needed, in order to free those resources for expenditure in 2009. There may be other requests as we finalize the budget. Ofttimes, we have actually done this several months after adopting the budget, in order to ensure that we have the smoothest review through the DLGF. Tonight I ask for your vote, in order for us to be able to continue to prepare the budget.

Mayor Dennis said further discussion?

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

There was no further discussion.

Resolution No. 14-08 passed on first and only reading, 7-0.

Resolution No. 15-08 A Resolution Requesting The Transfer of Funds (Sanitation, Legal, LRS)  
(Prepared by the Clerk-Treasurer)

Councilor Keen read Resolution No. 15-08 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?

There was no further discussion.

Resolution No. 15-08 passed on first and only reading, 7-0.

COMMUNICATIONS:

► Councilor Burch said I'm sure a lot of people already know, and I probably should have put this in when Mr. [Director of Development] Poole was giving his report, but I just want to reiterate once again that State officials have designated a 13-mile stretch beginning at the junction of I-65 and State Road 43 and running south to Ross Hills Park as a Scenic Byway. I want to thank the committee, of which there were many, many members, and, in particular, Stan Lambert, the Executive Director of the Wabash River Enhancement Corporation, for his efforts and diligence on this project. Scenic Byways are not granted easily by the State, or on the national level. The River Road Scenic Byway is the first of its kind in Tippecanoe County. It was designated based on historic scenic and natural qualities. This will add as an economic tool to our City as well. Thank you.

► Councilor Truitt said I want to thank the Mayor for coming out and giving a nice send-off to our 9- and 10-year old girls softball team that made the state championship top 8 teams in the State. We came up just a tad bit short, but we made the top four, and the girls did a great job representing the City of West Lafayette, and they were more than excited to have you there. Your little pep talk propelled us through Sunday. So we appreciated you doing that.

Mayor Dennis said they were quite excited. I didn't know if that was the speech or if it was the—

Councilor Truitt said I think it was staying in the hotel, actually.

Mayor Dennis said or maybe the sugar drink they had prior.

Councilor Truitt said they did great though.

CITIZEN COMMENTS:

► Mr. Sam Haynes [713 Avondale] said with all due respect, I thought that on a resolution that you asked the audience for a response.

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

Mayor Dennis said not on a resolution.

Mr. Haynes said you don't?

Mayor Dennis said an ordinance, yes.

Mr. Haynes said on an ordinance? Was that an ordinance on the Traffic Commission?

Mayor Dennis said yes.

Mr. Haynes said and I didn't get a chance to respond. But since I didn't, I lost some of my effectiveness.

Mayor Dennis said Sam [Mr. Haynes], you have never lost your effectiveness.

Mr. Haynes said okay, thank you. I feel like if we include high school students and even Purdue students, that the Commission that's trying to get something done—they dilute their effectiveness and it just is more difficult, more chaff in the wind. That's all I have to say about that. Councilman Bunder, I don't think I understood what you were saying when you said you were in an awkward position because we have a Democrat majority now, and you thought it was a little more awkward now. You mentioned something about something being awkward. What did you mean by that?

Councilor Bunder said once upon a time, the same political party ran both City Hall and the City Council for most of the 24 or 28 years. And that made a certain level of communication through the Mayor's Office, through casual conversation, more likely. Because of the changes at the last election I believe that that's probably a little less likely. And because of that, it will make some communications more awkward. I would love to have this be my full-time job, I think. But it is not. And it is not going to be possible for me to attend every meeting of every committee and every commission to know what's going on at every level of City government. That's simply not going to be the case. And I don't expect communication to be perfect. In the next three and a half years, I suspect we will get over this awkwardness, as we have conversations about the Traffic Commission and about the Violations Bureau. I do not mean it to be a criticism, it is simply a report of how folk get on together.

Mr. Haynes said I appreciate your light-heartedness and your comments that you make in a lighthearted way. I appreciate that. Thank you very much.

Mayor Dennis said thank you, Sam [Mr. Haynes].

► Ms. Jan Myers said because the Traffic Commission came up, I first want to make a comment on that. Councilor Roales, if you're going to start being specific on who's on there, I urge you to bring the City into compliance with the Justice Department and then include disabled persons. This committee has been very open. I have not found that necessary to do so. I attend the meetings and make my comments, but your comments would be very interesting to the Justice Department on how and why you created your suggested amendment. Complete change of points I want to bring up are regarding Salisbury, specifically the area that has—Phase I, I believe we call it. I attended many of the City commission meetings over the last five years as it

## COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

was planned and created. I repeatedly heard that the planters, as we now know them, were being done for traffic-calming reasons. I also repeatedly heard from the City Engineer's Office, that these planters were mountable. So I decided to do some checking, as the Mayor and others are learning. In June '07 at the invitation of myself and my husband, the then-State Fire Marshall came to inspect them. He was very, very concerned. The idea that emergency vehicles could drive over or down or somehow not be bothered by those planters found difficult to imagine, especially considering he already knew of a fire truck—and he didn't tell me where—that had tipped over, trying to mount a particular curb in another city. He also found that the spring thaw might have a truck or an emergency vehicle up to its axle. The idea of piling snow and ice would stop vehicles from using the planters, because, you know, last winter that was where snow and ice went. Police cars do not have particularly higher clearance than the rest of our vehicles, and they might not clear the island at all. People in ambulances would be of special concern as they got bounced around or otherwise. That was in October of 2007. He then turned this over to Indiana Homeland Security, which has sent a letter to the City and has copied us, in which the planters on Salisbury were described and declared to be obstructions. Looking at the word "mountable," I followed up on what the City Engineer's Office provided as to who at INDOT had looked at the plan when created. One of the gentlemen has retired, and the other is there, and he was quite willing to speak in person. I first found out that INDOT does not have a definition of "mountable." "Mountable depends"—and I'm quoting here—"on the vehicle speed, etc." Mountable curbs are not meant to be driven over—more comments from INDOT—but they do allow a driver a greater chance of maintaining control of the vehicle when they are struck than a barrier curb would, still not being driven over. INDOT likes to place mountable curbs at the back edge of a shoulder, to lessen the vehicle striking them, so they're referring to something over at the edge, not in the middle. There is also the organization concerned with this, and that is AASHTO, the American Association of State Highway and Transportation Officials, and they include not only highways but air, rail, water, and public transportation. They have a voting member from each state, the Department of Transportation, etc. So I looked into what they had to say about mountable curbs. It gets no better. In fact, it gets, you might say, worse, on what they have to say about it. So let me quote a few things from them on mountable curbs. Although mountable, under emergency conditions, these curbs will drag the underside of some vehicles. Although considered mountable in emergencies, can be mounted satisfactorily only at reduced speeds, which, incidentally, I have asked our Fire Chief and our Police Chief, and they have never tested the mountability or the proper speed of that. And these curbs, introduced intermittently along streets, should be offset by .6 meters from the edge of the travelway. That translates to two feet, and that would mean that, if we're going to have the planters, they need to be a lot narrower than they are, to meet the AASHTO guidelines. The situation we have, and you're dealing with the budget, so I bring it up now, is that we are waiting for an accident to occur there, involving an emergency vehicle and one of these island obstructions. Nothing good to the individuals involved or to the City will be happening. In fact, this may involve damage to the vehicles and the occupants, and I'm sorry to say, as a taxpayer, litigation to the City, because the City has not followed the various codes and guidelines that I've just suggested. Also, such an accident could cause a resulting delay in delivery of the emergency services that are desired or needed at that point. So I'd like to suggest a few possibilities. If I bring up a problem, I also like to suggest some solutions. And I'll start off with some no-cost ones, which may please the budget side of everyone's thoughts. One is to ban installation of any new obstructions in the City. If we want planters because of beautification, many of our streets have a stretch of grass between the curb and the sidewalk. Let's plant our things there. Also, be sure there are no signs in the current planters on Salisbury. In the last

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

week or so, there have been signs installed in those planters. They appear to be plastic. Plastic does break into fragments, and on the underside of a car, could do some very interesting damage to an emergency vehicle at the very time it's trying to provide service. There are 56 CityBuses that go up and down that length of Salisbury daily. I would urge us to be sure they are not stopping opposite or near the islands, because I, on numerous occasions but just within the last month, counted when I was behind one at Grant and Salisbury, there were 10 vehicles that ended up blocking the intersection, because the traffic light changed, so Grant couldn't turn northbound onto Salisbury. Salisbury northbound couldn't move, and by the time the people coming out of Grant had realized they couldn't move, then southbound was not moving. And all of this because the CityBus made their stop immediately north of the intersection and alongside the island. I would urge us, at low cost, to change our snow removal procedure, so we prevent any snow or ice from being piled on or near the islands, so that there is at least a chance emergency vehicles can move over the islands. Also, it would be wise to have our emergency services adopt alternative routes for the problematic time of the year, which is primarily spring and winter, either for soft soil or piled snow or other items like that, or maybe football games or other issues. We could be using a bituminous mix, at moderate cost, to flare the curbing in the area of the ends of the islands. If you look specifically at Grant and Salisbury, there is no way to mount those, because what was done as an elevation reduction does not line up with the traffic flows. We could also use bituminous mix to flare the curbing along the sides of planters. That would get to be a moderate cost, but keep in mind that the inside edge of those curbs in the planters is a very sharp edge. Considering that I have measured at least one vehicle tracks that were 10 inches deep and they had been there for some time and the soil had started to smooth back in. They probably were quite a bit deeper when they occurred. And, ultimately, a very costly thing to do would be to actually fill the islands so we don't have any of these issues. Among other situations in addition to the CityBus that I've seen blocking things, in the last few weeks, two Duke Energy trucks parked at the end of an island just slightly south of the Grant Street intersection. No one was visible any where around either of the trucks, so if there had been an emergency, I don't know how the trucks would have been moved, unless we have a driver there. A similar situation has occurred in the last few weeks with a Bennett's truck that was probably maintaining the plants in the planters. It was parked in the middle of the street, or the end of an island in the middle of that area, and there were people several planters down. Again, no vehicle could have mounted or gone across the planters. I urge the City to look at this very seriously and consider the potential for a very costly situation in the City, especially knowing—and I've now made it part of public record for any of you—I hadn't already talked about this—that the City did not follow good guidelines in creating those planters, and I hope for heaven's sake we've learned not to do them in the future. Thank you, and I'll take any questions, or if anyone wants to look up the AASHTO, that's A-A-S-H-T-O, guidelines—there are lots of things on the net from them. Thank you.

Mayor Dennis said thank you, Jan [Ms. Myers].

► Ms. Karen O'Farrell [2237 Indian Trail Drive] said I hadn't intended to speak tonight, but I do feel I'd like to make a couple of comments. I have been attending the Traffic Commission meetings on a regular basis for at least three years now. The attendance record from those minutes will reflect my seriousness about my interest in what's going on in our community. I was at several meetings when the discussion on the new, original—for the sake of clarification, City Attorney's—ordinance was presented to the Traffic Commission. The Traffic Commission made suggestions of its own. It asked a great deal of questions and took the redesign of the

## COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

ordinance very seriously. They have always welcomed citizen input. People come and go at their leisure sometimes. Most of the time you'll find that folks, as with anything, only come when they have something to say or they're concerned about something. Knowing that ahead of time, the Traffic Commission has always been very gracious to the individuals, and very attentive to their comments. The Council is represented on the Traffic Commission. It is a recommendation body, it is not a policy-making. It makes recommendations only. In the past, when we had a Democratic Council representative there, issues were taken and discussed as appropriate from his perspective to the Council, when it was necessary. I also would like to—in reading the amended version—I would also like to caution that we not become too heavy with representation from temporary residents. Many of these residents are represented through the other individuals who would perhaps be appointed to that commission. The Traffic Commission seriously considered the size, the number of members on this. I think initially the proposal, they were kind of looking at nine, they expanded it to eleven, and—this is my perspective—we'd have to review the minutes, but I felt that eleven was about as cumbersome as it could be without losing effectiveness. I'm just presenting my comments as someone who's been at Traffic Commission meetings for three years. Thank you.

Mayor Dennis said thank you, Karen [Ms. O'Farrell].

► Ms. Mary Cook [Lafayette resident, West Lafayette business owner] said I'm one of the 18 businesses affected by the smoking ban that was implemented last July 1. This is just something to bring up. At the time of the implementation, the three proponents of the ban, the three that proposed it—Councilors—said there would be follow-up on many different levels. We've passed the one year point. There's been nothing presented, which, again, maybe is being discussed among you all, but being that the majority of the Council that passed the ordinance no longer serves I guess most of this would be directed to you, Ms. [Councilor] Hunt. Who is or when will the information on the monitoring of the statistics on the hookah bar and all the studies and all the information that were discussed over that nine-month period and on into the implementation from January 1 to July 1, 2007. Who's in charge? Who's monitoring the, say, the hookah bar? We not only had one hookah bar then that served beer, now that hookah bar serves three-way liquor license, and we have a second hookah bar in the Village. I didn't know if you knew that, but one of the businesses that went out became a hookah bar. So I wondered, since a lot of the administration and the Council has changed over, and a lot of those proposals were made too, who's in charge of sharing that information?

Councilor Hunt said you ask very good questions. Let me answer the ones I know for sure. I know that the Development Department is working on some of the new hookah bars, possible hookah bars. I was told that one of them only allows the use of the smoking materials in an outside patio, which is certainly adequate, because we didn't ban outdoor. Now, that's what I've heard. And I know that they were looking into another one that has a lot of open windows. That's what I know. The other thing is I don't know of any studies that are being done. I would welcome your input. And I believe it was part of the Mayor's Office to enforce it and, I presume, monitor it. So in answer, in all honesty, I don't know of any statistics.

Ms. Cook said well, different entities stood up, and you had spoken about some people that would be doing some of the fact-gathering, and people that you had spoken to directly that would be doing it, so that's why, at a year, I wondered. Nothing's in the works?

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

Councilor Hunt said I do know there was an air quality report we have. I think we got it about two months ago that said that the air quality improved in West Lafayette, and someone thought that was related to smoking. But I'm not sure. That was the report that we were given. But if you'd like, I don't see any reason why we couldn't have a formal study of it. Certainly I would welcome your input on what might be asked.

Ms. Cook said just the follow-through that was offered.

Councilor Hunt said okay. I think we certainly can do that.

Mayor Dennis said what did the follow-through consist of? Is it just statistics? Number of violations? Or just sort of a reinspect?

Ms. Cook said I don't know, I love to refer back to the minutes, the verbatim minutes. That, Mr. [Councilor] Bunder, is how I get a lot of information on all the meetings that go on. It's a wonderful institution, the minutes.

Councilor Roales said I share some of your interest in following up on this. And Chandler [Director of Development Poole] will tell you that in the last two weeks, I've had a couple of discussions with him about how the new businesses have come into compliance, are they in compliance, how are we monitoring them. All three are in my district, and so, you know, while I wasn't on the Council when that was passed, I think making sure the City enforces current code is always important. And so—I know Chandler [Director of Development Poole] has taken a little bit of look at that and he can probably tell you a little bit more of what he's doing on that end.

Mayor Dennis said are you done, Mary [Ms. Cook]?

Ms. Cook said I didn't expect people to have these reports and things in front of them, but, as I said—yes, it's your office, but you weren't here then.

Mayor Dennis said I wasn't around.

Ms. Cook said you're in charge of it. It's your violation code and all that.

Mayor Dennis said it doesn't matter what happened. I'm in charge of it now.

Ms. Cook said I'm not throwing you under the bus. I'm just following through on hanging on to my business and trying to understand how we stay in compliance and where it is and how it's come through. There are about 14 of us that were truly affected in my district, so that was really where we've had discussion and trying to figure out how we handle the numbers on the streets, the trash, all the things that we asked how it would be handled as it was being passed. We were given no answers and we were told that all those things would be worked out, they'd work with us, they'd get back to us, and, you know, we've had great success with the City being very fair in helping us try to handle our own problems. But here we are. It's a year later, and that's a fair question of the businesspeople that were most affected by it.

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

Mayor Dennis said I have, to Chandler's [Director of Development Poole] amazement, I have tasked him with doing some assessment, and you can go ahead and fill up on that.

Ms. Cook said and that's where we don't know that unless we ask. And I don't know, maybe other businesses do.

Mayor Dennis said it's just been a couple weeks since we started that.

Ms. Cook said Mr. [Street Commissioner] Downey's wonderful with the Street Department. We try to clean up our own trash, but he does a great job.

Director of Development Poole said actually, it's a very fair question, and what we've done is we've reviewed the ordinance to understand how they're supposed to comply. That's obviously one of the new things that I got. We've gone out to meet with the three tobacco bars that have been identified. They've been very receptive, in giving us their sales. One of the issues we have is to try to figure out, of their sales, the 25%. And we're going through that now, to try to work with them to get this information, to make sure that they are in compliance. One of the tobacco bars that was selling the hookah was doing it outside. So it didn't really qualify as a tobacco bar, because it was not an enclosed structure. So we are trying to get our hands on it, to make sure that they are in compliance. They've been very receptive, trying to work with us. I wish I had a whole year's worth of history for you, but I haven't been here that long to do that. But I can tell you we are trying to get our hands on it and make sure that we do play fair.

Mayor Dennis said Chandler [Director of Development Poole], how many complaints have we had?

Director of Development Poole said on the tobacco issue itself?

Mayor Dennis said yes.

Director of Development Poole said just a handful, trying to make sure that we are having a level playing field and investigating to make sure that everyone is playing by the rules.

Mayor Dennis said and citations?

Director of Development Poole said no citations at this point.

Mayor Dennis said thank you.

ADJOURNMENT:

There being no further business at this time, Councilor Truitt moved for adjournment, the time being 8:17 p.m.

Respectfully submitted,

Judith C. Rhodes, Clerk-Treasurer

COMMON COUNCIL MEETING MINUTES, AUGUST 4, 2008, CONTINUED

Secretary of the Common Council