

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
SEPTEMBER 8, 2008

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on September 8, 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, Assistant Director of Development Grady, WWTU Director Henderson, Parks Superintendent Payne, and Director of Development Poole.

MINUTES: Councilor Keen moved for acceptance of the minutes of the July 31, 2008, Pre-Council Meeting, and the August 4, 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.

Thank you, Mr. Mayor. I will happily take up Mr. [Councilor] Bunder's time for him. During the month of August, \$60,000 worth of radio equipment was received by the West Lafayette Fire Department at no cost to the department. This was anticipated for almost two years. Old radios were originally installed in the two new trucks when they arrived, and the new radios have since been installed. Also replaced, as planned, was the base radio at Station No. 2. Additionally, extra or spare radios were received. The Large Scale Incident/Anti-Terrorism Master and Fire Chief Drew attended an informal seminar on earthquakes. They learned that historical data predicts devastating regional earthquake in approximately 200 years, and a moderate yet broadly destructive one in approximately 50 years will occur in this area. While this is a generalization of the timeline and not necessarily accurate in years, the certainty is that there will be a major earthquake in the Midwest, and it is likely to be centered in the northeast Missouri area, as was the recent one. Chief Drew wanted me to point out that there are significant differences between the Midwest and California earthquakes, largely due to the soil types and the terrain. In California, the earthquakes are relatively confined, while in the Midwest, the destructive power of tremors travels for hundreds of miles. That would be very devastating on our geographic area here. Also, the West Lafayette Fire Department participated in some extrication training during the month of August. Firefighter Eric Doyle has met the qualifications for and was elevated from the rank of Firefighter, Second Class to Firefighter, First Class. Congratulations to him.

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Also during the month of August, the West Lafayette Police Department was very busy. They answered over 1,500 calls for service. On August 18, the West Lafayette Police Department Records Division expanded its hours of operation into the evening by three hours, to better serve the public. The Records Division is now open from 8:00 a.m. until 7:00 p.m., Monday through Friday. The West Lafayette Police Department also welcomed back University students to the City. The Purdue University Student Wellness Office and the West Lafayette Police Department distributed over 8,400 "Safe Party" magnets. They were distributed to apartment complexes in West Lafayette. The goal of the project is to educate the young adult population about alcohol laws as they relate to hosting safe and legal parties. The WLPD also partnered with the Purdue University Police for a Boiler Gold Rush event, where over 5,000 incoming freshmen were welcomed. The past month, a link was added to the West Lafayette Police Department's website for free drug test kits via TestMyTeen.com. The test kits are intended for parents to order and test their teens for drugs of abuse, if they choose. The parents can order the kits directly from the company, and the results are reported back to the parents exclusively, and not to the Police Department. Vouchers for the free test kits are also available from the West Lafayette Police Department School Safety Officers at the West Lafayette Junior-Senior High School. Also, Officer Jeff Dunscomb and his K-9 partner Kay competed with over 80 other K-9 teams in the K-9 Olympics. Jeff and Kay placed first overall in Narcotics Detection in Vehicles, second overall in Fastest Dog, and third overall in Narcotics Detection in Buildings. Congratulations to them. In August also, the Department received a grant award of \$7,388 from the Drug-Free Coalition of Tippecanoe County for the purchase of two in-car digital video cameras. Lastly, the Department will be offering its fourth Rape Aggression Defense (RAD) course starting September 30 and going through October 9. That concludes my report.

PURDUE RELATIONS: Councilor Roales presented this report.

Thank you, Mr. Mayor. Well, we got past the 39,000 students moving in, the first football game, and the first "Breakfast Club" successfully. I spoke with [Police] Chief [Dombkowski] just a minute ago, and he said it was relatively uneventful. It is good to hear that. I want to thank the Chief and the Mayor for stepping up recently to meet with the bar owners and community representatives to make sure that was a successful event, and we did everything we could to reduce injuries and reduce arrests and crowd issues. So I want to thank the Mayor and the Police Chief for that work. Now that we're busy on campus again, it's time to move past the superfluous event updates of my report and inform the public that the Purdue Relations Subcommittee will be taking a look at the Crew building—a lease is currently in process. So I'll be working with Councilor Burch and Councilor Bunder to decide whether it is appropriate to have a forum, an open meeting about that, or it would be just appropriate to take public questions and then redistribute that information out there. And so I'd encourage the public, if they have questions about what that is, to send those to us, and we can make sure that those questions get answered and information gets out there. Because obviously, when we're leasing City property for 50 years, it's important that we're all on the same page and well informed about that process. Thank you, Mr. Mayor.

PARKS AND RECREATION: Councilor Hunt presented this report.

Thank you, Mr. Mayor. West Lafayette municipal pool is closed for the season. The number of season passes increased by 9%; I think that's good. And the average daily attendance was up about 7%. So it was a good season. The 14th annual Global Fest was enjoyed by the

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community during the excellent weather, and special thanks to the sponsors and volunteers. I'd like to take time to read those, please, because it's very important. This is a free event, and it's just very exciting, and it's gone on for years, and lots of volunteers and corporate sponsors. These are the sponsors: PEFCU, Wessler & Associates, Bison Investment Advisors, Caterpillar, DeFouw Chevrolet, Duke Energy, Eli Lilly & Company, Indiana-American Water, Lafayette Bank & Trust, Lafayette Savings Bank, Lafayette Life Insurance Company, Schneider Corporation, SIA, United Healthcare Services, WBAA, Greeley and Hansen, Bowen Engineering Corporation, Butler Fairman & Seufert, Inc., Fairfield Contractors, Infrastructure Systems, MBAH Insurance, Merrell Brothers, Milestone Contractors, H. Stewart Kline & Associates. The volunteers that work very hard for many, many activities were Linda Eales, Patsy Hoyer, Lisa Ncube, Sonya Margerum, Nicki McMillin, Tammy Dawson-Snyder, Nick Schenkel, Karen Springer, Beth Tucker, Dot Wankat, and Mindy Jester. So those are many of the people that really worked hard for this. In addition, the evening before Global Fest, there were about 100 people awarded new citizenships. That ceremony is most impressive. On Sunday, yesterday, the Peck-Trachtman Park was dedicated at 335 Dubois Street. I have a couple of quotes about that. Garnet Peck and Lee Trachtman have been on the Park Board a total of 54 years, and it was with much foresight from them that they obtained this property on Dubois where the park is. And so the Vice President of the Park Board made this statement, "The naming of Peck-Trachtman Park is particularly appropriate because Garnet [Mr. Peck] and Lee [Mr. Trachtman] had the vision and perseverance to assure that this site was preserved and was developed as a park to provide another greenspace for enjoyment by our citizens." So I thank very much Professor Trachtman and Professor Peck for their activities. I also want to end with the fact that Art on the Wabash is Sunday the 14th at Tapawingo Park. The next Park Board meeting is September 15 at 4:30 in City Hall. That concludes my report.

ECONOMIC DEVELOPMENT: Councilor Thomas presented this report.

Thank you, Mr. Mayor. Sales of the Champion's Centre properties to date have been very positive and encouraging. Literally since the Purdue football season has kicked off, I think the Champion's Centre folks are very anxious to have alumni coming back for football weekends, to certainly stop by their offices and view the offerings. Hopefully, that will generate even more interest in what's going on out there. As you can see, the site preparation is ongoing, and good news continues to occur there. As I hope you've also noticed, there is site preparation going on at the old K-Mart location. I'm sure the neighbors who live in that area are also very pleased to see that site preparation ongoing. Unfortunately, there are no concrete construction details as to when actual construction will begin, but at least there is a movement there. That is a good thing. There are conversations ongoing about the site that has been designated as the new Aldi site on the Sagamore Parkway. There has been a decision made to go from two hotels to one in the complex across the street from Wabash Landing. I think the thought is not to flood the City with hotel rooms, but to perhaps do this in a measured way. So that, then, may open up some opportunities for what I call the "wow" factor, an entryway to for folks coming in to the City. The "wow" factor might be some type of greeting, whether that be a wall with some type of verbiage or a fountain or something else. We can showcase the City and give our visitors a great first impression of West Lafayette. On August 22, a groundbreaking ceremony was held at the Purdue Research Park. The Innovation Center, which is an 80,000-square-foot facility, was dedicated, and EDS will have about 45,000 square feet of that facility. Mayor Dennis was there, and I think we're all excited about the 200-plus jobs that will be generated by EDS coming in to the City. It was a great cooperation between the State, the County, and the City entities. Congratulations there. Lastly, concerning the Community Development Block Grant program, a contract was signed with New Chauncey Housing, Inc. for the fiscal year 2008, which is July

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2008 through June 2009 for the continued implementation of housing initiatives in the New Chauncey area. Properties are continuously being purchased and then sold to low or moderate income families. New properties are then being purchased with the same dollars. NCHI will be reimbursed for actual expenditures for this activity. That concludes my report.

PERSONNEL: Councilor Burch did not present a report.

BUDGET AND FINANCE: Councilor Truitt presented this report
Thank you, Mr. Mayor. In addition to the items in front of us and in our boxes, statement of funds as well as the Wastewater Treatment Utility income statement for the month of August, we also have our cash transaction sheet. As far as the budget process is concerned, all of us still remain very excited and focused on finally getting ready to do something with the budget, but we're not quite there yet. We continue to patiently wait, even though we are in discussions on a variety of different fronts, and we will be poised and ready to move forward as soon as the information from the State is made available. The budget is looking good right now from a preliminary standpoint, but there are still some issues that we still need to resolve. We'll look forward to attacking that and make sure we stay with the timetable when we're called upon.

Mayor Dennis said thank you, Councilor Truitt. It is true we will be addressing specific budgetary issues in the next upcoming weeks.

Councilor Truitt said and if I may add just one other item, the Mayor is in the process of trying to make rounds to each and every one of us to talk about the budget, just so that we are able to stay in front of the curve. So I'm sure we all look forward to that.

Mayor Dennis said I found that that's actually easier, instead of trying to get everybody in one place at the same time, it's actually going to be easier for me to just to go around—

Councilor Truitt said you call that a road show?

Mayor Dennis said yes. The budgetary road show.

REPORT OF APC REPRESENTATIVE: Councilor Keen did not present a report.

SPECIAL REPORTS:

Wastewater Treatment Utility Presentation – Director Henderson

Wastewater Utility Director Henderson presented an overview of the Wastewater Utility Department.

Councilor Hunt said I have a comment. I don't remember the exact citation, but to reinforce your health issue about the sanitation is the British medical journal *Lancet* had a study that they published maybe two years ago about what was the most important health improvement in the last century, and sanitation was over and above. So I think we take it for granted that we have clean water and clean hands and good wastewater controls. I very much appreciate that. Thank you.

Mr. Henderson said thank you for sharing that.

Councilor Keen said there's been a lot of talk about the odor control, and I know you've done a lot of things down there for a temporary fix, and that sort of thing. My understanding is that, once the renovation of the digesters gets on line and all that gets completed, the odor problem is going to be taken care of at that point.

Mr. Henderson said yes, the solids will be in the digesters being treated and producing methane for our cogen process.

PUBLIC RELATIONS:

West Lafayette Community Beautification Award

Councilor Hunt said let me introduce Gerda Stout and Laura Wegener. They live on Cherry Lane. I'm going to read a little blurb, and then I'm going to show you pictures of their gardens. Gerda Stout has lived at 1142 Cherry Lane since 1957. As many of you know, she is a retired junior high teacher and she loves gardening, and she's extremely good at it. The Stouts were able to purchase the vacant lot next to their home in 1972, and so she takes care of two big lots—wonderful flowers and vegetables. I sometimes go over and take pictures of the hummingbirds at her feeders. She's been a determined compost advocate, shredding and chipping everything that comes from the gardens and trees. She had a native peach tree that was planted by the birds. It's become a welcome source of fruit. She has her own version of the Berlin Wall. One of the really great features of that is a prized night-blooming cereus that, when you look in it, it looks like what you would think Heaven would look like. Her neighbor is Laura Wegener has lived there 11 years, and it's 1136 Cherry Lane. She has great mature shade trees, and I'm sure you've noticed her colorful border along Cherry Lane. It's beautiful, particularly in the spring when she has all sorts of daffodils and tulips. She has a large variety of hostas, as well as lilacs, and last year they added long flower boxes along the front of the house, in honor of America in Bloom. You can imagine she planted hot pink flowers. Due to their shady landscape, they grow fresh vegetables at the Purdue gardens site, which is another wonderful thing, and she's had a great crop. So along with the Purdue Golf Complex, the Stouts and the Wegeners has made Cherry Lane one of the most colorful streets in West Lafayette. So if you two would come up, I'll present you with your certificates, and if you'd like to say a few words, you may. Thank you very much.

Other Items

Councilor Hunt said last month, I believe it was last month, one of our local business owners, Mary Cook, asked for an update on the evaluation of the smoke-free ordinance. I believe Chandler Poole is going to come up and give us a report. Thank you.

Director of Development Poole said we are just over a year since the City of West Lafayette passed the smoking ordinance that allowed an exemption for tobacco bars. What we've come up with here is that there needs to be some enforcement of this ordinance. We've been looking at it. Mayor Dennis has asked us to really take a hard look at this, the processes used to enforce it, and figure out a way to make sure that we are moving forward on this ordinance. When I came here, we had three establishments that viewed themselves as tobacco bars. I took Allen Grady, the Deputy Director of Development, with me. We met with each one of these tobacco bars, to understand the process, understand how they think a tobacco bar exclusion is supposed to be, what they think it is. We took the City ordinance with us as well, indicating that 25% or more of all their sales must be from the sale of tobacco or tobacco-related items. And we need to see their sales on a periodic basis. After those initial meetings, we now have two of those tobacco bars—or people claiming this exclusion. The other two that are continuing to

claim this exclusion have provided their sales to us, and I think that it's actually been through really working with them to understand the ordinance and what they need to do to claim this exemption. I've had some conversations with Mary [Ms. Cook] in regards to, not only the smoking ordinance, but also how does it affect businesses, how have they shifted their practices, in order to accommodate the smoking ban within their establishments. On August 27, I went to the Retail Bar Coalition. I trust that group. We talked a little bit about it, about reporting sales and things like that. What we're finding out is that this has created a neat opportunity for the West Lafayette Police Department, the Purdue Police Department, the City, and those business operators to work together, to find ways to make sure that, if you're having to put the smokers outside their buildings, to make sure we have proper crowd control, safety issues are being addressed, and things such as that, so we don't have any issues. Because we obviously have a huge swell in the population in that area, in the Village area right now during the school season. We are working on a permitting process within the Department of Development, to work with establishment owners who are contemplating a tobacco bar. This will allow us to work a little more closely with them, to understand who they are, make sure they understand the ordinance and the reporting of their sales and how that will affect our relationship. So we are working on it, and I believe we are making some definite strides. We formed some good partnerships by speaking with the public, and also by going out and working with these establishments, to make sure they understand the rules to be called "tobacco bar."

Mayor Dennis said thank you Chandler [Director of Development Poole]. Any questions for him? Again, I have to compliment Chandler for the progress he's made. A lot of times when we pass ordinances and we don't follow through with them, there's sort of an information gap. We've done everything we can to continue the educational process, because a lot of people—especially when your student population changes over—there's a lot of folks who don't really have a grasp of what we're trying to accomplish here with the passage of that ordinance. In the same sense, like anything else, an ordinance is only as good as the enforcement program behind it. I think, with the cooperation of the bar owners, with the cooperation of City government, cooperation of the student population, we're going to continue this down the road to success. Again, Mary [Ms. Cook], thank you for your interest and attention to this, and Chandler [Director of Development Poole] also, thank you for your follow-up.

FINANCIAL REPORT: Clerk-Treasurer Rhodes

Clerk-Treasurer Rhodes said as Councilor Truitt noted, you have received financial reports from the City and the Wastewater. I wanted to just make a few comments about the budget process. The State extended the budget deadline, as you know, for municipalities. The Department of Local Government Finance has certainly used the extended deadline to communicate on their implementation of H.B. 1001. West Lafayette, along with other cities, is continuing to work with the Department of Local Government Finance and PERF on issues related to the old public safety plan pension funding. In conversation with other municipalities and with IACT, there is more work to be done, and expectation that we will be able to get better information from the Department of Local Government Finance and also take the opportunity to make sure the information on which they're basing their decisions is the most accurate. The budget will be filed for first reading, along with the salary ordinances, for our October Council meeting. Based on the best information we have now, we will be making some decisions about a number of issues, including the old public safety plan funding. This is really an historic time for local government. West Lafayette has the capability to constructively respond to the funding changes that are before us. I know from working with the Council during our preliminary budget review, working with the Mayor and all the department heads and the employees, we will seize the

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opportunities that will come with the changes and make this a beneficial situation for our City. Thank you.

UNFINISHED BUSINESS:

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

Councilor Keen read Ordinance No. 25-08 [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 I believe first we have to have a public hearing. We need a motion.

Councilor Roales said we need a motion to open the public hearing.

Mayor Dennis said please. Thank you, Paul [Councilor Roales].

Councilor Roales said so move.

Councilor Keen said second.

The vote to open the public hearing was unanimously AYE in a voice vote.

Mayor Dennis opened the public hearing. There were no comments. Mayor Dennis closed the public hearing.

Councilor Keen read Ordinance No. 25-08 [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.

There was no further discussion.

Ordinance No. 25-08 [AMENDED] passed on final 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 second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Truitt.

Mayor Dennis said again, the ordinance itself has gone through several different iterations. Last month, there was a request on the part of the Council to get a list of the items that were going to be specifically addressed in this particular ordinance. I think the concern at that time was that there wasn't going to be a softening in the enforcement program or a softening of the process. I hope that has actually been assured. What we're trying to do here is maintain some flexibility with our code enforcement program, but also we want to make sure that the critical issues, such as over-occupancy, will be addressed and will be addressed strongly. Having said that, I'll go ahead and open the floor to discussion.

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Councilor Bunder said I have a question based on the sheet that Chandler [Director of Development Poole] provided us regarding fines and penalties.

Mayor Dennis said go ahead. Do you want Chandler [Mr. Poole] to come up? Chandler, why don't you come up.

Councilor Bunder said no, you can sit there. Whatever. First, one general question. My presumption is that all of the items in the current Ordinance Violations Bureau fines are still included in this ordinance—

Director of Development Poole said yes.

Councilor Bunder said there's a list of 15 of them or so. My question to this is the "garbage/rubbish prohibited in containers" line—talk about minutiae—the containers are 67.06 in the Code, and I was wondering if that section could be added?

Mayor Dennis said sure.

Director of Development Poole said I'd be happy to.

Councilor Bunder said 67.05 is accumulation of garbage, 67.07 is the location of the containers, and in between those two is the container specifications.

Mayor Dennis said Buz [Assistant Director of Development Grady], I think you—actually, Peter [Councilor Bunder], I think it was left out for a reason.

Councilor Bunder said why was it left out?

Assistant Director of Development Grady said I actually provided the list to Chandler [Director of Development Poole]. If you read the provisions specifically, it limits it to 20-gallon containers. We never really utilized that enforcement for specific container requirements, because the housing code is much broader. It states that it is adequate containers—leakproof—same things, except it doesn't limit it in size. The list that you received from us is based on historical type of enforcement actions that we have done in the past, looked at, and we felt that some of these things lend to better enforcement over provision of the housing code *per se*, which is already under the Ordinance Violations Bureau. The specific list that I gave you showed ones that did not have specific means of enforcement. The means of enforcement for the most part was for us to order the correction, and if they failed to correct these specific concerns, then I'd have to refer them to legal counsel to pursue legal action on that, to obtain actually the minimum fines on that. That's always been my understanding of how we had to enforce these type of provisions, so expanding these into the Ordinance Violations Bureau does allow us to enforce through the ticketing process. The container specifically—we never utilize that, because it was written probably in the mid-60s, and, as you can see, the sizes are quite small, whereas the container requirements under housing code states it has to be adequate. So that's the difference in that section, because I looked at the sections that we have looked at in the past, and we feel that these are the most relevant sections of the City Code that we'd be enforcing under the OVB.

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Councilor Bunder said can we write a ticket for missing lids under this new system?

Assistant Director of Development Grady said you can do that under the housing code, yes.

Councilor Bunder said okey dokey. Just so we're clear that we can write a ticket for missing lids under this revision. Thank you, Mr. Grady.

Mayor Dennis said and that sort of flexibility helps make it very effective.

Councilor Keen said Buz [Assistant Director of Development Grady], I have a code question.

Assistant Director of Development Grady said yes, sir.

Councilor Keen said on 65.04, could you give us a definition of "unwholesome?"

Assistant Director of Development Grady said this is a catchall under a lot of the nuisances. There's about six or seven provisions of that, including everything from, you know, manure, keeping of poultry—which does come up every once in a while, and animals. The code doesn't specifically prohibit it, but it does limit that it must be maintained and properly, you know, cared for. Under that provision of what whole code is a list of things that fall in there, and they're like catch-alls, as far as we are concerned, that it's not readily out there all the time, but there are those instances that come up, and you say, "How are we going to enforce this one?" and scratch our heads a little bit, and it's usually found under these provisions. So that's why I threw them in there, as sort of the catchall things that we have utilized in the past and we will again, in rare circumstances.

Councilor Keen said okay. I just wanted a little clearer definition.

Assistant Director of Development Grady said you've got to read it, and [Director of Development Poole] says I'm sort of like "Why?" but it's sort of survival, just like [Wastewater Utility Director] Dave Henderson, I guess.

Councilor Truitt said they're kind of both unwholesome, in some ways.

Mayor Dennis said other questions?

Councilor Roales said Mr. Mayor, the list of fines that Chandler [Mr. Poole] provided all indicated that the first fine was \$100 for all of these offenses. Why make the first offense under the OVB \$50, if they're currently set at \$100?

Assistant Director of Development Grady said because, as I stated before, Councilor, these currently, the way they're structured in the City Code, do not have the ability for us to ticket them. We have to pursue legal action to actually have the court issue a fine. And so this provision allows us to actually ticket it at \$50 for the first offense, and then—I can't remember exactly how it's worded—the second offense and the third offense increases accordingly.

Mayor Dennis said and that's the thing, Paul [Councilor Roales]. You can actually do it each day. For instance, if one day you have a violation, and you cite them, and it's not rectified, the next day, which is that tiered system.

Councilor Roales said why not explicitly state—like in the rest of the OVB that's currently listed in Code, we specifically enumerate each thing. I understand the logic of having an all-encompassing all at the end, but why not go through the steps of enumerating currently, and then at the end also have an all-encompassing? This way, we could have more fine detail with the fine structure, instead of being broad-blanketing in our fine structure?

Assistant Director of Development Grady said well, some of the thought on that was, obviously, there's many provisions of the City Code that's in here that are enforced by the Police—parking—there's provisions in there that can actually be enforced by Animal Control, the Parks—so the whole idea of maybe just saying the whole City Code could be applicable to this is a way that, instead of coming back here and having to add to the list and constantly changing the ordinance, that there are provisions, you know, that's built in the way we wanted to adopt this that would allow us to go ahead and expand those type of things as we look through this and go through this thing and other departments start looking at their needs and what might be better enforcement overall. So that was the whole idea. This list is sort of the general things that historically we have done and what we look at as important to try to put under the general provision without having to enumerate every individual part of the whole Code.

Councilor Roales said my concern is that not every offense meets the same fine structure. And it shouldn't, and that currently, City Code section (a) through (g) of 22.08 enumerates every single one, and it doesn't seem overly burdensome. It's maybe two pages long. The lists you've provided are not that burdensome in themselves. I mean, it would seem that a more robust version of this ordinance would include those and also include the paragraph at the end that says, "Every other code violation except those numerated above..." I mean, there's no reason not to have that all-encompassing code section, but there's no reason to be lazy about it, and not enumerate the things we intend to enforce.

Assistant Director of Development Grady said well, I don't consider that it was lazy on our part just to leave these out, because historically these are the ones that we have traditionally relied upon to some degree to have to enforce certain provisions. I felt that this was sufficient, and then also sufficient in the fact that the entire Code, you know, states, because I think over time, there are going to be other departments looking at this, and things out there that have not been enforced or the things that they could enforce under the OVB that hasn't been done that way before.

Councilor Roales said I agree. I mean, I guess there's a concern that we're not quite ready to pass this. I mean the Development Director sent an email today that let everyone know that there's a new list coming out of what this would not cover. I mean I think it would be important for us to see that list as well, before we rush ahead. Why pass this and then see the list after we passed it?

Director of Development Poole said that was actually my mistake, and I'm sorry for that. The way the ordinance is written, it talks about the entire City Code—any violation of City Code would fall under the Ordinance Violations Bureau. Counsel had asked for a list of what was in, what was out. And we looked at the City Code, and it would just be an enormous list. Basically it's this whole book that we'd have to do, not only just for our inspections department, but the City. Parks would have to do it, Engineering would have to do it, and so it just becomes very cumbersome—

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Councilor Roales said I mean, I think that was the intent of our request was that was very cumbersome and the Councilors did not feel like they have time to do that themselves. We asked the department to build that list, so we knew the impact on fines throughout the City, we could enumerate specific ones that we felt needed to be enumerated, and I think that was the intent of that request last Council meeting. I mean, you know, you interpreted that a little bit differently, but I think that was the intent was to do that hard work, because this is something that's hopefully going to be used very broadly for quite a long time. So I think it's worth the Council's time to really dig into this, look at that long list, look at that cumbersome list, and, you know, make those hard decisions on what should be included, what should be enumerated specifically. Like the over-occupancy. That was the Council's intent in making that request, that cumbersome list be produced, so that we could thoroughly review the impact of this ordinance.

Director of Development Poole said okay.

Mayor Dennis said further discussion.

Councilor Bunder said this is a technical question. In the current chapter 20, in 20.08, at the bottom of the Ordinance Violations Bureau fines, there is a four- or five-lines of ordinances to which that refers? And this is not a pop quiz, but will we, in fact, have to do that? Will we have to list in 20.08, 65.04, 66.01, 66.02, 67.02—?

City Attorney Burns said are you talking about the very last page, on 20-02, Councilor?

Councilor Bunder said I'm at 20.08, Ordinance Violations Bureau Fines, and after "(g)" there is a list of what appears to me to be the list of ordinances that are covered in the Ordinance Violations Bureau.

City Attorney Burns said those are codification notes that indicate when the changes were made over time, historically, so this would be appended to the end of that list.

Councilor Bunder said thank you.

Councilor Keen said is it my understanding that the revised version of what we have here— we're not adding any new things that we're going to enforce? I mean, we're just going to be enforcing basically what we've always enforced, this just cleans it up a little bit is all.

Assistant Director of Development Grady said it's a different mechanism. Instead of pursuing legal action in some instances, it does give us the option to actually—

Councilor Keen said so as far as the list goes, the list isn't changing from what historically has always been, if my understanding is correct.

Assistant Director of Development Grady said it just gives us a different mechanism—

Councilor Keen said it just gives you a different mechanism to enforce the same things we've always enforced.

Assistant Director of Development Grady said yes. Correct.

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Councilor Keen said okay.

Councilor Roales said Councilor Keen, I mean, the fine amount will be changing, now, and that's what I think is important. The list of what we're enforcing, the codes that we can enforce, is not changing at all. We're not authorizing new laws. But the fine amount could be potentially changing very significantly. So that's where I would like—

Councilor Keen said that's not my understanding how it is—

Assistant Director of Development Grady said well, under the general provisions, they say like, "\$100 to \$300," and actually for the first offense would be a \$50 ticket, if it would go that way. However, the way it's currently written in some of these sections, such as snow and ice removal, it would take us to collect that fine for us to file suit and have a judge actually issue that final amount.

Councilor Keen said so the initial fine is still \$50 though.

Assistant Director of Development Grady said well, it could be \$100 to \$300. Under no circumstance of putting this under the Ordinance Violations Bureau—and I think that might realize some of the concerns on major housing code violations or over-occupancy or failure to obtain the rental certificate—it would still be the enforcement mechanism of choice to notice and pursue legal action, because we feel that that would probably afford the better enforcement for failure to comply with those specific provisions. I don't think it's anybody's suggestion right now from our enforcement-type practices to change that and to issue \$50 fines for over-occupancy at this time.

Councilor Roales said my concern is that we're not ready to appraise that—the lack of the list. Yes, in general that sounds great, it sound like a great simplification. In general, I've been a strong proponent of the Ordinance Violations Bureau. I just don't think that this is ready. I think we need that list. We need to consider the impact of this. Hopefully this is a long-lasting, valuable tool for enforcement, and so I think it would behoove us to take the time, maybe one more month, to have that list produced, to fully analyze that, and see what needs to be enumerated specifically. So I would like to make the motion that we table this for one month, that it would appear on the following month's agenda, and that, in that time, hopefully we can get that list produced and have those discussions.

Mayor Dennis said it's been motioned. We need a second.

Councilor Bunder said second.

Mayor Dennis said it's been motioned and seconded.

City Attorney Burns said non-debatable.

The roll call vote on the motion to table Ordinance No. 26-08 until the October Council meeting:

AYE	NAY
Bunder	Burch
Roales	Hunt

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Thomas Keen
Truitt

The motion to table Ordinance No. 26-08 failed, 3-4.

Councilor Hunt said I'd like to make a comment, if I may. The Good Neighbor ordinance was brought up sometime last year, in 2007, maybe April—well, we had a public hearing in April. The Good Neighbor Ordinance has many components, but one of them was this idea of giving tickets—the immediacy of it, rather than having a lawsuit and other things—and the wisdom of whatever nuisance we listed—the wisdom of the immediacy of the fines, getting on it, rather than, again, the legal fees, was very well supported. I think the Good Neighbor ordinance was presented first in the Neighborhood Coalition meetings, and then we had a public hearing, and it was sort of postponed because of the complications of analyzing the trash fees. But overall, it was well accepted a little over a year ago. I like it. Mr. [Assistant Director of Development] Grady presented very well at the public hearing held at Morton about the wisdom of these tickets. I think it's a good idea, so I thank you for that.

Mayor Dennis said thank you. Further discussion on Ordinance No. 26-08?

Councilor Bunder said I'd like to add my voice to Ann's [Councilor Hunt's]. I appreciate the Mayor and Chandler's [Director of Development Poole's] move towards an expanded Violations Bureau. I think that's a good thing. I think the speed of the enforcement is important, and I think the ability to see the fine go up and quickly is a good thing. I wouldn't have minded further discussion. But I do appreciate the work. I think this is an excellent idea, and I think it's that season when people begin complaining about enforcement. My complaint for this week is there is no chalk on my street. The Chief is gone, but you can tell if parking enforcement is taking place, because there is chalk on your street. There is chalk on Meridian Street in front of my office, but as you walk to my house, the chalk disappears through my neighborhood. My backup to this is none of my children have gotten tickets for illegal parking on my street, and you usually by this time, they have some. I understand that earlier in the year, we were told that one of the traffic enforcement persons was also qualified to be a dispatcher, and to save funds, that the person would primarily be doing dispatching. I understand that. But that's my observation. A second is a result of two picnics on Labor Day, one on Connolly and one on Lincoln, where the question was asked in both places, "Where's Curt?" [Cunningham, Nuisance and Housing Inspector]. Now one may debate the appropriateness of jawboning compliance, but the neighborhood has gotten used to seeing Curt [Mr. Cunningham] or the car—you could probably just send the car around without Curt [Mr. Cunningham]—but the question is asked that way, "Where's Curt [Mr. Cunningham]?"

Mayor Dennis said that is his one reason to never, ever want to get rid of that car. He said it is the embodiment of enforcement.

Councilor Bunder said so by bad answer—and if there's a better answer, tell me, and the next time I'm asked, I will—is that Curt's [Cunningham, Nuisance and Housing Inspector] now doing apartment inspections, too? Is that—?

Assistant Director of Development Grady said he has been a backup ever since the housing inspector went down to one—

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Councilor Bunder said so we are down to one?

Assistant Director of Development Grady said if I am unable to perform that backup—and actually we utilized myself and Curt [Cunningham, Nuisance and Housing Inspector] to do some of the major complexes, but they are all done. So his shift, as usual, is back to nuisance enforcement.

Councilor Bunder said so Curt [Cunningham, Nuisance and Housing Inspector] will be back soon?

Assistant Director of Development Grady said he's out there now.

Councilor Bunder said Curt's [Mr. Cunningham] back now.

Assistant Director of Development Grady said he's out there every day. Unfortunately, he was gone Thursday and Friday because he's a new grandpa—people do have that time off requirement sometime, so it's unfortunate—

Councilor Bunder said and I suspect we weren't missing him on Thursday and Friday, but probably the month of August.

Assistant Director of Development Grady said he was pretty much out there the whole time. The enforcement of grass and mowing does take place Citywide. We do go to the north end on a routine basis now, and it is one person, and we've got over seven square miles of area to cover by one inspector, so it is a wide area. There are more issues out there in every neighborhood. Grass was a major issue, and it was a major issue in some of the areas—it was owner-occupied predominately areas—so we did spend time out there in the new annexed areas. There are a lot of concerns out there on unmowed, undeveloped lots, so it has expanded tremendously, and so, you know, we can only be so many places at one time. You know, we try to have the other departments—Engineering also—report back if they see it, and we try to follow up on it. We try to remain as proactive as possible. That is one of the things that we've always tried to do, but complaints are necessary at times—sometimes because there are just not enough of us around to cover those areas sufficiently.

Councilor Bunder said is that other person back in the new budget or not, I guess is the question?

Assistant Director of Development Grady said that's a budget issue—

Clerk-Treasurer Rhodes said yes.

Mayor Dennis said that's a budget issue. Let's just stick to discussion of the ordinance, please.

Assistant Director of Development Grady said as the inspection rounds go, the complexes, for the most part, will not be inspected again for another four years. So the demands on the inspectors, as far as doing those major complexes—which takes days of our time—has diminished.

Mayor Dennis said thanks, Buz [Assistant Director of Development Grady]. Any other

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discussion on the ordinance?

There was no further discussion.

Ordinance No. 26-08 passed on final reading, 7-0.

NEW BUSINESS:

Resolution No. 16-08 A Resolution Requesting The Transfer of Funds [General Fund, Economic Development Income Tax Fund, Cumulative Capital Development Fund] (Prepared by the Clerk-Treasurer)

Councilor Keen read Resolution No. 16-08 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. 16-08 passed on first and only reading, 7-0

COMMUNICATIONS:

► Councilor Burch said I have a communication from the Purdue College Republicans. This is an apolitical event, which will be held September 11—a memorial service honoring our soldiers. This is to honor the service men and women in our armed forces. It's Thursday, September 11, at 6:00 p.m., Purdue University's Engineering Mall. Please bring family and friends. They are joined by the College Democrats. Everyone is welcomed to attend. Thank you.

► Councilor Bunder said I have some from the Go Green Commission I'd be happy to share. First, I would call our attention to DeTrashing the Wabash. It means exactly what it sounds like, picking up trash along the Wabash. Tapawingo Park, 4:00 p.m. on September 19. DeTrashing the Wabash. If you go, you get two things, the ever-popular free tee shirt and preferential treatment at the Tom Friedman lecture. That's item number one.

Item number two, EPICS—most of you know it, Engineering at Purdue in Community Service—there is a Boiler Green Initiative at Purdue, and it is involved in an EPICS program, which will, in the semester ahead, consider how it might be that we could move to metered trash in West Lafayette. They are hard at work. Dan Schuster from the Environmental Commission, from the Go Green Commission, is their faculty advisor. They have met for the first time. I will give a list of the names of those students to the Clerk for inclusion in the minutes, so they can feel loved and their parents, when they Google them, can find their names in yet one more place on the web. But I call your attention to that. There will be, for the City administration, a letter of understanding between Purdue University and the City, as to the disposition of intellectual property generated by this combination. If they find something really good and they make \$3 million, we get \$1 million of it. Now, this has never happened in the history of EPICS, but somewhere between the Office of Program Coordinator Pam Brown and Diane Damico and [City Attorney] Eric Burns, there is floating and will soon land an intellectual property agreement. My thanks to Dan [Mr. Schuster] and to Pam [Ms. Brown] and to [faculty advisor] Amelie Davis for undertaking this investigation for us. We wait for the Mayor's appointments, the last of the appointments for the Go Green Commission. Those are my three Go Green Commission

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communications. [The students involved in the Boiler Green Initiative, Division 31 of EPICS for Fall 2008 are Amelie Davis, Pam Brown, Guy Martin, Shailaja Pandit, Heather Carhart, Caroline Early, Yitian Hu, Bhakti Khandagale, Matthew Leon, Kenneth Little, William Naville, Udit Pandey, Rachel Roberts, Nicole Samuelson, Cassandra Sands, and Allyssa Stoll.]

I have one that is shamelessly promoting a loved one. I would call your attention to Hunger Awareness Month in Tippecanoe County, and would invite you all to take part in Hunger Hike 2008, Sunday, September 21, at Riehle Plaza. This supports the St. Thomas Aquinas Haiti Program, Lafayette Urban Ministry, and my new favorite charity, Food Finders, Inc. I would ask that a note of congratulations be included in the minutes, because a West Lafayette resident Katy O'Malley Bunder is the new Executive Director of Food Finders.

Mayor Dennis said my congratulations to Katy [Ms. Bunder].

Councilor Bunder said that concludes my communications.

CITIZEN COMMENTS:

► Ms. Mary T. Cook [owner of Harry's Chocolate Shop, 329 West State Street] said I want to thank Chandler [Director of Development Poole]. He did follow up after the first meeting. Thank you for addressing and following through. I understand you had a dialogue and something you were working on, but thank you for calling me and following through. I've spoken to the other business people, so I'm kind of the lead on this. Everyone appreciates it. We appreciate the participation and the willingness for the open dialogue from the City and from the Police Department in the meeting two weeks ago with the Purdue Wellness group. You know, we're here for the long run, so we need to work together and want to work together. So we all do appreciate that, and we'd like to further those discussions in trying to work on these things. At last month's meeting, though, Councilor Bunder passed out a little photo essay of his issue, so I've been taking pictures for the last year and whatever, of my corner of the universe, and so just very poorly printed. I have a few to pass around here. A little bit of explanation on not too busy a night, but what the street looks like. My hour of perception, my perspective on it is well before 10:00 p.m., so it's kind of the gatherings that you see. I'd like to thank the West Lafayette Police Department. Last November, the night before the election, a smoldering cigarette rolled into our window well from the street and caused the Chocolate Shop to catch on fire in our basement. So there are pictures of the West Lafayette Police Department, as well as the front of the building. Those are the issues that we have had to face. Not just myself, but all the other businesses, whatever they might be. We do appreciate that the City is working with us and trying to make accommodations, and we are happy to have the support. Thank you for that. But as the majority of Councilors came to the meeting a couple weeks ago, and they aren't the people I really see on my street, I thought you might enjoy looking at some of my pictures. I always carry the camera with me.

Mayor Dennis said that's good to know, too.

Ms. Cook said just pass them around. Contact us—you all know how to get in touch with me. Glad to hear from you, and anything else we can do— And, again, the Police Department, the Fire—my buddy Dave [Street Commissioner Downey] with his street cleaning. I really do appreciate it all. Thanks.

ADJOURNMENT:

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There being no further business at this time, Councilor Truitt moved for adjournment. Mayor Dennis adjourned the meeting, the time being 7:46 p.m.

Respectfully submitted,

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