

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES

November 2, 2006

The Common Council of the City of West Lafayette, Indiana, met in the Board of Works Room at City Hall on November 2, 2006, at the hour of 4:30 p.m.

Mayor Mills called the meeting to order and presided.

Present: Griffin, Hunt, Keen, O'Callaghan, Satterly, and Truitt.
Councilor Plomin arrived at 4:37 p.m.

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

UNFINISHED BUSINESS:

Ordinance No. 27-06 An Additional Appropriation (Rainy Day Fund) (Prepared by the Clerk-Treasurer)

Mayor Mills said we have just one item of unfinished business this month, and that is the additional appropriation for the Rainy Day Fund. Are there any questions? We talked about that last month. We'll have the public hearing on Monday, when we—

Councilor O'Callaghan said actually, we talked about it in September.

Councilor Hunt said yes.

Mayor Mills said right.

Councilor O'Callaghan said because we couldn't do it last month.

Mayor Mills said right.

There was no further discussion.

NEW BUSINESS:

Ordinance No. 32-06 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (Lauren Lakes Planned Development, R1 to PDRS) (Submitted by the Area Plan Commission)

Mayor Mills said Mr. Bumbleburg?

Mr. Bumbleburg [attorney with Ball Eggleston] said well, this matter is coming before the Common Council here with a fair amount of history, which I am not going to belabor you

with. I know that all of you received a copy of the Area Plan Commission's Staff Report which was very well done, with which we have no dispute, and it was a staff report written as a typical planned development staff report is created. It is truly the work of a large group of people, many of whom are arrayed behind me, who represent the developer, and the other group are arrayed mostly over there, members of the City of West Lafayette staff. I was trying to think today, on my way over, having been through this planned development thing now on this land twice, but seeing the effort—and I wish I had kept track of how many meetings and how much time I spent with the City Engineer, or how many phone calls that he brokered to appropriate people to come up with the process. Now, this is a request for a 543-lot subdivision, and it's on 231.23 acres, and there is a 130-lot area already platted. The interesting thing about this piece of property is that it has been zoned Residential 1 since 1965, so this concept of placing residences on it is certainly not something that should be a great surprise to anybody. Like I indicated to you, the staff report is well done, the history is set forth in their report, but most important to you folks, I believe, is what does a planned development do for your community here? And now, in no particular order, I have about six or eight items that I would just call to your attention. First of all, this particular subdivision will provide recreational areas, including playgrounds and a clubhouse. There will be mixed sizes and diversity, and indeed, the staff report of the Area Plan Commission made specific note of three items—the fact that this looked like it was well planned and would be a successful venture, but secondly, they talked in the staff report of creating a diverse neighborhood, and finally, the benefits of a recreational area, which would not have existed but for the planned development. So we have, again, a diverse neighborhood with the mixed lots, mixed size of lots spaced out through the area. I pointed out that what did the community get here? You got the very strong influence of City government. And what does that mean? That means that when it's time to talk about things like the width of the street or the like of curb, that in the planned development, the City, the City Engineer namely, would have a say, and that say can be the way we exercise planned developments in Tippecanoe County. Pretty much, we veto. If the municipal corporation does not ultimately agree to the things that are in a planned development, the chances of it passing are someplace between slim and none. So, except on this one, everything worked in reverse, and I'm not quite sure how that came about. But anyway, strong influence of City government—paths, widths of sidewalks, occasional changing of curves in the street. One of the things we worked out in addition to those was a concept of mixed setbacks. In many developments, I hear the staff of the Plan Commission and sometimes lots of other people condemn the fact that you can stand on the corner of a block and look down the street, and every single house and every single garage door and everything will look like it was stamped out with a cookie cutter. Well, that's not going to be the case here. Mixed setbacks on the streets are going to provide that the straight view will not exist. Another issue that came about, and, again, the City's staff took a lead on this, was the architectural treatments. Again, something that you would not find in a normal subdivision, but if you look in the covenants, they will tell you that no two houses next door to each other will look alike,

no two houses will be the same color, the architectural appurtenances, like maybe windows in a garage door—those kinds of things. Indeed, depending on the kind of house, people are required to pick from lists that are going to be in the covenants of architectural parts to this subdivision. The trail package that is going to be involved in this subdivision will ultimately hook, as we understand, to the West Lafayette trail. As important as it is, we also should talk about the north-south road, which is a major extension—or will be—extension to the City's thoroughfare plan. And so, at this area, from our south border to the north border, this road, which I believe is called Westmoreland, will be able, at some point in the future when development occurs to the south of us—and one would suspect that that will happen indeed in a reasonable period of time—will hook this to Kalberer Road and create a very interesting, again, connection. In all, those are the kinds of things that were both bargained for, asked for, and the City got, because we were able to take a planned development and turn it into something very, very good. I've been in this business—for example, of mixed setbacks—I've been in this business a long time, and I don't think I've ever seen that in Tippecanoe County. The question of the mixed architectural treatments and colors, I don't think I've ever seen that, either. So this subdivision, this planned development, is indeed a milestone, I think, in the dealing with planned developments. I have with me all kinds of engineers and people who are here if you need to ask questions, but I think Tim [Stevens] might like to talk to you about just a few of the technical things. Thank you.

Mr. Tim Stevens [Director of Development, Mann Properties] said thank you, Joe [Bumbleburg]. We are one of the partners in a joint venture called Benjamin Crossing LLC. Our other partner is represented here by some members of C.P. Morgan, and I just wanted to take just a brief moment to describe the organizational concept behind this plan. The whole thing really is organized around a strong stand of mature woods that's in the center of the site. If you've been out there, you've all seen it. These trees are very tall; there's a big block of mature woods that we wanted to be able to save, and the PDRS allows us to save that by clustering the development. Essentially we've got an amenity area in the center, and then we have 2½ miles of paved trails that we're proposing to do that connect all of the parts of the development to that central amenity area. Within there, there are paved ball courts, a junior-sized olympic pool, a clubhouse with changing rooms, and sand volleyball court, and that is sort of the spring point here. It will have some picnic areas there inside the central park area as well. What we also tried to do was take some of this green space and distribute it through the project, so what you see here is a multi-purpose field. What we mean by that is that it's about the size of a soccer field there, so that it could be striped for a soccer field, and we could have goals there. We would intend to provide those. There's another good-sized park here in the southwest corner, and then we have these greenspace amenities, and then, of course, this black narrow line here represents the trails, and these trails extend throughout the community. The number one amenity that C.P. Morgan finds when they make a questionnaire regarding what are the most desired amenities in a community

are trails. And that's my company's experience as well, and that's from entry-level product up to custom home product. So we thought this would dovetail very well with West Lafayette's strong orientation toward trails. This trail here and the one along Westmoreland represent the City's trail program. These trails would be built in accordance with that. You've got kind of a grid that's specified for connectivity through all parts of West Lafayette, and then the internal part, then, just enhances that for the residents of our community. Those trails would be maintained by the association and not by the City of West Lafayette. The three different colors of lots here represent the different lot sizes, and what we tried to do was have a mix, a good diversity of those lot sizes and mix them with each other, so you wouldn't have strictly segregated land uses and home sizes. The smallest lots here are in the green; these average about 56- or 57-foot wide. The very narrowest lot is 52 feet. The sort of medium tan is our medium-sized lot, and then the light tan is what we would equate with an R1-sized lot. You can see that an awful lot of the subdivision, including this cross-hatched part which is the part that's already platted and developed as section 1 and 2 of Lauren Lakes—that's already in. But it really breaks down to about a third, a third, a third. Actually, the smallest lots don't quite constitute a third of the site. And then on the very east end here is a very low-density kind of large estate lot type of subdivision. Steve Ratcliff is the owner of this parcel. He's coming into the zoning with us; however, he will have these available for custom homes, and I think that he'd like to serve some of his family members over some time with some of those lots. That's really all I have right now. I think it gives you an idea of how this is organized and arranged. I'd be happy to answer any questions, as would other representatives of our group.

Councilor Griffin said so why don't you give us the numbers—the third, the third, the third, more or less—is that in square footage, or is that in number? Just to spell out for the Councilors, myself also, if you would, what the actual numbers breakdown is.

Mr. Stevens said yes, the actual numbers break down to 241 of what we're calling Area C, and that's the green. There are 206 of Area B, and then we've got 96 plus 131—the 131 being the existing platted area—in Area A. So that's how the numbers—

Councilor O'Callaghan said and the width of A is?

Mr. Stevens said the width of A is 75 feet.

Councilor O'Callaghan said and B?

Mr. Stevens said B is 60.

Councilor O'Callaghan said and the others?

Mr. Stevens said I actually got an average width of 65 in that area, and then in Area C,

the average lot width is 56 feet wide.

Councilor O'Callaghan said the going as low as 52?

Councilor Griffin said minimum of 52. Okay. And on our plat here, are these rights-of-way that, if we look between the medium tan and the green, up in the northwest quadrant there, and if we go right down the middle of that block, is that right-of-way that we're seeing platted going down between the lots down the middle?

Mr. Stevens said this right here?

Councilor Griffin said no.

Mr. Stevens said or that?

Councilor Griffin said actually, go up a half an inch.

Mr. Stevens said this?

Councilor Griffin said well, no, between the two.

Mr. Stevens said right here?

Councilor Griffin said yes.

Mr. Stevens said no, those are just abutting lots; it's just where one area abuts the other area. The areas of rights-of-way would be associated with these grey stripes, which indicate the roadways. Were you talking about this area right here?

Councilor Griffin said yes, I am. On this plat here, there is a space here that appears to be not where the lot lines abut, but actually appears to perhaps be five to ten feet of the back of each property.

Mr. Stevens said those are easements.

Councilor Griffin said I misspoke. That's, yes, utility easements. Right.

Mr. Stevens said drainage and utility easements.

Councilor Griffin said fine, okay.

Councilor Griffin said and then our trails would lie within common areas that would be platted as such on pedestrian access easements?

Mr. Stevens said yes.

Councilor Griffin said okay.

Councilor O'Callaghan said so all those streets, are they all dedicated to the City? Will they all be dedicated to the City?

Mr. Stevens said yes. It was our intention to build them to the City specifications. We worked with Dave [City Engineer Buck] on the geometry of these streets, and they would be dedicated to the City.

Councilor O'Callaghan said and so that is indeed then the depth that we wanted, as a City staff? What is the depth then?

City Engineer Buck said 30.

Councilor O'Callaghan said 30 wide?

City Engineer Buck said 30 wide.

Councilor O'Callaghan said and what's the depth?

City Engineer Buck said of the pavement?

Councilor O'Callaghan said yes, of the street. Is it—I mean, is it—it's not just a thin little street?

City Engineer Buck said no, it's what the City standards specify.

Councilor O'Callaghan said the City standards.

City Engineer Buck said I don't know it off the top of my head, actually, but it's probably six inches of asphalt over six inches of stone, but it might be more than that.

Councilor Griffin said snow plows on the cul-de-sacs?

City Engineer Buck said they meet the APC's minimum 50-foot diameter, so I'm assuming that they can turn those, I mean, as well as the trash removal.

Mayor Mills said you can do it.

Public Works Director Downey said they're the standard cul-de-sacs that we've

operated in.

City Engineer Buck said they would be able to build those, regardless of whether it's a PD or an R1 subdivision, they could use that 50-foot diameter, so they're meeting the minimum standards for the thoroughfare plan.

Councilor Hunt said so, David [Public Works Director] Downey, can you turn around the snowplow and the trash trucks in these cul-de-sacs?

Public Works Director Downey said not without backing up, but that's not unusual in any cul-de-sac that we have.

Councilor Hunt said backing up minimally to readjust your turn? I mean, you don't have to back down the streets?

Public Works Director Downey said no.

Mayor Mills said other questions? Comments?

Councilor Griffin said one of the concerns that was voiced by one of the Area Plan Commissioners immediately prior to vote was the concern over this—well, I've heard so many phrases, I'm not sure when they happen—the “blight on the community” phrase. The “blight on the community phrase” combined with the mortgaging people beyond where they should be. Big concern that we hear. Can you please address it?

Mr. Chad Pittman [Director of Land Development, C.P. Morgan] said that's a good question. One thing that's important to know about C.P. Morgan is that we've chosen not to be in the mortgage business. So we have nothing to do with that. We build houses. That's all we do. As a matter of fact, the only thing we build is single-family detached housing. We have a small line of duplexes, but that's not up here, and it's really a very small part of what we do. Other than that, everything we do is single-family detached housing.

Mr. Stevens said no title company, no mortgage.

Mr. Pittman said no title company, no mortgage companies, nothing like that. So if someone brings us a note, I mean, that's the banking industry. As you can imagine, we're very sensitive to the foreclosure in Indiana and everywhere else. A, these are our homeowners, our customers; B, it's not good for them; and C, it's not good for us to have foreclosures in our communities. My understanding is, based on some research that we've done, there are maybe three foreclosures so far in Benjamin Crossing. That's all. I've heard there are hundreds of foreclosures in Benjamin Crossing. I think it's very difficult to do that type of research on foreclosures, because it's legal and there are so many different “what is foreclosure,” but I think the data was three.

Councilor Griffin said and so if I come in, we work out a plan for my building a house on your property and we worked out the details of purchasing the lot and so forth, but I need the money, where can you suggest that I go?

Mr. Pittman said well, we do have preferred lenders, if you don't have your own lender. The preferred lenders are, I think, Lafayette's PFCU, PCFU, maybe—is that the local bank up here?

Councilor O'Callaghan said PEFCU.

Councilor Griffin said PEFCU. Be able to let that one just fall off the tip of your tongue.

Mr. Pittman said that's right. I'm one of the few IU guys around. Focus on the IU part.

Councilor Griffin said you don't have to think Purdue, just think PEFCU. That's all you have to think.

Mr. Pittman said so anyhow—

Councilor Griffin said any other preferred lenders locally?

Councilor O'Callaghan said the answer I got to that question was PEFCU, Lafayette Community Bank, Chase, Charter One, etc.

Mr. Pittman said okay. But, yes, someone can get financing from wherever. I mean, we don't do it, so—

Mr. Stevens said I would add that it was concern expressed here, the original concept included spec lots. The style of housing that's available on the narrowest lots at Benjamin Crossing is not in the proposal. There's been a lot of confusion regarding that, about the lowest price point of home. That style house and that type of lot is not part of this proposal.

Councilor Griffin said and so what is the lowest price point on your houses for here?

Mr. Pittman said it would be what we're currently calling a Hallmark Line and the New Traditions Line, and our plan for either, we could do the R1 plats or, if we do this PDRS, either way it will be the same product, and I imagine it will come in maybe around, the very lowest, the 130s [\$130,000s] maybe. I don't know.

Councilor Griffin said and the property on the narrower lots is going to sell for—?

Mr. Pittman said I think either one it's going to sell for. The narrowest lots will fit either product, so we haven't really thought that far ahead. But it will be the Hallmark Line.

Councilor Griffin said so you're selling the lot and the house?

Mr. Pittman said yes.

Councilor Griffin said okay, so the lot and the house are 130 [\$130,000]?

Mr. Pittman said yes.

Councilor Griffin said okay.

Mr. Pittman said roughly in that range.

Councilor Satterly said do all your houses have two-car garages?

Mr. Pittman said yes.

Mr. Stevens said and one of our covenants, as well.

Mr. Pittman said in this subdivision, yes.

Councilor Satterly said what's the size of the garage?

Mr. Pittman said typically, 20 by 18. Twenty wide by 18 deep, typically speaking, but it depends on the house.

Councilor O'Callaghan said my understanding from when I went out and talked with Ryan there, was it was more like that the smaller houses would be on the narrower lots, and so then essentially you have the same amount on the side that you would have. If you have a narrower house on the smaller lot, you'll have the same amount of side yard.

Mr. Pittman said that's typically how it works—

Councilor O'Callaghan said and so then the minimum will always be 12 foot.

Mr. Pittman said the aggregate side yard setbacks, whether it's R1 or the PDRS, is the same; it's 12 feet between structures, regardless.

Mr. Stevens said which is the minimum.

Mr. Pittman said which is the minimum. That doesn't mean that every house, that they'll be that far apart, but that's the minimum that it can be.

Councilor Keen said so if this planned development should be denied, what would the project look like then?

City Attorney Bauman said the 12-foot minimum would be the same, whether the R1 subdivision or this PD.

Mr. Pittman said this is the plat that is currently R1.

Councilor O'Callaghan said put that right next to each other.

Mr. Pittman said so, basically, we'd be—

Councilor Plomin said turn it; it's upside down.

Councilor O'Callaghan said turn it.

Mr. Pittman said I knew that. So basically you have here this area here is obviously the same as that area up there. It's already in; it's the R1. We think that either plan is a good plan, so we think the people who drive out there make very good comments about the entryway and the houses there. But the houses would be the same, in essence, in either plan.

Councilor Keen said I think from a character point-of-view, it looks like the top one would be more appealing.

Mr. Pittman said that's what, I think, our neighborhood people spoke pretty eloquently at the hearing, at the Plan Commission, and I think it's a strong consensus of opinion that the folks out there who live in Lauren Lakes feel that this is going to add value to their home, not detract from it. They like the idea, they like the amenity package, they like the organization. I don't know what they don't like but they—

Mr. Stevens said I've met with our homeowners out there on numerous occasions, and numerous telephone calls and emails, and the homeowners are very passionate about this plan, as you can imagine. I like this plan, too. I prefer this plan to the old one.

Mayor Mills said we've gotten emails from them as well.

Councilor Satterly said how many homeowners are there out there?

Mr. Pittman said roughly, about 20 or 25 homeowners that live there now. And growing,

and more.

Councilor Plomin said what's the change in the number of lots?

Mr. Pittman said this plan here is approximately 677, and this is 673, right?

Mr. Stevens said yes.

Mr. Pittman said so this has roughly four less lots—

Councilor O'Callaghan said Chad [Mr. Pittman] said 676 to 673.

Mr. Pittman said it's approved for 677, he said 676, I mean—

Councilor Hunt said at the APC meeting, several people that lived around, other outside of your Lauren Lakes, were concerned about the financial stability of the homeowners' association that would fund the upkeep of this. Can you—

Mr. Pittman said I can address that. Our homeowners who are out there who were in that meeting feel very passionate about the fact that there's no question in their mind—right now, their dues are roughly, I would say, \$130 to \$150, and if this plan here, the PDRS plan were approved, it would probably be in the range of \$250, probably a little less than—

Councilor O'Callaghan said that's per year, not per month.

Mr. Pittman said per year. So I come from the homeowners, and I'm sure they'll be here on Monday night. You can ask them the same question, but they told me that there's no problem for them with those dues.

Councilor Hunt said we are getting emails.

Mr. Pittman said okay.

Councilor Satterly said how do you enforce the collection of this homeowner's fee?

Mr. Pittman said that's a good question. What we have is an HOA, it's pretty typical on any community. Both communities actually have, I mean, R1 or PDRS, the same issue. What we do is we send them dues, annual dues. We have a property management company called Omni right now that currently manages the HOA out here. When we turn it over at some time in the future, they can keep Omni, they can hire another property management company, or what—it's their organization. But the property management sends the dues every year, and if somebody doesn't pay their dues,

basically the first thing that happens is you get several notices saying, "Please pay your dues." Eventually, it's turned over to an attorney, go to Small Claims Court, and every time we've ever—I think before that ever gets there, my experience has been they typically pay their dues. I mean, that's the process, similar to probably how, when you guys have not paid taxes, we don't have anybody going and foreclosing—

Mayor Mills said put a lien on their property.

Councilor Satterly said but a lien on the property.

Mr. Pittman said however, there will be a lien on their—

Mr. Stevens said actually, we will put a lien on the property. It's in the covenants that it would become a lien on their property and would be satisfied by the sale of the property, in the same fashion as any other lien.

Mr. Pittman said so that's how that works.

Mr. Stevens said Ball Eggleston will see to that.

Councilor Keen said how do your lot sizes and how does this development compare with other developments that we've had, like—I don't know if you're familiar with—Amberleigh Village or Prophet's Ridge or any of those?

Mr. Stevens said I think Brandon can talk very—comparison to those plats, right?

Mr. Brandon Fulk [Schneider Corporation] said we were, as you requested, Amberleigh you have lots from 52 to 60, and there's a variety, let's just put it that way, throughout Amberleigh. They're not all small. There's some larger ones, but some of the more recent, the southernmost recent section, it's 66, 60s, and then down to some 53. So you should have some variety there.

Councilor Keen said and you have some 50s in there, right?

Mr. Pittman said again, we looked at Prophet's Ridge and—

Mr. Fulk said we looked at Prophet's Ridge as well, both of those.

Mr. Stevens said I would say it's fairly comparable.

Mr. Fulk said yes.

Mr. Stevens said as you look at it, I'm sure we can get you plats—

Mr. Pittman said similar to the R1 lots that we have, the larger ones.

Mr. Stevens said we'll have a larger product to offer, from a lot with a standpoint than those other projects.

Councilor O'Callaghan said Chad [Mr. Pittman] you mentioned something about Omni now is the property management, and when you turn it over, you go away, how does that work?

Mr. Pittman said how does that work? That's a good question. At some point, this community will be close to selling out, or maybe it's 75% or somewhere in the HOA, there's a period where the developer turns it over to the homeowners, and it becomes their homeowners' association. It's usually around 75% buildout, and then they have their board of directors. Now, we try to set them up for success, we've been doing this for a while, and through this process, as a matter of fact, I can tell you who the leaders are going to be in this neighborhood already. Hopefully, they will volunteer to be or be elected to be on their board of directors and they'll be president, they'll be secretary and treasurer of those things. At that point, it's their board and it's their organization, and they can hire whoever they want to hire.

City Attorney Bauman said and that structured process is similar to a number of previous planned developments in the City.

Mayor Mills said Amberleigh Village has the same, and—

Mr. Bumbleburg said and indeed homeowners' associations are typically not-for-profit corporations existing under the corporation laws of the State of Indiana. And Bob [City Attorney Bauman] is right, many planned developments, but indeed, even in subdivisions which are not planned developments, the homeowners' association becomes a corporation that gives it the perpetual life which you need, and then the neighbors themselves become the management of the homeowners' association—the president, the treasurer, the secretary—and they can be a very effective means in the neighborhood. I represent one in the south part of Lafayette right now, where a problem piece of property, because of cooperation between homeowners and the City of Lafayette, is now being resolved, because you can do it, you have the legal means to do it.

Councilor O'Callaghan said so it sounded like, Chad [Mr. Pittman], that you said and then they could hire whatever property manager they want, but actually they become the property manager, or do they—?

Mr. Pittman said well, right now we are the declarant. This HOA, believe it or not, already exists for the R1, it would be the same organization. Now, if the PDRS is approved, there will be amendments made to the HOA documents, based on all the conversations we've had with your staff. But that would just be amending the current HOA documents.

Mr. Stevens said so they'll be in charge, just as we are now in charge. They will have the administrative responsibilities that we currently have. They can elect to hire a professional agency as we do, and, I think, when we turn them over, we give them the ability to do that. It's their ongoing decision whether or not to continue to do that, if they see the value in it. Many of them do, because it keeps them from having to rap the skull of their neighbor who's got the wrong mailbox that they just put up. It's more of a hands off or an arms-length kind of feel, if you have a professional person from Omni call them up and say, "Your mailbox doesn't conform to the standards," and then they say, "Well, gee whiz, I just bought that mailbox," and you say, "Well, you have to now buy a new mailbox that does conform," or some such, you know, on a drainage swale, on something that pertains to a lien on the property, to unmown weeds, etc., etc. All these sort of the rats, cats, and garbage aspect of doing that administration on a local level.

Councilor O'Callaghan said but, so then, the \$200 to \$250 a year homeowners' association dues that you think will pay for these amenities, that includes your property management fees?

Mr. Stevens said yes.

Councilor O'Callaghan said and so, the association will have to really determine the association dues, based on if they hire somebody and they—

Mr. Pittman said that \$250 number comes from—we've been doing it for a long time. Our experience is such that that's a very conservative number. My wife tells me I exceed expectations, like I'll be home tonight at 7:00. I show up at 6:30. It works better for me than if I say I'll be home at 6:30 and show up at 7:00. Same thing. That's why we think that \$250 number's probably on the conservative end. But, you're right, 20 years from now, who knows. That'll be up to how well they manage here.

Councilor Griffin said so the specifics of the turnover—Patti [Councilor O'Callaghan] did you have—?

Councilor O'Callaghan said well, just to finish on that, on the homeowners' association, so if in 10 years the common areas are not being maintained, it is that responsibility of the homeowners' association, not you guys. You'll be gone. It's that homeowner association that would—

Mayor Mills said we already have those issues Citywide, with the other planned developments. It's not unusual for—I think this is an advantage that the streets are already dedicated, it's not unusual for people in our planned developments to come to us and ask us if we'll take over the streets. And that's in some of the most plush planned developments that we have in this City. They, you know, reach a point where they all just would prefer us to do the work. So, I mean, it's always an issue in every planned development, I think, in every homeowners' association, regardless of where it is, at some point, they're going to wish they didn't have the responsibility, but they do.

Mr. Stevens said the size of these homes, the talent pool—

Councilor O'Callaghan said but in this one, they won't have the streets, right?

Mr. Stevens said it's our experience that when you have a community this large, you at least do have a considerable talent pool. There's frequently somebody's who's an engineer, somebody who's a lawyer, somebody who has expertise in the area where they need expertise. We've found that some of our smaller subdivisions sometimes don't have that talent pool, and so the board of directors can kind of go wanting for good advice, and when you have 670 lots, you will have those professional people in your community that they can call on. It usually is a help, actually, to be larger for that purpose.

Mr. Pittman said as a matter of fact, there are already engineers out there.

Councilor O'Callaghan said and just one other question about the homeowners' association. Just to clarify that it's different from a neighborhood association, just like the day of the child summit, when the neighborhoods and community—it is different from a neighborhood association, the legal responsibility.

Mr. Bumbleburg said yes. Generally speaking, a neighborhood association has not the governance authority that a homeowners' association has.

Mr. Stevens said it's more a voluntary membership.

Mayor Mills said Carl [Councilor Griffin], do you have something else?

Councilor Griffin said the details of when it gets turned over, are those already worked out?

Mr. Pittman said regardless of PDRS or the R1, that's already in play.

Councilor Griffin said okay. And you're not sure whether it's a 75%--

Mr. Pittman said I've got the document right here, I could look it up. I think it is—

Mr. Stevens said I believe it is 75%. What we find, practically speaking, there's a bit of a lag. 75%, if you were poised at that moment to make a turnover, you legitimately could, because the covenants authorize it. Usually there's a little bit of a lag, a few months, because there's a train-up period. We'll start at some point as we approach that 75% to identify neighborhood leaders. There'll be some communication within the neighborhood saying, "Who would like to be on the board of directors? We will soon be having a meeting where you will elect that board." And then you will have that board be elected, and then you'll train them up, and then after a few months of that training and them becoming familiar with all of the contracts, with all of the insurance, and all the other requirements, then they would take over and say, "Okay, they're on their own."

Councilor Griffin said okay. Thanks.

Mayor Mills said other questions?

Councilor Plomin said yes.

Mayor Mills said Mr. [Councilor] Plomin.

Councilor Plomin said Mr. Bumbleburg, what items in this planned development, outside of the smaller lot sizes, require a planned development and not R1?

Mr. Bumbleburg said well, Dave [City Engineer Buck], help me on this. The width of the streets?

City Engineer Buck said I believe on the collector only.

Mr. Bumbleburg said on the collector. So the collector would not be the same. Of course, if you didn't have the planned development, you wouldn't have the greenspace, you would not have the trails—

Councilor O'Callaghan said you could have those—

Mr. Stevens said you could.

Councilor O'Callaghan said I think Matt [Councilor Plomin] wants to know what things you couldn't have—

Councilor Griffin said you could do that in an R1, right?

Mr. Stevens said it would be less likely that you would have the mix. If you look at this [map], the color coding tells you at a glance that it would be unlikely to have this without a PDRS. You usually have more homogeneous blocks of lot characteristics in standard zoning districts. It's not that you couldn't; you could do this in another zoning classification, it's just that it would be unlikely.

Councilor Plomin said so we have the collector streets more narrow than they would be otherwise.

Mr. Bumbleburg said no, this collector street is wider than it would be.

Councilor Plomin said wider, okay.

Mr. Bumbleburg said that's right. Again, you phrased your question—

Councilor Plomin said the question is really what are you asking us to do? Are you asking us to—?

Mr. Bumbleburg said I'm asking you to approve this plan, because this plan is far superior living device for the people who are going to be citizens of West Lafayette.

City Attorney Bauman said one of the things that comes with the PDRS zoning is the entire negotiation. The requirement of different colors and architectural treatments, so that the neighborhood doesn't look cookie-cutter, like some on the south side of Lafayette. The other thing that I think is probably easier to do is these kinds of designs where you have the trail access, and there was a lot of discussion in these meetings, and it results in a lot of off-street connections, as well as the coordination with the future City trail plan. There was also a lot of input from [City Engineer] Dave Buck, who's been awfully quiet, about engineering matters, including, for example, the traffic calming, the roundabout.

Mr. Bumbleburg said and I think also, under the code, this curve in the road, these are probably not permitted in a standard R1 subdivision. Are they permitted, Dave [City Engineer Buck]?

Councilor Plomin said not permitted, Dave?

Mr. Bumbleburg said no, there's a regulation about how much radius you can have.

Mr. Stevens said I think there's some question as to whether maybe they should, but at least this allows us to do that in a way that is incorporated into a document that specifies the exact design of that. I think, Dave [City Engineer Buck], it is right that these aren't allowed under the current subdivision—

Mr. Bumbleburg said yes, these intersections—

City Engineer Buck said these types of intersections?

Mr. Bumbleburg said yes.

City Engineer Buck said I don't know specifically whether they're disallowed; they're typically not done.

Mr. Pittman said I think the best way to sum this thing up, if I'm not getting the question, is why would we not just come in with, under standard zoning? Well, we would be asking for a rezone, in order to be able to get the feasibility of something like this achieved. And you have all of these variances going on, and typically what the planners have done and the planning staff would come up with this idea of, instead of having all these variance requests, BZA meetings, and dragging these things on for years, we can do this, it's called a quality community concept. Generally, they call it a PUD, planned unit development, and in this jurisdiction, they call it planned development residential single family, PDRS. In order to take all those inefficiencies of planning and be able just to put it in a mechanism to deliver a plan like this. Does that answer your question?

Councilor Plomin said correct me if I'm wrong—

Councilor O'Callaghan said what are those variances?

Councilor Plomin said correct me if I'm wrong, but it seems like you're coming to the Council with a planned development that essentially has the same number of lots, less area to sell. So you would like to sell the same number of lots, but then you're adding greenspace and in exchange for the greenspace, you're asking for a smaller lot size.

Mr. Stevens said that's probably the fundamental difference. There are many other differences that we've gone over, like the setbacks, like the architectural commitments, like the minimum square footage. A lot of these things are negotiated. What we have done and incorporated into our PD ordinance are things that exceed the minimums. And one of the things that the planning staff and your town staff felt was that, in order to be able to negotiate for those things which exceed the current minimums, it's a good idea to adopt a PUD in order to ensure that. Otherwise, you'd fall back on, for instance, the minimum square footage for a home and that sort of thing.

Councilor Plomin said okay. One of the main objections I've heard, not necessarily to this planned development, but to other ones that have happened on the south end of Lafayette and further outside of West Lafayette, were that building such a large number

of new constructions, it hurts the resale value of existing homes within the City. But it looks like, regardless of which way we go on this, we'll have that number of homes.

Mr. Stevens said I think that's the point that we've been making over and over here is that you will have the same number of homes.

Councilor Plomin said thank you.

Mr. Pittman said as a matter of fact, I think that out of that, we've said that we believe that people are willing to pay more to live with amenities like this than they are under the standard subdivision. So we think it's a real healthy appreciation.

Councilor Plomin said not these homes, but if people that live in New Chauncey it wouldn't be too easy for them to get as high a value out of their home as they may want, when they compete with the new construction of a lower-priced home.

Mr. Pittman said but that's the economics of it.

Councilor O'Callaghan said and the fact that this is already R1. It's not like going from agricultural to—

Mayor Mills said right.

Councilor Plomin said exactly.

Mayor Mills said and I think that's an important point. It's already zoned residential.

Mr. Bumbleburg said well, there is kind of a funny economic development issue to it, too. When people move to this community and it's a professor who comes here to occupy a chair at Purdue, or a presidency of a company, the nature of the whole thing is, does his wife want a new house or an old one? And this goes partly to your economic question. And the answer is both of those ladies would like to be able to design their own home, and be able to pick out the color of the house and that sort of stuff, and when you're dealing with a used house, that's not available to them, so there is this ability to—

Councilor Griffin said that's a fallacy.

Mayor Mills said you're talking to people who live in old houses.

Mr. Bumbleburg said I live in an old house. You can do whatever color you want with the house—

Mayor Mills said but your point is—

Councilor O'Callaghan said my entry level home, on coming here as a wife of a professor, was 944 square feet.

Councilor Griffin said some people like new and some people like being more creative with old.

Mr. Bumbleburg said I'm contrary to the popular view. I live in a house that's almost 100 years old, too.

Councilor Griffin said I understand that.

Mayor Mills said any other questions?

Councilor O'Callaghan said we touched briefly about the financing, and I appreciated learning that information. It seems to me that there was also some discussion between C.P. Morgan and Lafayette Neighborhood Housing Services about referring people to their financial fitness, new homeowners that maybe need that. Certainly not all homeowners need that. Is that something still in the works?

Mr. Pittman said yes, it's still on. That's Randy's [Councilor Truitt's] baby, but yes.

Councilor O'Callaghan said can you tell that I was with Pat Stephenson all day?

Councilor Truitt said were you?

Mr. Pittman said she's great.

Councilor Truitt said well, she just sent me a note.

Mr. Pittman said we're fortunate to have Randy [Councilor Truitt] come on board. I used to be involved in that aspect of the business. I know that was—

Councilor O'Callaghan said that's really important to get. Maybe not as much in this one, but just for the whole issue of foreclosures that we're concerned about.

Councilor Hunt said there was some concern, at also the APC meeting, from some people with—is Winding Creek the subdivision around there? Was that originally—I know the answer to this question—was that originally zoned R1?

Mr. Bumbleburg said Winding Creek?

Councilor Hunt said yes.

Mr. Bumbleburg said indeed. Winding Creek is not all R1 today. There is R1B in Winding Creek, as we sit here.

Mr. Stevens said similar lot size.

Mr. Bumbleburg said yes, similar lot size.

Councilor Hunt said was it originally zoned agriculture?

Mr. Bumbleburg said yes, it was.

Councilor Satterly said 1998, I think it was when it went from agriculture to R1 and R1B.

Councilor Griffin said Randy [Councilor Truitt], I'm not sure what your intent was for Monday night, but I'm going to just suggest that—or just to let you know what the Area Plan Commissioners do—is, if they have a perceived conflict or real conflict or whatever, they actually leave the council chambers for the whole discussion. I'm going to let you know that that's what they do at the Area Plan Commission.

Councilor Truitt said thank you. I appreciate that. I probably will take that advice. For more reasons, I can use the hour to myself.

Mayor Mills said anything else? I want to start by thanking you all, because we have had a lot of meetings. We did a lot of work together to come up with a good product, I think, so thank you for your willingness to work with the City. And I want to thank Dave [City Engineer Buck] and David [Public Works Director Downey], Josh [Director of Development Andrew] and Bob [City Attorney Bauman], who were involved in all of those for the work on the City side. I think it's going to be a great neighborhood.

Councilor O'Callaghan said I do have one other quick question. The site plan shows three stub streets from the project. What are stub streets?

Mr. Bumbleburg said it's a street that goes into the property line and ends, but it's left that way, because of the staff at Plan Commission's requirement that future developments in the next area will be able to have a street—

Mayor Mills said link up.

Mr. Bumbleburg said against which to hook and more the thoroughfare plan forward.

City Attorney Bauman said this one here is particularly important, because it will connect not only all the way down to Kalberer, but will connect with an east-west collector that will go over to Yeager and be an important route to the Research Park and to Purdue.

Mr. Bumbleburg said and my reflection on that, Bob City Attorney Bauman], and you help me on this, is that the potential of that is already on drawings and everything.

City Attorney Bauman said yes.

Mr. Bumbleburg said this stub street here, for example, I don't believe hooks to anything for a plat right now. It's just there for future development.

Mr. Stevens said but it probably will, because the existence of this will facilitate this being required to connect as well, so that trash trucks and snow plows and letter carriers and that sort of thing don't come out onto the—

Mayor Mills said it's advanced planning.

City Attorney Bauman said this one here, coming down to Kalberer and then the east-west is already part of the transportation plan that the Area Plan's adopted.

Mr. Stevens said right.

Mayor Mills said anything else? Thank you all very much.

Mr. Stevens said thanks for your time.

Mayor Mills said you're going to be early, Chad [Mr. Pittman].

Mr. Pittman said what's that?

Mayor Mills said you're going to be early.

Councilor Hunt said could we have some comments from the City Engineer?

Mayor Mills said certainly. Dave [City Engineer Buck].

City Engineer Buck said sure.

Mayor Mills said Ann [Councilor Hunt] wants to hear your thoughts.

Councilor Hunt said you made some comments at APC that were—

Councilor O'Callaghan said and you will Monday night, right, when you make your presentation?

City Engineer Buck said I can discuss that one meeting and several of the main topics that we discussed, from the street widths, street configuration, the curvilinear nature of the streets, the diversity that creates, just by making lots be different shapes and not all just rectangles in a row, so that there are some lots that have a high shape to them, like in the cul-de-sacs—that natural method of cul-de-sac where the curve in the street ends, it makes the setbacks be staggered, in some places automatically. And they've actually staggered the front setbacks in many locations from 20 to 25 feet, so there's going to be, I guess, a nonlinear nature to the street from where the house sits. They've put in street trees, per the West Lafayette greenspace ordinance, in many locations, and they've saved a lot of existing trees in the mature tree grove that's out there. That was a big item that the City wanted to see be saved. The R1 plan wipes that out, turns it into a drainage pond to take the stormwater. Architecture standards on all the houses; they've agreed to go to a 6/12 minimum roof pitch. There is no standard in just a straight R1 subdivision. They had down 5/12.

Councilor O'Callaghan said and 6/12 means—?

City Engineer Buck said the slope and the—up 6, over 12.

Councilor Griffin said the higher the first number, the more pitch to the roof.

City Engineer Buck said a little steeper roof. And that's more of a typical standard that we see. And 5/12's a little flatter, more economical for the builder to build, but not as aesthetically pleasing for the community as a whole. They've agreed to other architectural features, depending on the face brick on the front elevation of the house. If there's less than 50%, they're going to have to have more architectural features off the list in the covenants of different architectural type treatments. If they do 50% or more, then they only have to do one. I'll have more that I can list for you on Monday night. There's a whole long laundry list I'll provide.

Mayor Mills said that would be very helpful.

Councilor O'Callaghan said and it would be helpful to have it written down.

Public Works Director Downey said from my standpoint, one of the important parts was the fact that they took all the straight roads out. In that first picture, under R1, they took all the straight roads out, so that—you know my love for speed humps and speed bumps. I think what they've done in the PUD will help calm down the traffic and—

Councilor O'Callaghan said it's more natural traffic calming.

Public Works Director Downey said and you put a roundabout in there to help the flow on that one major collector, so—

City Engineer Buck said yes, and on the major collector, Westmoreland, they renamed it Westmoreland, which is the street that it will connect to in Arbor Chase that's already built, or partly built, I should say. They've taken parking off of that street and made all those lots be the R1 size, to match up what the same look will be—or similar, at least—in Arbor Chase, because there's no parking on the street, on Westmoreland in Arbor Chase. It's exactly the same width as what Westmoreland is in Arbor Chase as well. So that was very important that we carried that same basic geometric layout and that street cross-section and use through all the way down to Kalberer.

Councilor Griffin said 24/7, there's no parking on the current Westmoreland.

City Engineer Buck said there will be none, that's correct. If the collector is only 30 feet, parking would impact the ability of that road to move cars.

City Attorney Bauman said I think this starts to give you a feel for the depth of the analysis and discussion that went on to interact with the developer, to arrive at this plan, to address the various City concerns, not only today, but looking pretty far down the road.

Mayor Mills said anything else? Thank you.

Mr. Bumbleburg said thank you.

There was no further discussion.

Ordinance No. 33-06 An Ordinance To Amend Ordinance No. 32-05 Fixing The Biweekly Salaries Of Appointed Officers, Employees and Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana For The Year 2006 (Submitted by the Clerk-Treasurer)

Mayor Mills said you have an amended version. Any comments?

Councilor Keen said do we need to move amendment by substitution?

Mayor Mills said was that a—?

Councilor Keen said do you want a motion to amend by substitution?

Mayor Mills said Carl's [Councilor Griffin's] already seconded; he thought you did that.

Councilor Keen said I was asking if it needed to be. Can we amend by substitution Ordinance No. 33-06?

Councilor Griffin said is that a suggestion? I move that we amend by substitution [Ordinance No.] 33-06.

Councilor Truitt said I'll second that.

Mayor Mills said thank you. All right, we have a motion to amend by substitution Ordinance No. 33-06. All in favor?

Councilor O'Callaghan said well, actually, I guess I think I'd—we should have just a little bit of discussion about this, and I think we thought maybe you—Judy [Clerk-Treasurer Rhodes], did you and the personnel director talk about whether it would be appropriate for Gail [Thayer-Copeland, Clerk-Treasurer's Administrative Assistant] to—?

Clerk-Treasurer Rhodes said the Human Resource Director Diane Foster came to see me at approximately 2:35 p.m.

Councilor O'Callaghan said and that was she said at this point it might be appropriate for Gail to step out—is that what you two decided?

Clerk-Treasurer Rhodes said we had a discussion in which the discussion was whether it would be appropriate, during this discussion, for Gail to be here. Not knowing what the discussion was going to come up, I haven't said anything yet. So are you suggesting that she leave?

Councilor O'Callaghan said well, I just got that email when I—that was sent at the same time that she talked to you, and I think it's just appropriate to tell her that.

Councilor Truitt said but I don't know what—

Councilor O'Callaghan said I just think it's just appropriate to discuss it without Gail here.

Clerk-Treasurer Rhodes said if you wish to discuss it, then I'll have Gail step out during the discussion. However, it appears to me, from the looks I'm getting from Council members, they don't know what you're talking about.

Councilor O'Callaghan said right, well, I wouldn't have, if I didn't stop by, so I'll explain when Gail steps out.

Clerk-Treasurer Rhodes said however, during this period, I'm going to need people to allow me to keep the records of who's talking and do the tape changes.

[Gail Thayer-Copeland left the room.]

Councilor O'Callaghan said okay. So the Personnel Committee did indeed meet on October 24, and we discussed the Clerk-Treasurer changes to the ordinance, which frankly aren't the ones that aren't different. The memorandum talks about ones to the Fire, which—that's what most of these changes are, related to the Fire. But I did receive an email from Diane at 2:30 this afternoon that I didn't see until I just got home. And when we did discuss the proposed change to the Clerk-Treasurer position, there certainly was discussion about the increase in the salary. We talked about using Judy's [Clerk-Treasurer Rhodes's] memo of October 10. We talked about using this amount, but I didn't realize— We didn't, at that time, talk about—I didn't realize at that time, and then I guess [Human Resources Director] Diane Foster—

Councilor Truitt said can I read that, since I haven't gotten it.

Councilor O'Callaghan said oh, yes. Diane Foster also didn't realize—

Clerk-Treasurer Rhodes said Diane gave me some copies, because I suggested that, if you tried to discuss this with people who had never seen it, it would probably not be a very useful discussion. She made me four more. Well, wait a minute, one of them is mine, so there are only three extra.

Councilor O'Callaghan said but I guess the only reason to bring it up is because I got this from the personnel director—the Human Resources Director—and so I thought we should address it. The whole time we were discussing this as the Personnel Committee, we were throwing around this number of \$36,065, and I was under the impression that was the maximum. I didn't take the biweekly salary and multiply it by 26; I was thinking that \$36,065 was the maximum. And the memo said that Diane presented talks about that this maximum set at \$1,485.82, that salary then actually is \$38,631, so that maximum salary is a lot more than we thought when we were discussing it.

Councilor Truitt said but the number I see here is \$1,456.69.

Councilor O'Callaghan said for the Clerk-Treasurer Administrative/Deputy Clerk-Treasurer it's \$1,485.82.

Councilor Satterly said really?

Councilor Plomin said that's not what I have.

Councilor Truitt said I have \$1,4—

Councilor O'Callaghan said oh, I'm looking at the '06, the 34 [Ordinance No. 34-06]. Excuse me. That's right. I was just looking at 34 [Ordinance No. 34-06]. It's the same thing for next year.

Councilor Satterly said \$1,456.69.

Councilor O'Callaghan said that's right. It's the same thing. I was just looking at 34 [Ordinance No. 34-06]. It's the same thing. I was just looking at it for next year.

Councilor Truitt said but at the Personnel Committee, though, this is what we talked about, right? So we're okay.

Councilor O'Callaghan said no. I'm just saying that, at the Personnel Committee meeting, we did not talk about these numbers. This was presented to us, but we didn't talk about this biweekly maximum, and I'm going by the \$1,485.82, because that's the [Ordinance No.] 34-06. That's the next ordinance, and that's really the one that we discussed at the Personnel Committee meeting. I was certainly under the impression that we were talking about—and we didn't talk about that biweekly number; mostly what we talked about was the \$36,065. Do you remember? That's what we mostly talked about. And we talked about the possibility of changing that percentage, to make it a little bit lower, and that was not the majority of the Personnel Committee to agree to that. That's the number that we were talking about was the \$36,065. I just wanted to make sure before we voted to amend it, that all the members of the Personnel Committee understood that, because they did not know that, because we didn't talk about it at the Personnel Committee meeting.

Councilor Griffin said so the percentage that we voted on—

Councilor O'Callaghan said was the percentage of the salary. And that's the salary that she had asked for, but it's not the maximum. And I was thinking it was the maximum and Diane [Foster, Human Resources Director] was thinking it was the maximum. The maximum at this amount would be \$38,631. I just wanted to make sure that you guys knew that, because this information came late to our attention.

Clerk-Treasurer Rhodes said I would just like to say that you all have in writing, from me, exactly what I'm going to do.

Councilor O'Callaghan said correct. I just wanted the Personnel Committee to understand that when we were talking about it, I know it was my impression that this

was the maximum, that 36 [\$36,065] was the maximum. It is indeed not. The maximum is \$38,631.

Councilor Griffin said Randy [Councilor Truitt], what was your impression? The percentage that we voted on, was it your impression that we were voting on a maximum salary?

Councilor Truitt said I was more focused on the job duties and the jobs being performed.

Councilor O'Callaghan said and that's what Diane [Foster, Human Resources Director] focused on.

Councilor Truitt said and the monetary side of it was important, but, I mean, I was mainly focused on being able to differentiate and justify the exchange. Personally, this conversation doesn't change my feeling on what we talked about, because I think, before I came in here, I thought was in tune with it, but now I just need a second to just gather my thoughts, because I want to understand where Patti's [Councilor O'Callaghan's] coming from here, and I'm almost there.

Councilor O'Callaghan said okay. It's just that this was—when we were talking about \$36,065, I thought it was the maximum. I do agree that the memo does say the salary range; I do understand that. But that's not what I was looking at. I was just looking at the \$36,065 as the salary, and so—

Clerk-Treasurer Rhodes said I'd also like to say that the email that Diane [Foster, Human Resources Director] just sent, that the range that was used was exactly as per our discussion in September. I think it's only fair to make sure that that part of the email is also pointed out. It's really unfortunate that we're trying to grasp this at this time. However, you have things, you have memos, you have an email from her. And I did follow the process that's laid out as best as I understand it in the City, meeting with the Human Resources Director, as best as I understood it, taking her suggestions, developing and asking for a review of job positions, I think to an extent that meets if not exceeds what other department heads have done. I did meet—

Councilor O'Callaghan said I just wanted to make sure that the Personnel Committee—

Clerk-Treasurer Rhodes said I did meet with the Personnel Committee and follow all the processes. I've tried my best to provide information in advance.

Councilor O'Callaghan said I just wanted to make sure that the Personnel Committee knew what we were doing.

Councilor Griffin said so the maximum rate that Judy [Clerk-Treasurer Rhodes] has set it at is similar to the maximum rate of the Mayor's Assistant—

Councilor O'Callaghan said right, it's exactly the same—

Councilor Satterly said it's exactly the same.

Councilor O'Callaghan said right.

Councilor Griffin said okay. I understand that this is exactly what I believe in spirit we talked about at the Personnel Committee.

Councilor O'Callaghan said that's what I wanted to make sure, that everybody had the understanding.

Councilor Satterly said did the Personnel Committee vote on this thing?

Councilor O'Callaghan said not all of us.

Councilor Griffin said the Personnel Committee voted 2-1 that that would be fine.

Councilor Satterly said that they'd be the same?

Councilor Griffin said that they could be the same.

Councilor Truitt said correct.

Councilor Griffin said correct.

Councilor Satterly said and the Deputy Clerk/Benefits Administrator is just slightly below?

Councilor O'Callaghan said right. Just slightly below.

Councilor Satterly said by less than \$3.

Councilor O'Callaghan said actually the salary of the Benefits Administrator is actually higher, because she must be higher on the thing, because her salary is now \$37,801.

Councilor Satterly said I mean the maximums.

Councilor O'Callaghan said neither one of them are at the maximum. That's the point. And see, I was thinking that they were at the maximum.

Councilor Satterly said but the maximum is actually just less than \$2 different than the Mayor's Administrative Assistant or the proposed maximum for the Deputy Clerk-Treasurer/Administrative Assistant.

Councilor Griffin said yes.

Councilor O'Callaghan said right. But I'm just saying as a fact from the memo that we have from the Clerk-Treasurer, that that salary is literally higher, because she's being increased from \$36,801 to \$37,801. And that just must be where she is on the salary range.

Clerk-Treasurer Rhodes said the memo says that I am requesting the change in the range of the Deputy Clerk/Benefits Administrator because of change in that position to increase the maximum and place that person at the maximum. My request for the Administrative Assistant/Deputy Clerk-Treasurer was to scope that position in the same range as the Mayor's Administrative Assistant and to set the salary at the—

Councilor O'Callaghan said \$36,065.

Clerk-Treasurer Rhodes said level of the Mayor's Administrative Assistant.

Councilor O'Callaghan said I'm just saying that that the Deputy Clerk/Benefits Administrator, that salary was increased to \$37,801—we talked about that, too.

Councilor Truitt said yes.

Councilor O'Callaghan said that then that salary is actually higher. That's the point I'm making.

Councilor Truitt said and you're just making sure that everybody is on the same page, right?

Councilor O'Callaghan said yes.

Councilor Truitt said and I think we are.

Councilor O'Callaghan said okay, thank you.

Mayor Mills said okay. We need to vote on the amended—

Councilor O'Callaghan said well, now, if Gail [Thayer-Copeland, Clerk-Treasurer's Administrative Assistant] wants to come back, if anybody has questions on motor vehicle part— I mean, if anybody has questions on the other part—

Mayor Mills said any other discussion or questions?

Councilor O'Callaghan said I said fire, but it's [unintelligible]

Councilor Keen said we are voting the amendment then?

Mayor Mills said we are voting to amend by substitution Ordinance No. 33-06. All right, all in favor of the amended version, please signify by saying, AYE.

The vote to amend Ordinance No. 33-06 by substitution was passed *viva voce*.

Mayor Mills said any further discussion?

Councilor Plomin said will Diane [Foster, Human Resources Director] be at the Council meeting?

Mayor Mills said she can be.

Councilor Truitt said do you need her to be?

Councilor Plomin said well, it's just an interesting email. I'll just talk to her about this.

Councilor Truitt said that's fine.

There was no further discussion.

Ordinance No. 34-06 An Ordinance To Amend Ordinance No. 19-06 Fixing The Biweekly Salaries Of Appointed Officers, Employees and Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana For The Year 2007 (Submitted by the Clerk-Treasurer)

Mayor Mills said [Ordinance No.] 34-06 is the—

Councilor Satterly said it's just the carry forward to 2007.

Mayor Mills said right. Change 2007, but we also need a motion to—

Councilor Satterly said so move.

Councilor Griffin said second.

Mayor Mills said all right, we have a motion and a second to amend by substitution Ordinance No. 34-06. Is there any further discussion on this one? It's the 2007 salary levels.

Councilor Satterly said now there were some additional changes—

[unintelligible]

Clerk-Treasurer Rhodes said you need to look at the memo.

Councilor O'Callaghan said yes, if you read the memo, it's very clear, and—

[overtalking]

Clerk-Treasurer Rhodes said we had documents going through several cycles of preparation and "Track Changes" [in Word] may, in some way, cause problems in document preparation. We've used that part of the software many times, but something went wrong this time, and we ended up with a document which basically had parts of "Track Changes" eliminated rather than accepted. It became a mosaic.

Councilor Griffin said so what we were looking at in the non-amended version is incorrect data, is old data?

Clerk-Treasurer Rhodes said right. And these are the correct salary levels reflecting a 2% raise from the last time the salary ordinance was amended, in December 2005.

Mayor Mills said okay. Any other discussion on this? All in favor of the amended version?

The vote to amend Ordinance No. 34-06 by substitution was passed *viva voce*.

There was no further discussion.

[Gail Thayer-Copeland returned to the room.]

Resolution No. 28-06 (Amended) Transfer A Resolution Requesting The Transfer Of Funds (Clerk-Treasurer, Police, Fire, Sanitation, MVH) (Prepared by the Clerk-Treasurer)

Councilor Griffin said I would motion to amend by substitution.

Mayor Mills said we have a motion to amend [Resolution No.] 28-06. All in favor of—well, we'd better discuss it first.

Councilor O'Callaghan said we got an amended one.

Mayor Mills said amended version.

[overtalking]

Mayor Mills said the first transfer is—

Councilor O'Callaghan said did somebody tell Gail [Thayer-Copeland, Clerk-Treasurer's Administrative Assistant] to—

Mayor Mills said yes. From the Clerk-Treasurer General Fund, this is from PERF, FICA, etc. to Licenses, Permits, & Fees; and you can see it's for credit card and banking fees, \$2,055. Second transfer section is in the Police Department, and you have a list there of the transfers and the accounts that those are coming from, a total of \$31,700, and where they are being transferred to, Overtime, New Uniforms, Gasoline, Repairs/Contractual, and Office Equipment. The Chief is here, if you have questions. The third area is in Fire, from Instruction to Travel, and eh list of reasons for the travel fund—training in Wisconsin, Indianapolis, and at the National Fire Academy. The next area is in Sanitation, from Insurance and Contracts, \$16,000, to Payroll, Oil, and Repair Parts that will cover expenses for the rest of the year. And finally in MVH, from Insurance, Furniture, and Office Equipment to Dependent Insurance, Oil, and Other Equipment, and, again, just to get us through the end of the year in the MVH Fund. The department heads are here, if you have questions. Any questions?

Councilor O'Callaghan said did we vote to amend by substitution?

Mayor Mills said no, we have not. If there are no questions, all in favor of the amended resolution, please signify by saying AYE.

The vote to amend Resolution No. 28-06 by substitution was passed *viva voce*.

Councilor O'Callaghan said we're just voting to amend the resolution?

Mayor Mills said right.

Councilor Plomin said I have a question for Chief Marvin.

Mayor Mills said certainly.

Councilor Plomin said last month, we transferred money from Full-Time Salaries to Overtime, and this month again.

Police Chief Marvin said hopefully this will get us through the end of the year. As we explained earlier, we have the grants come in that we didn't expect to be so high, countywide grants we've been participating in. And also, we've had dispatcher shortages, so we've had to cover with overtime, to the tune of about \$30,000.

Councilor Plomin said have you been able to hire more dispatchers to—

Police Chief Marvin said well, yes. One of the positions that we were short for quite a while was a dispatcher position that was actually paid by the County out of 9-1-1. It took a while to get that position hired and covered. Well, we couldn't have that position short, so we had to cover that, two people signing up and paying them overtime. And then we had a maternity leave for a dispatcher that we weren't planning for. So we paid out about \$30,000 in dispatcher overtime, if you will, to cover dispatcher shortages. So some of that has been paid to dispatchers, some of that got paid to officers, and some of that got paid to civilians who covered dispatch. So that, along with the grant situation we've experienced and we've just been notified that this countywide grant that we've been participating in for special enforcement, that there's been another \$100,000 grant allocated, so we're going to be working more overtime for some of these special patrols.

Councilor Plomin said okay.

Councilor Hunt said are the special patrols for football games?

Police Chief Marvin said no, this is traffic-related—seat belt, DUI, those types of patrols.

Councilor Hunt said thank you.

Councilor Plomin said are we okay going forward then for covering normal shifts and normal staff?

Police Chief Marvin said yes, we still have enough Full Time Salaries money to move forward, absolutely.

Councilor Plomin said and enough staff to cover the responsibilities that are required? I know we have enough money in the salary budget, but do we have enough staff, then?

Police Chief Marvin said we're in the process now, the Merit Commission's given conditional offers of employment to three people already, to fill holes for sworn officers. The dispatchers, we currently are up to staff.

Councilor Plomin said okay, thanks.

Councilor O'Callaghan said and then just to clarify, Chief, with this grant, we have to pay more overtime, but then we get reimbursed from the grant?

Police Chief Marvin said yes, the reimbursement comes back to, I believe, the General Fund. I believe that is how it works.

Clerk-Treasurer Rhodes said yes. The Mayor, and the Chief, and I have discussed, beginning in '07, to establish a special fund to handle this flow of grant reimbursement for overtime. First of all, it's unpredictable; second of all, it really muddies the water in terms of budgeting, because it inflates expenditures in personnel without demonstrating the matching revenue stream. We believe by having a special fund that we can match those two and make it clearer than the management of the budget.

Mayor Mills said any other questions?

There was no further discussion.

Resolution No. 29-06 (Amended) A Resolution Requesting The Transfer Of Appropriations (Clerk-Treasurer, City Court, City Hall, Police, Fire, City Services, Legal) (Prepared by the Clerk-Treasurer)

Mayor Mills said again, we have an amended version tonight.

Councilor Griffin said I move to amend by substitution.

Councilor Satterly said second.

Mayor Mills said all right. This is a transfer of appropriations from the Clerk-Treasurer's budget into multiple places. If you look at your new amended version, you'll see into City Court, into City Hall, into the Police Department and the Fire Department and to the Legal Department, and also from City Services into City Hall for electricity. Are there questions about any of those movements from the Clerk-Treasurer's budget into those other places we needed? Carl [Councilor Griffin].

Councilor Griffin said will 153 have to be replenished before the end of the year, or—?

Clerk-Treasurer Rhodes said no.

Councilor Griffin said okay.

Clerk-Treasurer Rhodes said you may notice that we are now doing, a transfer of appropriations by resolution when we last did this by ordinance, and the time before that by resolution. Based on the district meetings at the end of October, the Department of Local Government Finance has concurred with the State Board of Accounts and will not object to these transfers by resolution. Neither will they put that in writing.

Councilor Hunt said but you asked.

Mayor Mills said stay tuned to see what happens the next month.

Clerk-Treasurer Rhodes said actually, I simply separated it from what we traditionally call the transfer of funds, just to make it clear to you this is a different kind of budgetary transfer.

Mayor Mills said all right. If there are no other questions, we need to vote to accept the amended version, in place of the original resolution. All in favor?

The vote to amend Resolution No. 29-06 by substitution was passed *viva voce*.

There was no further discussion.

OTHER BUSINESS:

Mayor Mills said all right. Is there any other business?

Councilor Griffin said yes, there is. I think it might be a good idea, so that there's not any discomfort on Monday night. Typically, when we make these little changes in appropriations toward salaries, such as our own, which we did not change, the parties don't have to leave the Council for discussion of that. I think that we've had the discussion that we needed on the position that is occupied by Gail [Thayer-Copeland, Clerk-Treasurer's Administrative Assistant] at this time, and I'm going to suggest that she does not need to step out for that vote. Just a precedent that— Everybody okay with that?

Mayor Mills said sure.

Councilor Griffin said just so the question, so we don't feel—

Councilor O'Callaghan said [unintelligible] there Monday night. Thank you.

ADJOURNMENT:

There being no further business at this time, Councilor O'Callaghan moved for adjournment. Motion was seconded by Councilor Truitt and passed by voice vote, the time being 5:52 p.m.

Respectfully submitted,

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