

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES

November 6, 2006

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on November 6, 2006, at the hour of 7:30 p.m.

Mayor Mills called the meeting to order and presided.

The Pledge of Allegiance was repeated.

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

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

MINUTES: Councilor Griffin moved for acceptance of the minutes of the September 28, 2006, Special Council Meeting; the minutes of the September 28, 2006, Pre-Council meeting; and the minutes of the October 2, 2006, Common Council Meeting. Councilor Satterly seconded the motion, and the vote was AYE.

COMMITTEE STANDING REPORTS:

STREET AND SANITATION: Councilor Satterly presented this report.

Thank you, Madam Mayor. On the October monthly highlights, the Fairfield Contractors are projecting to finish the curb and sidewalk concrete work on Salisbury Street by Thanksgiving. Resurfacing of the street is scheduled for spring of 2007. The normal yard waste schedule is still being followed. If you place leaves in rigid containers, they will be picked up each week on your normal yard waste day. The remaining leaf pickup schedule, Areas A and B, November 27 through 29; Areas C and D, November 13 through 15; Area E, November 7 through 9 December 4 through 6; Area F, December 11 through 13. Now, to know what area you live in, you need to consult that schedule that's distributed to every household by the Street and Sanitation Department. There will be no leaves picked up during Thanksgiving week of 11/20/06 through 11/23. That completes that report.

Mayor Mills said I will just remind people, please, that, again, if you have leaves and you've missed your day, or you want to go ahead and get rid of them, if you'll put them out at the curb in a rigid container, a trash can is what we're talking about, they will pick them up on your normal Monday or Friday day for brush. So you can get those put out any week on your normal day.

Councilor Satterly said I forgot to mention that on leaf collection in the month of October, there were 543.5 hours and 299.5 tons of leaves collected.

Mayor Mills said a lot of leaves.

Councilor Satterly said lots of leaves.

Mayor Mills said Councilor O'Callaghan.

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Councilor O'Callaghan said is the recycling schedule, is that on the website as well, if people can't find the one that they received?

Mayor Mills said I think so, but I will check that tomorrow and make sure.

Councilor O'Callaghan said okay, so then if people can't find their brochure, they can just check the website.

WASTEWATER TREATMENT UTILITY: Councilor Satterly presented this report.

Thank you, Madam Mayor. During the month, this is October, I believe, total flow 247 million gallons, 99.98% was treated. There were two overflow events at Dehart Street and two at the Quincey Street overflow. That completes that report.

Mayor Mills said thank you.

PUBLIC SAFETY: Councilor Keen presented this report.

Thank you, Madam Mayor. "Change your clock, change your battery." That's a slogan that is being promoted by fire departments everywhere. It says, "Change your clock and change your battery" is a helpful reminder for people to change their smoke detector batteries in their apartments or houses, and do that twice a year, when you change your clocks forward or backward. Studies have been conducted to determine how to make smoke detectors even more useful in saving lives. This is interesting: Preliminary results of a multi-phase study were recently released. The first phase focused on the effectiveness of the alarm tone, and it was found that while current tones wake most adults, a large percentage of children do not wake up during the night from the current tones. Many young children did not wake up for several minutes, and some even slept for a half hour or more. I don't know how you could sleep during a smoke alarm going off, but— Anyway, they're working on variation in tones, even using a recording of the child's mother's voice, which apparently did get some pretty promising results from that, so that was rather interesting. During the month of October, Inspector Lancaster took a class on evaluating performance-based designs at the National Emergency Training Center in Maryland. This class is intended to teach fire personnel how to better evaluate fire safety concerns in modern buildings, and most of this expense was paid for by FEMA, which is Federal Emergency Management. We have two new fire trucks on order. The bids have been completed. I guess to say they're not on order yet, but the specifications have been completed and bids are to be opened on November 8 at the Board of Works. Both these trucks are to be identical. One is a replacement truck for the truck at Station No. 1, and the other is an additional fire truck for use in protecting the newly-annexed areas. The trucks will take about eight months to build, and it is expected that the trucks will be delivered on August 1 of next year. Also, the West Lafayette Fire Department assisted Battle Ground in a Halloween night fire at the Lauren Lakes subdivision. The Battle Ground Fire Department has been the one that has covered that area for many years, and West Lafayette, as you all know, is scheduled to begin protecting that area on August 17 of next year. Battle Ground requested the assistance of West Lafayette, and West Lafayette's response time was less than six minutes, which is a good thing. The whole incident is still under investigation at this time. For October, the Police Department handled a number of calls, but they were still down 11% over the month previous, even though there were two home football games during that month. Also during the same month, many of the officers and employees of the department participated in a variety of training exercises.

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Some of the training would include firearms training; canine training, SRT, which is a special response team; field officer training; police executive leadership; legal aspects for school; resource officers; and pharmaceutical diversion investigation. They also participated in a District 4 tabletop disaster drill. Our new canine officer, Kay, and Officer Dunscomb have completed training, a five-week training course in Denver, Indiana. At that same facility, they had a canine olympics. Officer Dunscomb and Kay, our new canine dog, placed first in one of the competitions, which is a hard dog competition. It means that the dog is trained to hit a decoy, and the dog that hits the decoy the hardest and the fastest wins it, and our new dog did that, hits hard. They finished second place in the fast dog competition, and they finished, I believe it was, sixth place in a team competition. So it looks like we've got a good dog coming here. Finally, the West Lafayette Police Department's first Citizen Police Academy has completed its tenth week, and students will graduate on Wednesday, November 8. As you know, the Citizen Police Academy is an 11-week program that meets one night a week for approximately two to three hours. The academy covers a variety of topics, including dispatch, communications, training, field training program, patrol, traffic, law, criminal investigations, drug investigations, canine operations, search and seizure, firearms training, emergency vehicle operations, and crash investigations. There will be another class that's going to start early next year. I believe that completes my report.

Mayor Mills said thank you.

PURDUE RELATIONS: Councilor Plomin presented this report.

Thank you, Madam Mayor. For the month of November, Purdue will break classes on the 22nd and resume on the 27th, to observe the Thanksgiving holidays. In the interest of time—we've got a lot of people here, I imagine this will be longish meeting, I'll just turn the floor over to Mr. J.D. Barnes from PSG, who will deliver a report from Purdue Student Government.

Mr. J.D. Barnes said thank you, Mr. Plomin, Madam Mayor. Last week at Purdue, the Purdue Student Government hosted a legislative forum, which brought forth several State Representative candidates. It was a very well attended event, around 50 students and faculty members came in and out throughout the day, so it was a very big success for us. Also, looking forward to this weekend, Purdue Student Government is hosting a Thanksgiving party with College Mentors for Kids. The College Mentors for Kids Program is run through Purdue will bring the younger kids that are in the area and they'll be participating in several crafts and activities throughout the day. Also on our calendars, November 17, our Local Government Relations Luncheon in the Sagamore Room, which I hope that you've all have received your invitations and we are looking forward to bettering relations and getting to know you more then. So thank you.

Mayor Mills said thank you, Mr. Barnes.

Councilor Plomin said this concludes the report.

Mayor Mills said okay, thank you.

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PARKS AND RECREATION: Councilor Hunt presented this report.

Thank you, Madam Mayor. I have several different areas to cover for the Parks Department. First, the trees have been planted along the Sagamore West midway. It's a landscaping project, and about a third of the planting is funded by the INDOT. The second, third, and fourth grad basketball program for boys and girls started today. The special Pre-Thanksgiving Sagamore West Farmers' Market will be, again, the day before Thanksgiving on November 22. I'm eager for the weather to be good and see what they sell. The West Lafayette trails now wind for 17 miles through the City of West Lafayette, and details about this are in the new mailing that probably most of you that live in the City have received. It's quite a nice newsletter, and it talks about our trails. The wildlife viewing deck at the north end of the Celery Bog footpath has been completed. I went there this afternoon about 4:30, and it's really quite pleasant. As I was there, I saw a beaver and a beaver house, so that was nice. The Riverside Skating Center will open November 24. And the next Park Board meeting will be November 20 at 4:30 in City Hall. That concludes my report.

Mayor Mills said thank you.

DEPARTMENT OF DEVELOPMENT: Councilor O'Callaghan presented this report.

Thank you, Mayor. The Redevelopment Commission met on October 13, and the Development Department is putting together the bid package for some of the work on the Wabash Landing Garage that I talked about last month, and they'll also do some with an RFP, using some Build Indiana Funds that are still remaining. The lights on the Parkway, Sagamore West, are burning. They have since mid-October, and actually they burn 24 hours a day for two weeks. That was on purpose. It's called a "burn in" phase, so that should be completed by now. The intersection of Sagamore West and Salisbury Street will have the handicap-accessible push button will be lowered, so that it actually can be reached by people in a wheelchair. That was a lot of good work by our Development Department and Engineer's Office with INDOT to get that done. Councilor Hunt mentioned the midway plantings going in with the shrubs this spring. Also, progress is being made on Chauncey Square, but it's a little bit more difficult laying those cables underground, as boring didn't work and so they have to tear up the street and there's a railroad track there, so all sorts of interesting things going on down there. Tapawingo South is also progressing, but that will be asphalted in the spring, obtaining easements for lighting of the trail along there, so that'll add to the wonderful trail system that we have. Certainly lots of good things continue to go on with economic development and openings of businesses around town and Research Park companies getting awards. Tonight, Imaginistics had their open house, and they're one of the many companies in the Research Park that are having actually worldwide impact, so we're just pretty excited about all the things that are going on.

Mayor Mills said thank you.

PERSONNEL: Councilor O'Callaghan presented this report.

Thank you, Mayor. It has been announced that Lafayette and West Lafayette are joining together to purchase insurance coverage for our employees, and this will enable us to enhance the benefits to our employees and their families at a more affordable rate, so we're pretty excited about that. We will also address a few personnel items later on in the agenda, with Ordinance [Nos.] 33 [-06] and 34-06.

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Mayor Mills said thank you.

BUDGET AND FINANCE: No report.

REPORT OF APC REPRESENTATIVE: Councilor Griffin presented this report.

Madam Mayor, we'll take action tonight on recent action of the APC, so I won't discuss that any further now.

Mayor Mills said all right, thank you.

REPORTS OF SPECIAL COMMITTEES: None.

PUBLIC RELATIONS:

Employee Service Anniversaries

Mayor Mills said we have three employee service anniversaries this month. Jim Bjork in the Wastewater Treatment Utility celebrates five years. Jack Kincaid in the Department of Development also celebrates five years in November. And Phil Wright at the Wastewater Treatment Utility celebrates 25 years. We'd like to thank all three of them for their great service to all of us in the City of West Lafayette, and congratulate them on those service anniversaries.

West Lafayette Community Beautification Award

Councilor Truitt said thank you, Madam Mayor. It's with great pleasure that I announce that the Avondale Neighborhood Association is the winner of the West Lafayette November Beautification Award. Patsy's [Ms. Hoyer's] getting excited over there. For those that don't know, Avondale is runs along Cumberland Avenue. It's been a collaborative effort of that neighborhood association to take the time and meet with their residents. They raise the necessary funds to move forward with their program, and they use those funds to plant flowers in planters, as well as use the money for additional flowers, mulch, and plant food. So I would like to have representatives or a representative of the Avondale Neighborhood Association come forward and accept their award. Congratulations. Thanks for making West Lafayette beautiful.

Mayor Mills said do you care to make any comments? You're more than welcome, there at the microphone. Go to the microphone, Patsy [Ms. Hoyer], please.

Ms. Patsy Hoyer said Judy's [Clerk-Treasurer Rhodes is] a member of our neighborhood, too, so she helps to contribute. I'd like to add that collecting money was the easy part. It was the families that adopted a planter and watered them all summer and all October that really made this happen. So it was a joint venture, and we had several families who adopted each planter, and we had Judy Bowerman who trimmed all the sprouts around the trees. It was truly an event. Thank you.

Mayor Mills said thank you. Mr. Haynes, please.

Mr. Sam Haynes [[713 Avondale Street] said thank you. Well, Patsy [Hoyer], when you need something done, they always say go to somebody that's very busy, and that's Patsy. She's very busy, she does a lot to keep our community involved, she has social affairs at her house and

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everybody comes over and partakes, and organizes the garage sales, so she does a lot for our community.

Mayor Mills said thank you very much. I will just add a thanks to the neighborhood association for, honestly, making our City a more beautiful place. The planters in the median were wonderful this summer, wonderful to look at as you drive down, so thank you all for adding that to the City.

Grant Notification: TIPMONT REMC – Development

Mayor Mills said I'll follow that up with one other environmental beautification piece of news. We just received, as a City, Bev Shaw [Redevelopment and Neighborhood Planner] and the Department of Development tries to write grants regularly for money for flowers and trees. She's our greenspace administrator and does a wonderful job, but we just received a grant from TIPMONT REMC, and they are very generous with their funds for communities for plantings. This is a \$2,000 grant to add daffodils along the Sagamore West in the islands, and it will free up some of their other money that we like to spend on tree replacement for trees. So we thank them for also contributing to the beautification of West Lafayette.

Book Drive for Ota City Gunma Kokusai Academy

Mayor Mills said I will add just one other item under Public Relations, and that is to draw your attention to the large cardboard box that's sitting out in the lobby here of City Hall. We are participating, along with the City of Lafayette and the Development Corporation of our County, in the Sister City's "Reading with Your Sister" book drive. We have a sister city, Ota City, in Japan, and we are trying to collect books for the Gunma Academy in Ota City, our sister city. We will be collecting books through Friday, November 17, particularly children's books is what we are trying to collect and give to the Gunma Academy. So, please, if you have books that you'd like to thin out of your reading shelves at home, bring them up. We will collect them in the box and then we will take them down to the Development Corporation and ship them to Ota City. Thank you.

FINANCIAL REPORT: Clerk-Treasurer Rhodes

Clerk-Treasurer Rhodes said you received your State Board of Accounts ledger reports on Thursday, I believe, at Pre-Council. Tonight you have the cash transaction report for October. The only highlight I want to draw your attention to is consistently our personnel expenses are running approximately 7% over last year in the General Fund. That's all that I'd like to say tonight.

UNFINISHED BUSINESS:

Ordinance No. 27-06 An Additional Appropriation (Rainy Day Fund) (Prepared by the Clerk-Treasurer) Councilor Griffin read Ordinance No. 27-06 by title and moved that a public hearing be held, and that it be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said this is an additional appropriation to basically zero out our Rainy Day Fund. We had monies in the Rainy Day Fund that we transferred into our pension accounts this year, and we have a few dollars still remaining, and we'd like to go ahead and move all of those dollars into the pension area. And so this is an additional appropriation to do that, an

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appropriation of \$7,500. Are there any questions or comments from the Council? If not, then I will open the public hearing. If you would like to speak to this appropriation to close out the Rainy Day Fund and move those monies into pensions, please come to the microphone, give us your name and address. All right, if there are no comments, I'll close the public hearing. I'll give the Council one last opportunity for comment or question.

There was no further discussion.

Ordinance No. 27-06 passed on final reading, 7-0.

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) Councilor Griffin read Ordinance No. 32-06 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 Satterly.

Mayor Mills said we will start tonight with a presentation from the developer and their attorney, Mr. [Joseph] Bumbleburg [Ball Eggleston law firm]—

Councilor Truitt said Madam Mayor, if I could, I have on file a conflict of interest, and I'd like to excuse my self from this portion of the meeting.

Mayor Mills said all right. Thank you, Mr. Truitt. We'll let Mr. Truitt leave the room.

[Councilor Truitt left the Council Chambers.]

Mayor Mills said we will hear from the developer and their attorney, Mr. Bumbleburg. We will then take public comment before we go on to hear the comments from the Council.

Mr. Bumbleburg said we will set this wherever you would like to have us, but it—

Mayor Mills said right up there beside the podium would be good.

Mr. Bumbleburg said a little bit farther back there, so that— That's probably good enough, so that everybody can get a little bit of a look at it. Thank you, Brandon [Fulk, with Schneider Corporation]. Madam Mayor, for the record, I'm Joe Bumbleburg with the law firm of Ball Eggleston. I represent the developer in this matter this evening, and we have several of our agents and engineers here with us, if the Council would want to direct questions to them. This is a request for a planned development that would plat 543 planned development lots. It would finish out the neighborhood that has a previous 130 platted lots. This land has been zoned Residential 1 since 1965, so the residential character of one form or another has been well known and well cast in the planning process. The land was annexed to West Lafayette, to give the City the ability to exercise authority over the land use issues and to participate in the planning and development process. That happened. The City's agents attended on a regular basis the planned development meetings with the Area Plan Commission, and provided significant input for the process. The City participation has assisted in taking and changing a

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standard R1 subdivision and turning it into a superior product, although some people will criticize the fact that there are some smaller lots. On the other hand, there will be 30 acres of common use greenspace, which will be dedicated to present and future interests and citizens who will be able to use and enjoy it. The coordination with the City has produced a well-devised plan dealing with trails, sidewalks, greenspace, a clubhouse, courts for sports, and all of those will have, when done, enhanced the livability of this particular area. A variety of homes will be drawn together into a very diverse neighborhood, mixed setbacks, for example, will prevent the criticism of that straight-line view that we sometimes get in subdivisions, where you stand at one end of the street and see all the garage doors, much like you're looking down a bowling alley. Mixed setbacks here will give spice to the neighborhoods, if you will. Mixed architectural treatments, something that I do not believe have existed, at least to this extent, in any other subdivision that I've seen. But it will include color restrictions, it will include window treatments, architectural treatments and appurtenances to the houses, depending on how, for example, much brick is on the front of the house. That will dictate other architectural treatments, so that you will not be faced with all of the houses looking alike or even very similar. It will make, by definition, the neighborhood much more appealing. The trail package that will be placed in this subdivision bodes very well for continuing the City's trail package plan. The construction of Westmoreland and the stub streets, as needed, are proscribed by the ordinance, they were requested, the right-of-ways were requested by the City to assist in making this a strong thoroughfare for the transmittal of the traffic from the edge of our subdivision literally when the rest of the area develops clear to Kalberer Road. I encourage all of you, as members of the Council, to think of the zoning history of this area when you hear the criticisms of what we're about to do here. One half of Westport is a zero lot line planned development, which means that the adjoining buildings are immediately adjoining to each other, very close. Forty-seven acres of the adjoining Prophet Ridge is R1B. Thirty acres, I believe, according to the Area Plan Commission of Arbor Chase is R1B. These mixed uses, including R1B zones in the subdivision immediately to the north of us will harm no one. Indeed, they provide an opportunity for this whole area to have diverse planning, and that diverse planning can be what Lauren Lakes will be the leader to. Mr. Stevens will now conclude with some comments. Thank you.

Mayor Mills said thank you, Mr. Bumbleburg.

Mr. Tim Stevens [Director of Development, Mann Properties, 8653 Bash Street, Indianapolis IN 46256] said I'll just take a couple of minutes to go through the organizational concept, how we got to the form that we have. You can't see the diagram below, but that is the representative picture of the plat that has been approved for the Lauren Lakes subdivision, 677 lots. [Brandon (Fulk, with Schneider Corporation), if you would lower that.] What we have come up with, in terms of the planned unit development, was organizing this thing around a large central park. That central park is in the center of that drawing. It's characterized with the dark green circles that represent mature trees, which are really terrific mature trees, they're 75 or 80 feet tall and really create the only significant natural feature on the site that's worth preserving. Primarily the surrounding land is agricultural, and it has been tilled for some time. So, starting with that, we arrayed around it that light tan color that you see. Those are representative of 75-foot wide lots, which would be equivalent to the R1. You can't see the cross-hatching very well, but those cross-hatched lots are the existing platted lots at Lauren Lakes. What we tried to do there was make sure that, along the roadways and along the perimeter, we ended up with the larger lots, which were compatible with the subdivisions and the land uses that were abutting to the north.

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You can see there's a good mixture. Moving through the darker tan, that kind of a khaki color and then the green lots, we go from a large to a medium to a smaller lot. The smallest lot in here is 52-feet wide. The green lots that you see over on the western side of the subdivision are that 52-feet. They actually average about 56 feet in width, but the smallest lot in the subdivision is 52. So we range in size, really, from that to the R1 lots that are platted, and then the additional R1-size lots that we hope to bring with the rest of the planned unit development. On the very eastern side, there are very large estate-type of lots. That property is owned by Steve Ratcliff, and he would like to probably just develop that with a very few, very large lots; they'd be custom homes. In the center of the site, as Joe [Mr. Bumbleburg] mentioned, we would have a junior olympic-sized swimming pool and small wading pool, with hard-surface ball courts, tennis and basketball, a sand volleyball area, and then the dark black strips—I don't know if you can pick it up from where you're sitting, those represent trails. As we mentioned before, recreational trails are the number one amenity when we do a review of prospective buyers or people who have bought in our communities, they are the number one amenity that are desired by those buyers, and we have 2½ miles of them here. Some of those trails align along the City's planned routes, so that, when the City extends trails or when other developers extend trails, we hope they'll follow our lead along [County Road] 500, because we're showing a trail along it. And then the major north-south street that divides through there with the sort of light tan stripe along it would also have a City trail that, we hope, would continue on down through there, along that major collector, that's Westmoreland, and would eventually connect to the whole network of City trails that were mentioned earlier this evening. We tried to take what we were able to achieve in open space and cluster it around the site, so you can see that it's distributed. The western side, where you can see a dark green area surrounded by the lighter green is an area where we'll have a detention pond and then also a ball field, which would be approximately the size of a soccer or football field, it would be available for organized recreation or just simple play. You don't get a lot of that sometimes in subdivisions where there's a big grassy area. And then also down the southwest corner, there's an open space of significant size, where we will have a little overlook park, looking over the detention pond there. Each of these open spaces are connected to the overall trail system, so we've got a terrific pedestrian community here, and it's our hope that Council will see this as moving in the direction that they have planned, as we've studied the Council's plans for recreation amenities. This sort of trail plan, this sort of open space, the clustering of the homes here turns out, we think, to be very much in synch with the vision of the future that the West Lafayette City Council has articulated. With that, I conclude my presentation. Chad Pittman of C.P. Morgan had a few comments. Thank you very much.

Mayor Mills said thank you.

Mr. Chad Pittman [Director of Land Development, Indianapolis, C.P. Morgan, 4670 Haven Point Boulevard, Indianapolis IN 46280] said I just wanted to touch on a few things about C.P. Morgan specifically as a builder. There's been a lot of discussion obviously, in the Plan Commission and between meetings and so forth and so on. A few years ago, when we originally brought this thing through, there was some conversation about what our involvement in the community is. Since, say, 2004, I would say we've come a long way in trying to become as local as possible and really enmesh ourselves in Tippecanoe County. Some of the examples of that, as far as lenders, of all our transactions in Tippecanoe County, in 2004, 9% of all transactions were with Lafayette lenders. In 2005, it was 15%, and year to date, it's 25%. Some of the local lenders

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that we've been working with are 5/3, PEFCU, Lafayette Savings Bank, Lafayette Bank & Trust, Industrial Federal Credit Union, Union Planters, Huntington Bank, Tippecanoe Mortgage, First Horizon, Chase which was Bank One, so there's a sampling of some of lenders our homeowners have worked with. As far as local trades, in 2004, we had 240 closings in Tippecanoe County. As far as trades, we invested about \$2 million worth of purchases from those local trades. In 2005, with 210 closings, we had \$2.1 million worth of work, and 2006, with 118 closings year to date, about \$2.9 million so far. Roughly, add that up for the last three years, it's been about \$7 million of work using the local trades. Some of the key trades have been Foley Foundations, Henry Poor Lumber, Exterior View, Atlas, Bennett's Erosion Control and Landscaping, Blue's Fencing, Lauramie Landscaping, and Milestone. I know some people say, "Milestone's not local," but I talked to one of the local representatives, and they said, "We indeed are local, not only are we local, but we're very local." So I, for his sake, included that in the list. As far as realtors, look what C.P. Morgan means to local realtors. In 2004, with 240 closings, it was approximately \$480,000 worth of commissions; 2005, 210 closings, approximately \$500,000; 2006, with 118 closings, it's about \$418,000; and looking forward, again projecting in the future and the crystal ball, say 130 closings next year, we project around \$500,000 worth of commissions. So that's what kind of impact on local realtors. Some of the key realtor teams we've worked with here are the Cathy Russell Team, Century 21 Realty, Coldwell Banker Shook, FC Tucker, and ReMax of Lafayette, again, just a few of the groups we've worked with. As far as our local associates and our corporation's involvement in the community, in 2004 we established a local office on 330 Main Street in downtown Lafayette. We have a small design studio there, for our homeowners to come by. We have hired approximately 10 full-time associates from the local area, from the immediate area; that was a transition from two years ago when we had a lot of people commute up here. We have at least over 70 graduates from Purdue University who are employed in our organization. As a Hoosier, as I said before, it's kind of—we're lonely, it's a lonely place. I was a law, you don't have a law school here in West Lafayette, but it is a strong Purdue organization. Our CEO, as a matter of fact, his name is Tom Eggleston. He's a graduate of West Lafayette High School in the early '70s—you want to tell me exactly when?—but it was the early '70s, and he practiced law at the firm that his dad helped found, Ball Eggleston. So I would consider Tom very local and very instrumental in our business. As far as organizations, we're involved in the Chamber of Commerce, we've sponsored numerous activities, including the football kickoff luncheons the last two years. We're involved with BAGL, the Builders Association of Greater Lafayette, the Downtown Business Center, and Lafayette-West Lafayette EDC, to name just a few. As far as a few sponsorships, when we took this thing through a couple years ago, working with Tippecanoe County School Corporation, we earmarked \$65,000, which is really a tribute to our homeowners, because it's earmarked on this project, whether it's PDRS, R1, whatever. Schools are very important, obviously, to our homeowners, and that's something that's obviously important to us. This year, we gave the first installment of, I believe it was either \$21,000 or \$22,000 earlier in the summer. We donated \$25,000 to a local elementary school, for a playground, and along with a lot of our trades and associates, had a good time on a Saturday putting that together. Mann Properties, our partner, has recently contributed \$3 million to the E-Enterprise Center at Discovery Park for working with Purdue University. Right now, we're real excited, it's our third year for an A-Team sponsorship, it's about a \$10,000 commitment with Mann Properties, ourselves, and Schneider, in which seven schools are participating this year. It's for students who have perfect attendance or make honor roll, and it's in conjunction with Purdue athletics. Our associates have volunteered with several local

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organizations and are on different boards, but one such organization we worked with, I think it was last year, was the Lafayette Transitional Housing organization on a project they had. Finally, I just want to—I could talk about how we do business and so forth and so on, but I think it's more compelling if I just cite a few third-party references. We recently received an award, the National Housing Quality Silver Award; it's an award put out by the NAHB, the National Association of Home Builders Research Center and Reed Residential Group. Basically, it's the NHQ is the award represents the housing industry's highest recognition for quality, achievement, and world-class business practices. C.P. Morgan is one of only 23 home builders across the nation to have received the NHQ Silver Award, and I believe that was in 2006. We also received something near and dear to my heart, the Seven Seals Award from the [Indiana] Employer Support for the Guard and Reserve for our organization's outstanding support of the National Guard and Reserves. I believe the Police Department here has, I think, received that award or probably even a higher award. I know you guys are very committed to the same issue there. [Central Indiana] Better Business Bureau's Torch Award for business ethics; that award is in recognition of high ethical standards and business practices. C.P. Morgan is the first home builder ever to win the award, which was introduced in 1997. Residential Warranty Corporation's Keystone Award, given by the Residential Warranty Corporation for demonstrating expert technical competence, professional building ethics, a strong financial stability, as well as a dedication and commitment to excellence in the building industry. This recognition makes C.P. Morgan the first builder in the State of Indiana to receive the award. Again, this comes from the guys who actually cut the checks when there are claims for problems in houses. I'd like to say we don't have any issues in any of our houses, but we're working to that, but we're not there yet, so when we do have claims, they're the ones that write the checks, so that means a lot to our organization. The Building with Trees Awards of Excellence, 2000 and 2002, from the National Arbor Day Foundation, and in cooperation with the National Association of Home Builders. Parks are very important to us, as is evident here; we've been recognized by the Indy Parks Foundation, Director's Community Partner Award. Again, schools are very important; we received the Five-Star Business Partner Award from Maple Ridge Elementary as one example of that. The Nicholas Rosecrans Award for involvement with the WARN Program; that's a program for Water Awareness in Residential Neighborhoods, that has to do with trying to educate kids about the dangers with the ponds you see in most communities these days. We were one of *Indianapolis Monthly's* top twelve employers; the best home builder [2005] by readers of *NUVO*, for the fourth consecutive year; and the best homebuilder by *Indianapolis Women* magazine for the first time; and we recently received an award from Builders Association of Greater Lafayette and the Parade of Homes for, I believe, it was Best Interior, Best Exterior, and Best Bath. I just wanted to show you, again, assure you with all the dialogue going on kind of who we are as an organization, and with our partners, and pass along to you. I appreciate your time.

Mayor Mills said thank you very much. All right, we will go ahead and move to the public comment portion of tonight, and then we will hear from Council members, so if you would like to speak about this rezoning, please come to the podium, give us your name and address, and try to limit yourself to three minutes, so that we can hear everyone tonight. If you can give us some new information, rather than repeating just what the person in front of you said, that would be wonderful. Please, anyone? Come to the podium. You can make a short line, if you want, and we'll move this right along.

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Mr. Mike Turchi [299 Leatherwood Way, Lauren Lakes] said good evening, Madam Mayor, Council members. I appreciate the opportunity to speak to you tonight very much. New resident to Lafayette, or West Lafayette, excuse me, Tippecanoe County, let's say. That was a decision, to move and become an employee in this area, as well. I'd like to say, openly and honestly, that I made a choice to purchase a C.P. Morgan home, based on the kind of information that Mr. Pittman just spoke to you about. Leaving that aside, I will be very honest. I am a civil engineer, much like your City Engineer Mr. Buck, who has given a positive staff recommendation on this project. I've worked with C.P. Morgan in other communities in Mr. Buck's capacity, and worked with Schneider Engineering in other communities in the same way. I've found them to be very responsive in regard to the needs of the community. Anything that comes up during the construction of the subdivision as an engineer; as a homeowner, I've also found C.P. Morgan to be very responsive in regard to the needs of my particular home. I think they're a very reputable company and just really would like Brandon [Fulk, with Schneider Corporation] to lift the R1, if you would, please, and just look at the character of the two options. Clearly, the PDRS zoning has much more character—thank you, Brandon, very much—much more character, the kind of place that a person would want to live. It's really the reason why I wanted to be in this area. The last thing I'd really like to point out in regard to that is actually from the [APC] staff recommendation. I know you've all had it, but I think it's very important, in terms of the kind of criticisms that you may hear from others tonight, and that is simply put in the last sentence of the staff comments, "It is staff's opinion that this development demonstrates a commitment to creating diverse neighborhoods and providing recreational amenities often lacking in residential projects." So, for myself and my family, I would request your gracious consideration in voting positive on this PDRS rezone request. Thank you.

Mayor Mills said thank you. Next.

Ms. Heather Mitten [315 Leatherwood Way, Lauren Lakes] said I'm a resident and now taxpayer of West Lafayette. I'm also a proud resident of Lauren Lakes subdivision. My family moved to the West Lafayette area five months ago. When we decided to move to this area, we found a wonderful realtor and we looked at numerous neighborhoods. There are wonderful neighborhoods throughout West Lafayette, Blackbird Farms, Amberleigh Village, and Prophets Ridge, to name just a few we looked at. We loved things about each neighborhood. When our realtor showed us this brand-new subdivision called Lauren Lakes, we were very excited. The neighborhood had a vision, one that we wanted for our family. We were leaving behind a wonderful neighborhood and home in Missouri, and we saw that Lauren Lakes was going to become more than just a development; it would become a wonderful neighborhood. I fully support the vision that C.P. Morgan has had for Lauren Lakes and the planned development proposal. I believe in the quality of my home, and I believe that my neighbors and I have made very sound investments in our homes. Some people outside Lauren Lakes have expressed concerns about our financial status, made various other remarks which were insulting and ridiculous. I hope you will look past those remarks and stick to the real issue. I have a wonderful home, and a lot that has trees behind our home, with a place to make our family have a wonderful place to play, to be with our friends. The development plan that has already been approved is nice, but the planned development Lauren Lakes could be is incredible. By going with the plan, the number of lots will decrease slightly, and some lots will be smaller. However, the proposals are basically the same, and the new proposal will likely lead to the development being completed more quickly and a tax boon for the City. I've been to various neighborhoods

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where they have rows of houses. With this planned development, we will get winding roads, staggered setbacks, not just rows of houses. We'll get trees, greenspace, and amenities, like athletic fields and a swimming pool; that would improve any neighborhood. We will also get to connect our walking trails with the trails of the City of West Lafayette. I have full faith that C.P. Morgan will make our neighborhood beautiful, and one that the residents of West Lafayette and Lauren Lakes will be proud of. The neighborhood is comprised of wonderful families that range from professors, deans, nurses, coaches, engineers, and teachers. There are many children of varying ages. I believe that each one of us made very educated decisions when we purchased our homes. We might have various different jobs, but one thing I am sure we have in common is this: We want a beautiful neighborhood, a safe place for our children to play and grow up, and a place where we can grow close friendships and bonds with our neighbors. Lauren Lakes just started out as a name and a vision. Today it means much more than that to me and my family. These are my neighbors and my friends, and I urge you to let us continue our vision for Lauren Lakes, and let our neighborhood grow to its fullest potential. Please vote in favor of the planned development proposal.

Mayor Mills said thank you.

Ms. Rebecca Miller [470 Big Pine, Lauren Lakes] said I'm a freshman at Harrison High School, and I'm here to speak on behalf of all of the younger children, since I am one of the oldest who live at Lauren Lakes. I have letters from some of the other kids, saying that they would like to have these, because it's a better place, because I've been in other neighborhoods, where you have all these roads and everything, and there's cars. When you're out in the road, you don't know who's going to come down the road, but when you have big, open areas, it's a lot safer to play and it's a lot easier, knowing that you're not going to have younger kids in the roads that you're afraid are going to get hit by a car and stuff like that. Thanks.

Mayor Mills said thank you. We'll pass them [the letters] down, so everyone can see them. Thank you.

Mr. Aaron Quakenbush [457 Goose Creek Way, Lauren Lakes] said first off, I'd like to thank C.P. Morgan and Mann Properties for coming to Lafayette and West Lafayette. My wife and I did a lot of research in homes. I'm an '89 grad from Purdue. We wanted to raise our kids here. I love what the community has to offer. This is what we want. But, until they came, we really didn't know where we wanted to build. We looked at, actually, back home in Greenfield, where they have some properties. We looked in Greenwood, we looked at Eagle Creek area. I've been to five different communities that they run and have built, and I hope they're proud of the communities they've developed, because they're quite impressive. I'm very active, my kids are very active. I do a lot of coaching for the Battle Ground Summer Rec. These open spaces would be great. No matter how big your lot is, you don't have enough space to get out and play with a group of your friends any more. The olympic-sized pool and the ball fields are going to be really important, for myself. I can't wait for the trails to actually hook up to the West Lafayette trails, because now I actually drive into town to run the trails and bike the trails, so I am very much in favor of this plan, and I hope we can go forward with it.

Mayor Mills said thank you.

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Blaine Drayer [414 Faxon, Lafayette] said hopefully I'll be living in Lauren Lakes soon. I recently moved back from St. Louis, after being there for 12 years. I was born in Tippecanoe County, grew up in the Highland Park area, until I was 13 years old when we moved to Indianapolis. I was lucky enough to have a similar greenspace as to what they're proposing here in my backyard as a child and in the neighborhood that we moved to in Indianapolis. Now that I have two little ones of my own, I really want that for them, too. My occupation has been as a stagehand, and as a stagehand you have to know how to do kind of a little bit of everything, so you can fake it for everybody to see on stage for you. So all those wonderful masonry things and those homes from the Highland Park area that I grow up in, I see that same sort of quality going into the C.P. Morgan homes. I, unfortunately, am renting from a home that was built five years ago by another builder in this area, and I'll leave them to remain nameless, but the best thing to be done to those homes is to be remodeled with bulldozers. They were poorly made, and after five years, that home shouldn't be lived in right now. That's not what we're seeing of the C.P. Morgan people. There was another builder who fled this town, because they couldn't keep up, I think, with what C.P. Morgan is doing. The quality of that building, down to the details going through that you see that they put into those homes—the materials in the basic units are so superior to what you can find in anything else. It's really the best thing for my family, to move into a home like that, and I hope that I'll be able to move into this proposed neighborhood. Thank you.

Mayor Mills said thank you.

Mr. Marvin Foster [409 Hampshire Down, Shepherd's Point Subdivision] said there's been a lot of talk about C.P. Morgan and the quality of their buildings, but if you drive down the street, you don't see wood corners on all of their houses, you see them wrapped in Celotex, and by the recent fire, you see how quickly they melt to the ground. The greenspace of trees here is a wetlands, and they can't touch that area. My house is approximately 1,535 square feet, I have \$127,000 in my property, yet they advertise a house of the same size for \$91,000. Where is this going to put me at property assessment for taxes? You didn't annex my area and you didn't annex the plot of land at 75 East and 500 North. You said because you didn't want established neighborhoods. That was what you said to me. Why don't you want my neighborhood? You want C.P. Morgan but you don't my neighborhood, why is that?

Mayor Mills said and the comment was typically when you annex, you take undeveloped ground, you don't take neighborhoods that are already established. Mostly that's for ease of annexation, I guess, quite frankly.

Mr. Foster said my neighborhood is only 15% developed. It's been there for 15 years and hasn't been developed. One of the reasons I think that is because if my subdivision was 70% completed, we could form a homeowners' association, and then anything that adjoined to our property would have to be as like in size of lot sizes. As far as C.P. Morgan and their wanting to have greenspace ball fields and that, instead of the monthly payments being hidden in the title work, I think it should be presented to the prospective buyer, "It's going to cost you \$25, \$50, \$75, \$100—whatever it is—a month" they're going to charge for their homeowners' association fees. And if they're in control of the greenspaces and it's taking \$25 to \$100 a month out of a family's pocket, that's money you really can't expect a homeowner to pay in additional taxes, because they're already collecting it. A family dollar only goes so far. And so rather than be

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something that's hidden in the title work, I'd like to see those fees presented to the homeowner, and then I'd also like to have the builder present to a prospective homebuyer that when you buy our homes and you have a problem and you wish to petition us about your problem, how you do that. Because if you call them and talk to them over the phone, they can deny the conversation actually took place. You have to send them a registered letter, a certified letter, and then they have 60 days to respond to you. So if they want to be up front about everything, let them be up front about how they control complaints. And then my question to the West Lafayette City Council is, "How do you go about inspecting properties as they're being built? Do you do an inspection after the foundation's put in? Do you do one when the framing's put in? Do you do one after the framing and wiring's put in? What are the increments of when you inspect a home?" The house that burnt down, the house that burnt down, I walked through that house, and the day I walked through the house, they were wiring the house, they were insulating the house, and sheetrocking the house at the same time. So the inspection process has to be there. And I would like to see you have a 20-year plan, rather than expect these people to come up and make up your money differences from not having the inventory tax now, because it's speculation on whether or not they can build all these homes in five to ten years, and you can collect money on them. Your best results for tax revenue are businesses. Thank you so much.

Mayor Mills said thank you.

Mr. Trae Mitten [315 Leatherwood Way, Lauren Lakes] said you've all received emails from me over the last few weeks, so you're pretty well versed in my position, but I would like to point out a few things to you. First off, this entire side of the room is Lauren Lakes residents, so it's fairly obviously that we all are in favor of this, and that, during the entire process, C.P. Morgan has kept us fully apprised. They were very up-front about what we could expect for our homeowners' dues. We're all more than willing to pay them, because we feel that the benefits to our families is well worth the price. We all moved in expecting those dues to be a part of the payments that we would make annually, and we're more than willing to accept that. The fire that you unfortunately made mention of, that was definitely a tragedy, and that has nothing to do with C.P. Morgan's building processes. When we bought our home, we were thoroughly impressed with the step-by-step quality assurances that they were able to give us. They inspected our properties all, I believe, eleven times, something like that during the course of the construction. We were all given reports as to what was found. If any of us have had any problems with our home, we have been able to contact C.P. Morgan, and we've received very quick response from them. If it's been a major problem, not that I know that anybody's had one, but if it was, they send people out right away. They've been more than willing to answer any of our concerns, so the quality is definitely there. We're all professional people, we work hard for our money, and we simply would not waste our money on things that are not going to return our investment. And that's why we chose to purchase the home that we did. We were excited when we were incorporated into West Lafayette, because we were happy for all the services that we were going to be a part of, as a part of that. I really think that this planned development would be just another step towards that; it just brings us to be more of a part of what West Lafayette already is, so I strongly urge you to please approve this plan. Thank you.

Mayor Mills said thank you.

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Ms. Theresa Burton-Fischer [6520 Stacey Hollow Way, Lafayette] said we are currently buying at 127 Leatherwood Way in Lauren Lakes. I've lived in Vinton Woods, Sanctuary, and then currently Stacey Hollow, and I just wanted to say we're excited and looking forward to living in Lauren Lakes.

Mayor Mills said great, thank you.

Mr. Joe Palmer [723 North Salisbury Street] said I'm one of the two West Lafayette appointees to the Area Plan Commission, and one of the two votes for the Lauren Lakes subdivision when it went through Area Plan this last month. I'm here because I was surprised at the 9-2 vote in the Area Plan, and then thinking about it, I just wanted to present perhaps my personal interpretation of that vote. The staff of Area Plan recommended approval of this rezone for a really clear reason: As a PD, it works much better than an R1 development. And the reason for that, I think, is all these amenities. Back in the early '90s, actually, the vision of a complete ring trail around the City of West Lafayette was first being put into motion, and it's really grown since then. I think the trails, especially, in Lauren Lakes will really add to that and extend it. The interpretation I have of the 9-2 vote against in the Area Plan Commission had to do with the trepidation of the, mainly of the County Commissioners, I think, about overbuilding in the County. And, in fact, I think that, in many way, is a real concern on their part. However, I think that overbuilding has really taken place in the south County, much more than in our area of the County. That was their major concern, I believe, and I think that folded over into the decision and the arguments they presented for this subdivision. The staff of the Area Plan Commission and, I'm in agreement with that, felt that the north County, our new annexation here in West Lafayette, was a, and I quote them, "a logical area for residential infill." But, beyond that, I think the staff's approval of this PD, as opposed to an R1 development—and don't be deceived, the density is really pretty much about the same with the two developments—that R1 development's going to be built, and it's going to be every bit as much density as is presented in this PD. The PD is simply just a better deal. You get more out of the PD for the people in the development, and the tradeoff is just worth the rezone. That's why I voted for it on the Area Plan Commission, and these people who have been here expressed their opinion—I'm not going to repeat all the good things that they said about the development, and I continue my support of it, and I hope you will support it as well. Thank you.

Mayor Mills said thank you, Mr. Palmer. Anyone else speaking in favor or against? Any other comments?

Ms. Hazel Jones [470 Big Pine Drive, Lauren Lakes] said I just want to say I think that this is going to add to everyone's property value. And increased property value for us means increased property taxes for you, so it's a win-win situation. I like the idea that my daughter will have green places to play in, places to ride a bike, to walk. We recently moved to Lauren Lakes off of State Road 43, in part because there was no safe place for my child to ride a bicycle, so she didn't own one. If we wanted to take a walk as a family, we had to get in the car and drive to a safe place. My daughter had to stand at the side of the road on a busy highway to wait for a school bus. I wanted a safe neighborhood for my child. This gives my child somewhere other than the road to take a walk or ride a bike, a place to meet with her friends, so I really hope that you will vote in favor of this and do all of our children a favor. Thank you.

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Mayor Mills said thank you.

Ms. Alison Hynd [17 Grapevine Place] said I'm a mother also. I have two children, one of whom had significant medical issues as a toddler, so I know what wanting the best for your children is, especially when it comes—I mean, ours was even life and death—so I know what that is. But I also know what it has been like to watch this process trying to get rezoned for almost two years now. I've been to all the APC meetings, and I've listened to all sides, and we started with the PDRS, and we got to the R1, and I also watched Mr. Bumbleburg during the last attempt say to the APC that, "Fine, if you don't give us the PDRS, we're not going to put a pool and we're not going to put greenspace, and we'll just leave it blank." So I'm a little surprised at this. Now this is a complete change that, all of a sudden, they're able to do this under the same, under the PDRS. Not surprised, but it just strikes me as a little interesting that, all of a sudden, "Okay, fine, we're going to go to West Lafayette and get the PDRS, and then we'll be able to put all this in." So I found a little inconsistency in that. At the beginning, somebody made mention that the City took part in this whole process and worked with the APC. Well the APC voted this down, so if the City took part in it, the City should also listen to what the County Commission, who is thinking about the whole County and not just one part of it, is thinking about. The density, they just mentioned the density, the density can't be the same. The population will be the same, it will still be the same number of houses, but they'll be closer together. So, I mean, I'm not a physicist or scientist, but I would tend to think if you're going to have smaller lots, you're going to be a little more closer to each other, which will be a little more dense, but, anyway, as I said, I've watched this over two years, we've been to every meeting, we've heard the arguments for and against, and from our point of view, it still hasn't satisfied the arguments, many of which were not brought up here tonight. So I would have to please say—and I'm a neighbor, too, and as I said, I understand, but I would have to say please vote no. Thank you.

Mayor Mills said thank you.

Mr. Paul Ellis [371 Big Pine Drive, Lauren Lakes] said I wasn't really planning on standing up, but I just felt like I needed to voice that. A lot of attention has been made about C.P. Morgan, what they do or don't do. A lot of it's really irrelevant, but I want to address for one moment, as far as the buying process and how informative things were and everything, the easiest part of my move here to West Lafayette and the most clear part was the part where I dealt with C.P. Morgan. Every other part was more complex, and so I don't feel that they have hidden things in the title paperwork or anything. That was easily the clearest part. But in reality, that's irrelevant in that which plan is chosen will determine a lot for myself, my wife, future children, and our neighbors. And it's not about C.P. Morgan, really, it's about what the citizens now and the future citizens are going to live in. I think it's pretty clear that the PDRS plan is much nicer than the R1. I think most people would choose to live in the PDRS over R1. Regardless of whatever kind of history exists between some people and a corporation, this is about a neighborhood and families. Thank you.

Mayor Mills said thank you. Anyone else still wishing to speak?

Mr. Chuck Jones [470 Big Pine Drive, Lauren Lakes] said could we see again the original plan? If we don't pass anything tonight, if we turn this down, that's what we get, no trees. If we pass this, we get parks. We heard earlier about the beautification of our City. C.P. Morgan is asking

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permission to beautify our City, to build parks, to build trails, and to integrate them with the existing trail system already. Now, during the planning stage is the time when we can do this most effectively. It's not an official survey, but since May, since I really started paying attention, 14 new homes have been built in this area. So I think it's very likely that, if we make the area even more attractive, that we will fill out this neighborhood pretty soon, we will enlarge our City. I think that it's a simple enough request. They're asking permission to beautify our City at no cost to the City, and so I hope that you vote to pass this.

Mayor Mills said thank you. Anyone else still wishing to speak?

Mr. Hal Kirkwood [2042 Malibu Drive, Baywater] said I will be moving into a lot in Lauren Lakes, actually right next to the lot that caught fire. The fire, to even bring that up, I think, at this point is completely ridiculous until information is actually known about what happened. If you look at statistics, holidays are some of the highest dates of fires—Christmas, Halloween. The specific points I would like to bring up about some things that I know have been said here and as well at the Area Planning Commission. The lot size issue, I think, is a misdirection, to a certain extent. From what I can gather, Winding Creek has approval for a village section, which will have smaller, if not exactly the same size lots with the same type of houses, so it's already happening in neighborhoods that these other people who are complaining about this are living in. I know that the phrase "high density housing" gets rattled around. This is not high density housing. These are single-family homes. High density is more than one family, more than one tenant on the same location in the same building. So you're talking condos, you're talking apartments, you're talking attached homes. I know at the Area Planning Commission, the term "blight" was thrown around. Actually, according to the UrbanPlan, a blight is actually "A [condition of property or the uses of property in parts of a city, town, or] neighborhood that is detrimental to the physical, social, and/or economic well-being of a community. It can include abandoned buildings or those severely neglected by their owners, vacant lots full of rubble and garbage, or dangerous and/or illegal uses such as crack houses." I don't see that in this group here. I see a lot of people who would rather not just have small ponds and lots of homes stuck next to each other. They want a variety of houses, they want trails, they want the park. I'm originally from Cleveland, Ohio, which, right now not a great place to go move to, but is actually famous for something called the "Emerald Necklace," which is a string of parks and paths which rings the entire city. It changes the whole character of that. By creating something like this, you're starting to extend that whole growth of parks and interconnectedness between the different neighborhoods throughout the City. A good community provides a wide variety of housing sizes and at a wide variety of values, so that you have a different spread of people in your community. Not everyone can afford a \$500,000 or \$600,000 home, and you don't want a city that has nothing but that in it. You want that spread of community. In this way, you're actually building a stronger community, because you're putting all these people closer together to interconnect and work with each other. So I strongly recommend that you approve this planned development. Thank you.

Mayor Mills said thank you. Anyone else? Mr. [City Engineer] Buck, would you just come and give us a few minutes, please, of the City's participation in this process. I know some of the Council people have asked for that.

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City Engineer Buck said I'd be glad to. I'd like to speak, I guess, first to the amount of meetings that we had. This is just the most recent planned development. The City was involved, even before my time with the City, which was starting in the spring of 2004, from the wastewater side. There is a portion of Lauren Lakes that has always been in the West Lafayette Sewer District, and so we have been at the, I guess, meeting table and known about this and been involved in it from the very minimum, from the very, very beginning. We quickly realized that it was going to come down to A or B, and a choice between an all R1 subdivision, which is what the area has been zoned since 1965. It's not agricultural zoning that's being transferred into residential zoning, regardless of density. It's not new acreage that's being available to become developed, whereas agricultural wouldn't be allowed to have single family homes constructed on it. We've asked for several things through the negotiation process in our meetings with the developer. One of the most important in my mind was the overall mix of density throughout the development. It has been ebbing and flowing all over, from having a lot of what they're calling Area C or the 52-foot wide lots to having more of the middle range, or the 62-foot wide lots. We finally have come to the point where we agreed on basically a third mix between each of those. That includes the 130 R1 lots that have already been platted in Sections 1 and 2. And so we're happy with that. We requested the most to have in R1, and then a few more in R1A, and then have the fewest in R1B, but we're pleased that we were able to reach a point where they're roughly equally distributed in thirds. We proposed the idea of putting in curved linear streets and getting away from the concept of tic-tac-toe board of having just ½ mile long straight streets that are going to someday provide nice drag strips for high school kids and be a traffic-calming nightmare for the City Engineer. We asked for curved linear streets and streets with more cul-de-sacs to provide, not only the breakup in the parallel nature of the homes, provide some interest, but to provide traffic-calming and to shorten the blocks, so that we didn't have such a long distance between, you know, the next stop or the stop signs. We also asked, as a part of that, to include staggering front setbacks. They've included front setback staggering between 20 to 25 feet in the front yards. That as well will help break up the view as you stand on any one point in the street and look down the street, and you won't see just all the garages, you'll see different elevations, different colors. As was mentioned, we requested and they, without really even hesitating, agreed to a whole host of architectural features from different brick percentages to a minimum roof pitch of 6-12, which is a slope, the steepness of the roof, which is very common and is certainly by no means the bare minimum, as far as that goes. They're going to allow storage sheds, which is something that C.P. Morgan traditionally doesn't do in many of their developments. They've been criticized for having small garages, and so we asked them to address that in some way, either change their floor plan to include a larger garage, or include a storage area off the back of the garage or provide a coordinated storage shed that's built when the home is built, so that it is not added on in 10 years. It's there from the get-go, so that lawnmowers and things can help move cars into the garages, out of the driveways, and eventually off the streets to provide not as much on-street parking all the time. A lot has been said about the landscape and trails and the connectivity of the parks and the amenities. They're also going to have street lights. I don't think I heard that mentioned tonight, but I believe that's in their plan as well, which is nice. Again, we've had a whole host, just numerous meetings, I can't even remember how many, and I'm sure I wasn't able to make them all, but someone from City staff was at each one of those meetings, and I worked very hard to come up with this plan. I'll be happy to answer any questions.

Councilor Plomin said there was a question earlier about our inspection process.

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City Engineer Buck said sure.

Councilor Plomin said can you address that?

City Engineer Buck said yes. I don't know the particular home. I'm assuming it was constructed before the annexation took place, so it was probably inspected by the County. We do do a pre-pour footing inspection, and that's for the rough-in work, too, the plumbing and any HVAC and anything in the floor system. We do a framing inspection, we do a pre-insulation or pre-drywall inspection, we do a final inspection, so we do inspections before all those stages of the work are allowed to begin and to the next phase, where you'd be covering up—like in the pre-drywall inspection, before you'd be covering up any of the electrical wiring or any of the plumbing work that's inside the walls.

Councilor Plomin said thank you.

Councilor Hunt said I have a question, please. Mr. [City Engineer] Buck, one of the statements was made earlier that this amenities area, which is very appealing to me, is a wetland anyway, so they couldn't build on it. Do you—?

City Engineer Buck said they are planning to put a large detention pond in that area, so they're going to clear-cut all the trees and mitigate that wetland, as a part of the approved plan they have currently. They might be able to speak more to that, but—

Councilor Hunt said I'd like to know more, please.

Mayor Mills said thank you Dave [City Engineer Buck].

Mr. Stevens said yes, there was a wetland area that we had delineated. You've probably have heard of the company J.F. New. They're the people who we had come out and delineate the wetland area. It's less than ½ acre on the whole site, so the notion that that whole thing's wetland is absolutely not true. But in the areas where there are wetlands, as Dave [City Engineer Buck] pointed out, if we do any sort of fill in those areas, we are obligation to do a mitigation program that would expand the quality of other wetlands that are on the site, or simply leave them alone.

Councilor Hunt said thank you.

Mayor Mills said thank you, Tim [Mr. Stevens]. Any other questions for Mr. Buck?

Councilor Keen said I had one question—

Mayor Mills said Mr. Pittman? Mr. Stevens?

Councilor Keen said if I could.

Mayor Mills said yes.

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Councilor Keen said Dave [City Engineer Buck], there was a comment made about the difference between the two developments, and the comment was something along the lines of, with the development without the PD there would be no trees. Can you address that?

City Engineer Buck said they would meet the West Lafayette street tree requirements—

Councilor Keen said that's what I'm saying.

City Engineer Buck said and that's in both plans. I think that comment needs to be addressed to the mature trees that are in that grove of trees that we were just speaking of around the wetland area. There will be adherence to the West Lafayette street tree requirements, and I think we've actually, I think, improved on that slightly in the planned development process, to make sure that the spacing of the trees works out more appropriately with the driveways, and not just on an even 40-foot. We'll have at least one per each lot.

Councilor Keen said I just didn't want people to think there weren't going to be any trees out there.

City Engineer Buck said no.

Mayor Mills said any other questions from the Council? Any comments?

Councilor Hunt said I have one more.

Mayor Mills said Councilor Hunt.

Councilor Hunt said there's a small couple of sentences here about the restriction prohibiting conversion of garage space into living space that is also enforceable by the administrative officer.

Councilor Griffin said that's Dave [City Engineer Buck].

Councilor Hunt said that's Dave, that's our City Engineer?

Mayor Mills said correct.

Councilor Hunt said okay, so it's not somebody that's going to leave. Thank you.

Mayor Mills said any other questions? Comments? Councilor Keen.

Councilor Keen said yes, thank you. One other thing I wanted to address, and I don't know if the comment was directed at me or not, but in reference to the fire that was up there. I'd put that in my Public Safety Report. That would have been in my report if it had been anywhere in the City of West Lafayette, so that was the whole point of that. A couple of things I wanted to talk about on this, and number one is somebody made the comment that, regardless of what this Council votes on tonight, there will be a development up there. The question is, which one?

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My personal opinion is when you start looking at the differences between the two developments, the increase in assessed value for the PD *versus* the standard R1, I think, in my opinion is a no-brainer that you go for the PD, just because it's going to mean more revenue for the City and the tax coffers and everything involved, not to mention the amenities and the nice things that it's going to bring to the City of West Lafayette. You know, the comment was made, you know, there's going to be smaller lots, I think that sometimes if we have to sacrifice a couple of lots or lot sizes in order to get this kind of a quality of a development, I think that's something we need to consider. But I think it's interesting to note, though, that with the PD there actually are less homes than there are in the standard R1. So you've got to question how much smaller they're really going to be. From what I've seen, I think that this development is exactly what the City of West Lafayette's been looking for, and I would encourage the other Councilors to vote in favor of this PD also.

Mayor Mills said thank you. Other comments? Councilor O'Callaghan.

Councilor O'Callaghan said well, I guess, one thing I remember when Mayor Mills and I were very first on the Council, we went to the Area Plan Commission and had a great big seminar on planning and urban planning, and people may say this is not really urban, but it is part of the City now, and talked about the different kinds of traffic-calming measures and having different setbacks and things like that, and I think part of this harkens back to that very beginning. I really have studied this issue very carefully, I visited Lauren Lakes and Benjamin Crossing, and I would note that the City staff also went down to four or five C.P. Morgan developments down in Indianapolis. I got the whole list of developments that they've done, some since the late 80s, to ascertain that issue of quality and how they stand up. I talked with plenty of C.P. Morgan people and APC Commissioners and City staff and some Lauren Lakes homeowners. I, too, was trying to figure out, Joe [Mr. Palmer], what these arguments about blight in 20 years and that kind of thing, and I think it's some of the issues that we need to address any time that we think about a housing development. We need to think about the issue of sprawl and number of houses in relation to the need. And, as Councilor Keen mentioned and in the materials we have, it is actually less houses in the PD than in the R1. And I think those kinds of arguments are more apropos to developments such as Winding Creek or Prophets Ridge, which went from agricultural to residential, and this was already residential and it's just going from one kind of residential to another kind of residential. I really appreciated Chad's [Mr. Pittman's] presentation about some of the financing practices, because we did have that question, and we talked a long time on the phone about that, and I was glad to get all that specific information about financing practices, because that is a concern. In Indiana we used to be number one in foreclosures, and now Ohio and Colorado have surpassed us, but that is a concern, and I still do want C.P. Morgan to work with Lafayette Neighborhood Housing on the financial literacy things. We do have to consider all these things when we address a development, a rezone, but, again, with this rezone, it is just from residential already, to the planned development. We certainly are also concerned about the effects on older homes, as—I can't remember the gentleman's name—was it Hal? Marvin Foster. I certainly understand those concerns, and I think when we do this, we have to think at the same time about some kind of incentives for homeowners in our current residential areas, whether it is residential tax abatements or something to enable some of those older neighborhoods to have the square footage that people want in the older neighborhoods. I think we do have to look at that very seriously. We do not want a kind of flight from older neighborhoods to the ones out in Lauren Lakes, with the high square footage at a lower price,

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and try to ascertain also how can they get such a high square footage at a lower price, without being poor quality. And all those awards and things speak to quality, and also having developments that last for a while speak to quality. But what I've found out is about the economies of scale of pouring ten foundations at once and framing ten at once, and those kinds of things allow it to be able to be a lower price for that high a square footage. Another resident told me about things with your walls, your textured walls and your popcorn ceilings, and those allow it to be a lower price for the larger square footage, but things that do not necessarily reflect quality. And I also think that C.P. Morgan has learned a lot by being in the community for a while, and I really appreciated the numbers of the progression for how the increase in using local people, and that was another question we talked about on the phone. And so, with that in mind, that you know that this is a community that's not going to let you get away with much, that you need to come through with what you're promising. It sounds like a good deal for us. I also appreciate very much the list of things that the City negotiated very hard to get. And, to me, one of the main things was that the streets are going to be dedicated to the City, so that they are built to our specifications and our Street Commissioner knows that he can take care of them, our Fire Chief knows that the emergency vehicles will be able to get through there, and that we won't be having a homeowner association in a bunch of years come back to us, ask us to take over streets that are not built to our specifications. So I think that that was a real critical piece. So I think that the things that the City can control, we have, with the City staff, and I really appreciate that. The things like financing and the effects on local neighborhoods, we'll have to think about that in subsequent action on the part of the Council.

Mayor Mills said all right, thank you. Anyone else on the Council like to make any comments or ask any further questions?

Councilor Hunt said I'd like to make a few comments.

Mayor Mills said Councilor Hunt.

Councilor Hunt said I went to the APC meeting where this was discussed in, I guess, October, and I was impressed by the positive staff report. I was impressed by the members of the Lauren Lakes community that were there giving emotional, heartfelt statements. Earlier this year, I believe it was, when C.P. Morgan won the National Building Award for Quality, that seems a good thing. Dealing with local lenders seems to be much improvement; I like that. I am concerned about the foreclosure rate in Indiana, but C.P. Morgan doesn't do their financing. Another thing is we've gotten quite a few emails from Lauren Lakes residents; many of them testified tonight. This evening, late, right before I came to meetings, I got an email from a local trade group that very much liked working with C.P. Morgan. I like very much that we negotiated some improvements. The fact that a "no" vote would be the square plan down there at the bottom with no amenities, no community park, essentially—community parks and community get-togethers are good for the community. You know each other, if your kid gets into trouble or breaks a window or you break a window—not just the kids—you talk about it at the park and you tend to handle it as a community. And that's extremely important for a sense of community and what that does to a city and a neighborhood. And so, because of those things, I'm certainly planning on voting for this.

Mayor Mills said Councilor Griffin. Thank you, Councilor Hunt.

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Councilor Griffin said do you want to speak?

Councilor Plomin said I did. I actually have some questions for Mr. Pittman. I didn't know we were going to get into the discussion and debate—

Councilor Hunt said you can ask a question.

Councilor Plomin said among ourselves part of this.

Mayor Mills said questions?

Councilor Hunt said you can still ask them.

Councilor Plomin said we had extensive discussions at the Pre-Council meeting on Thursday about this, and a lot of the concerns that I had brought up to me from people who live in neighborhoods outside of Lauren Lakes were addressed, and I'd like to ask you the same questions again, so we can bring it out in the open in another way. Of the home product that's going on these lots, will it be the same—is the same home product fit in the C area as in the currently-R1 zoned area?

Mr. Pittman said that's a good question. To be clear, regardless of which plan you all decide to go with this evening and the next meeting, the housing product will, in essence, be the same. So it's indifferent to us whether or not, as far as housing product, if it's the PDRS or the R1. It will be the—

Councilor Plomin said the same house on the lot.

Mr. Pittman said the same house on the lot is what currently we have planned, either way. It's just—

Councilor Plomin said okay.

Mr. Pittman said a question of layout.

Councilor Plomin said that was really what did it for me, this is fewer homes. I think the main concern with people who currently own a home within—I'll not call this West Lafayette proper, it is within the City limits now—but within the currently-established area of West Lafayette, in the Chauncey neighborhood, the New Chauncey neighborhood, Hills and Dales, and the established older neighborhoods in the City are worried about their property values decreasing, because of overall County-wide growth. When people have an opportunity to move to the community, do they choose to live in an established house or in a new construction? And just like it was discussed about the Area Plan Commission meeting, the reason it was voted down was because of fear of urban sprawl and fear of too much new construction in the community, having a negative impact on established housing. This is going to happen either way, and with the planned development, we can have fewer lots, fewer new construction than we would have otherwise. And so those two things, really, I came into the Pre-Council meeting neutral on the

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issue, and those were the things that made me want to support this rezone. I don't necessarily like the you get it all or nothing approach, it seems like the City's getting it's arm twisted a little, but through the negotiation with the City Engineer and the Mayor's Office and people on City staff, I think we managed to get some good concessions from C.P. Morgan regarding what the homes will look like and what the neighborhood design will look like, the number of lot sizes, the number of lots or various sizes, and I think we get a good greenspace, we get good trails. The only concern I have at this point is what will happen in 10 or 20 years, when this neighborhood is built and the streets are dedicated to the City, and the parks would appear to be City parks, the maintenance on these trails is very expensive and the maintenance on the parks and the pool will be very expensive, can you discuss a little bit about the plan to sustain these, without using City funds?

Mr. Pittman said yes, I can. In a community like this, either community will have—an HOA already exists. As a matter of fact, people who already own homes are members of that HOA.

Councilor Plomin said HOA is—?

Mr. Pittman said the home owners' association.

Councilor Plomin said thank you.

Mr. Pittman said that is really the heart of—either way—that's the heart of the community, that's the organization that deals with people, enforcing a set of agreements people have agreed, when they move in there, to live by, i.e., the color of the houses, the garage doors, those types of things—similar things that I think that your staff probably deals with in the older parts of the community that do not have an HOA. That was not something that they did when they built those houses. So that's one aspect of an HOA. The other thing they do is they help maintain all the common areas. The way that's funded is through annual dues. Some of the people from this community took advantage of the opportunity to go down and see several of our communities in Indianapolis, where we've done similar size amenity areas. The key there is the expectation we've set and, again, projecting forward 20 years, my crystal ball's not that clear, but in the short-term, \$250 a year is more than any of our other communities with a similar size—similar size communities, similar amenity package—currently has. Now that could go up, that could go down. I don't know. Twenty years from now, really what you're looking at, the key to the success of this community is right here. It's not C.P. Morgan, it's not me, it's right here. What they decide to do with their HOA, how they decide to manage that homeowners' association, the level of care they decide to contribute toward these common areas. I'm pretty confident that this group here—I mean, they're full professionals, very good people, very passionate people—I feel good about the future of Lauren Lakes either way, with whatever you decide tonight. To cite some statistics, because I knew you might ask that question—

Councilor Plomin said yes.

Mr. Pittman said I actually had some of our associates that deal with the HOAs pull some numbers against similar communities of what the dues-paying rate is. And the communities, again, similar size to this, some of the ones that some of the people here saw. Right now it's 95% or 97% payment, which is, I think, very good. What happens if somebody doesn't pay their

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dues? In essence, then it goes to the lawyers, which, I'm pretty sure—I used to be in charge of HOAs; fortunately there's somebody else here now in charge of HOAs—I can't think of a situation where, once it was turned over to collections, to the attorneys, that it wasn't paid, and there was just a negotiation of, you know, if we pay attorney's fees or not. And usually it's because they lost their bill somewhere or something like that, or put it in a pile, they were on vacation, whatever the situations are. But, again, our experience has been pretty good in communities of this size, this price point, with these amenities, of collections. Now if it goes to collections, there'd eventually be a lien on the house to be recovered in the sale of the property. Again, I don't foresee that being an issue with the type of leadership that's already been demonstrated with this community, but that's how it's dealt with. As far as stuff being dedicated to the City, again, I think I talked to Councilwoman O'Callaghan about, we're doing everything—all the streets are public. Now, my experience has been that if we requested to make this private drives, that you should require us—which I know Mr. [City Engineer] Buck would—to build everything to the specifications of the City, because 20 years from now, I have a feeling, regardless of the best intentions of the homeowners, they would be coming back to you and say, "Hey, we want to talk to you about taking over our stuff." So, again, it's something that we're cognizant of, because, again, 20 years from now, 10 years from now, we'll hear about it, regardless. Does that answer your question?

Councilor Plomin said yes, but my question is really long-term, who pays for the upkeep of this stuff?

Mr. Pittman said the members of the HOA, which are the homeowners out there.

Councilor Plomin said okay.

Mr. Pittman said I guess I could have been more short, I'm sorry.

Councilor Plomin said I could have been short on my question.

Mayor Mills said Councilor Griffin, do you have a question?

Councilor Griffin said I think in a sort of contorted way of thinking, as a representative of District 2, I should vote against this, because the all R1 design is not that attractive, and it will help keep people from moving out of my district. But the fact is that my district has lots of interesting aspects about it, and keeps the neighbors in it. I voted for this at the Area Plan Commission for the many positive things that were said in the staff report, and the positive things that have come out of the negotiation between the developer and the representatives of West Lafayette. I will vote for it tonight.

Mayor Mills said thank you. Thank you, Mr. [Councilor] Plomin. I will just make one comment to address, I think, Mr. [Councilor] Plomin's arm-twisting comment, because I think that's inaccurate. When C.P. Morgan first approached the City about being annexed and coming into the City limits, I think we were very up-front on both sides about what we expected from the developer and the builder, if we annexed that area. And I have to say that, after our trip to Indianapolis—and I went with several other people on City staff to see what was possible, what had been built in Indianapolis, and it gave us all a great feel for the very nice developments that

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they had built in Indianapolis and what we could ask for and hope to achieve—I just want to thank not only City staff for the hard work, but the builders and developers for actually coming to the table on a regular basis, really negotiating every aspect of the planned development, and letting us end up with a product that we think is a great addition of a neighborhood to the City. So thank you all for the hard work. I do think this will be a great addition to our City. Any other comments before we vote?

Councilor Hunt said I'd like to thank all the people that spoke. It's not easy speaking up there, I know. Both sides, I thought you all were conscientious and concerned, and I'd like to thank all of you for doing that.

Councilor Griffin said yes.

Mayor Mills said it's a very important part of this process, to have public input and public comment. We can't make good, informed decisions without that. So thank you all for taking time to come and give us your comments. Councilor Plomin.

Councilor Plomin said I forgot to mention, the only things that really they're asking, that C.P. Morgan the developer is asking the City to approve with the planned development—there's all of the caveats with the home colors and the setbacks and this and that—but they could do the greenspace in an R1 zoning without—but they'd have to give up so many lots to make that work that it wouldn't be financially feasible. And so that's the real reason they've come to request this rezone. We discussed that in the Pre-Council meeting, and I think I should say it again. That all of the greenspace, the parks, and the clubhouse could be done with an R1 zoning.

There was no further discussion.

Mayor Mills said thank you. Will you call the roll, please.

The roll call vote:

| AYE | NAY |
|-------------|------------|
| Griffin | |
| Hunt | |
| Keen | |
| O'Callaghan | |
| Plomin | |
| Satterly | |

Ordinance No. 32-06 passed on first and only reading, 6-0. [Councilor Truitt was not present in the Chambers, nor did he vote on Ordinance No. 32-06.]

Mayor Mills said thank you all very much. We have other business, but you're not forced to stay for that, so if you want to go ahead and go home, we'll take a couple minute break to let you leave.

[Councilor Truitt returned to Council Chambers after the vote, before the next item of business.]

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Mayor Mills said we'll go ahead and reconvene, please.

Ordinance No. 33-06 (Amended) 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) Councilor Griffin read Ordinance No. 33-06 (Amended) by title and moved that it be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Councilor O'Callaghan said since Clerk-Treasurer Rhodes has a sore throat, it sounds like, I'd be happy to talk about this, from the Personnel Committee perspective, if you'd prefer.

Clerk-Treasurer Rhodes said thank you.

Mayor Mills said is that all right with you, Judy [Clerk-Treasurer Rhodes]? All right. Thank you, Councilor O'Callaghan, save Judy's [Clerk-Treasurer Rhodes's] voice.

Councilor O'Callaghan said the major part of the ordinance, both this [Ordinance Nos.] 33-06 and 34-06 have to do with a request from the Clerk-Treasurer to adjust some job descriptions and then request salary ordinance changes. It's two salary adjustments, the Deputy Court Clerk/Benefits Administrator and the Administrative Assistant/Deputy Clerk-Treasurer. And she did provide us, the whole Council, a memo dated October 10, 2006, that lists the old job descriptions and the revised job descriptions. Actually, there is more than those two positions that have some changes, but these are the two that request the change in the salary ordinance. The hope is that with this reorganization, maybe a little bit more efficient, may also be more reflective of the work that is actually going on in the office. The Personnel Committee did meet on October 24, and discussed these changes and recommended approval of these changes as proposed by the Clerk-Treasurer. The other parts of the changes in the ordinances mostly have to do with tracking changes in Word, how that didn't transfer for several times, and those things are outlined in a memo from the Clerk-Treasurer dated November 1, 2006. So I think with that little bit of an introduction, we could answer questions if anybody has specific questions.

Mayor Mills said and I would just like to add one thing, and this is not to speak against this change, because that is not my intent, just to mention again that the Human Resources Director only had concerns that the proposed maximum range was above what she thought it should be. That's not specific to Gail [Thayer-Copeland, Administrative Assistant/Deputy Clerk-Treasurer] and the great job she does, that's just that she thought the maximum range was higher than it should be listed.

Councilor O'Callaghan said and that the salary that we discussed at the Personnel Committee meeting was, that salary number, the Human Resources Director was comfortable with, but she thought that was the top—

Mayor Mills said right.

Councilor O'Callaghan said of the range at the time when we were discussing it.

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Mayor Mills said okay. Thank you, Patti [Councilor O'Callaghan] for giving us the background, since Judy [Clerk-Treasurer Rhodes] would be hard-pressed to go through much discussion. Are there questions or comments on this?

Councilor O'Callaghan said and it is all clearly laid out in the memorandums, which are much more than I did tonight.

Mayor Mills said any questions or comments?

Councilor Satterly said can I call for a vote?

Mayor Mills said yes, are you ready to vote? All right, will you call the roll, please.

There was no further discussion.

Ordinance No. 33-06 (Amended) passed on first reading, 7-0.

Clerk-Treasurer Rhodes said I'm going to ask for the rules to be suspended to have second reading tonight, particularly in light of the firefighter issue.

Councilor Griffin said I move we suspend the rules to consider [Ordinance No.] 33-06 (Amended) on final reading at this time. Motion was seconded by Councilor Satterly.

Mayor Mills said all right. Is there any discussion on the suspension of the rules?

There was no further discussion.

Councilor Griffin said Madam Mayor, I would place the Ordinance No. 33-06 (Amended)—

Mayor Mills said wait, please. We have to vote—

Councilor Griffin said I beg your pardon.

Mayor Mills said all in favor of suspending the rules and having the second reading of this ordinance tonight, please signify by saying "AYE."

The voice vote to suspend the rules and consider Ordinance No. 33-06 (Amended) on second reading tonight was unanimously AYE.

Mayor Mills said all right, now, Councilor Griffin.

Councilor Griffin said I beg your pardon. I certainly did not want to hurry—

Mayor Mills said proceedings along.

COUNCIL MINUTES, NOVEMBER 6, 2006, CONTINUED

Councilor Griffin said process. Madam Mayor, I would place Ordinance No. 33-06 (Amended) on the table for second reading at this time, and that the vote be by roll call. Motion was seconded by Councilor Satterly.

Mayor Mills said all right, thank you. Any further discussion?

Councilor O'Callaghan said may—

Mayor Mills said Councilor O'Callaghan.

Councilor O'Callaghan said I guess I would just bring up one other thing that we did discuss at the Personnel Committee meeting. The Clerk-Treasurer did provide us with overtime totals for 2005 and through 2006, and the hope is that maybe with these efficiencies, there may not be quite as much a need for that much overtime, but also there are lots of other factors that, with the Police Merit Commission hearings and all those things—

Clerk-Treasurer Rhodes said and two maternity leaves.

Councilor O'Callaghan said and two maternity leaves.

Mayor Mills said thank you. Anything else? Will you call the roll, please.

There was no further discussion.

Ordinance No. 33-06 (Amended) passed on second and final reading, 7-0.

Ordinance No. 34-06 (Amended) 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) Councilor Griffin read Ordinance No. 34-06 (Amended) by title and moved that it be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said all right, thank you. As you remember from Pre-Council, this ordinance is being amended because originally some of the changes were not picked up by the software program, I guess, and didn't end up in the earlier ordinance this year during the budget process, so we are going back and those corrections are noted on your sheet in the bold on the strikeouts. Any questions here?

Councilor Satterly said and also it reflects the changes to be made in the previous ordinance—

Councilor O'Callaghan said for the Clerk-Treasurer's people.

Councilor Satterly said for 2006, we're moving it forward to 2007.

Mayor Mills said any questions? Any comments? All right, will you call the roll, please.

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There was no further discussion.

Ordinance No. 34-06 (Amended) passed on first reading, 7-0.

Councilor Satterly said do you want to do second reading tonight?

Clerk-Treasurer Rhodes said we could.

City Attorney Bauman said well, it's not going to be until next year—

Clerk-Treasurer Rhodes said it's not necessary.

Councilor Satterly said we can do it next meeting.

Mayor Mills said we'll just wait.

Clerk-Treasurer Rhodes said sure.

Mayor Mills said okay.

There was no further discussion.

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 read Resolution No. 28-06 (Amended) 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 Satterly.

Mayor Mills said all right, this is a transfer. You have the list in front of you. I'm going to run through them briefly. In the General Fund, in the Clerk-Treasurer's funds, from PERF, FICA/MED, EMP SEC \$2,055 is going into Licenses, Permits & Fees. Police Department, from Salaries – Full Time, Salaries – Part Time, Clothing/Uniform Allowance, Repair Parts & Equipment, Contracts, and Furniture & Fixtures are going into Salaries – Overtime, New Uniforms, Gasoline, Repair Services, and Office Equipment, and that total is \$31,700. In the Fire Department, from Instruction into Travel, \$900. In the Sanitation Department, from Insurance and Contracts, \$16,000, to Salaries – Full Time, Oil, and Repair Parts & Equipment. And from Motor Vehicle Highway, from Personnel Insurance, Furniture & Fixtures, and Office Equipment, \$6,500 will be moved to Dependent Insurance, Oil, and Other Equipment. Are there any questions or comments on these transfers? You have the specifics on your sheet for each of those movements. All right, will you call the roll, please.

There was no further discussion.

Resolution No. 28-06 (Amended) passed on first and only reading, 7-0.

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) Councilor Griffin read Resolution No. 29-06 (Amended) by title and moved that

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it be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said all right, thank you. This is a transfer of appropriations from the Clerk-Treasurer, Dependent Insurance to City Court, Licenses, Permits & Fees, and City Hall, Postage & Informational Printing, Police Department Overtime, Fire Department Pensions, Legal Department Salaries – Part Time, and that total transfer is \$38,712.09. In City Services, from Electricity, \$16,500, to City Hall Electricity, that same amount, \$16,500. Are there any questions or comments? All right, will you call the roll, please.

There was no further discussion.

Resolution No. 29-06 (Amended) passed on first and only reading, 7-0.

COMMUNICATIONS:

Councilor O'Callaghan said thank you, Mayor. I wish I had done this under Special Committees when we had the big audience here, but the West Lafayette Youth Council is sponsoring their charity run this Sunday. It's at 2:00 p.m. at Cumberland Park. If you haven't registered online, you can register on that day, and it's to benefit Habitat for Humanity. The Youth Council has just done this whole thing on their own, organizing it, and they've done a great job. This is the second year they're doing it, so I'd encourage anybody to come out and support the Youth Council and Habitat for Humanity.

Mayor Mills said excellent. Thank you. Anything else from the Council?

There was no further comment.

CITIZEN COMMENTS:

Mr. George Molnar said good evening, my name is George Molnar, my wife's name is Marion Malone. We reside at 906 Princess Drive here in West Lafayette. We moved in over Labor Day weekend of this year. Two, in a sense, administrative comments. I would again like to request that the Citizen's Comments be made available early in the meeting, prior to the approval of the previous minutes. And second is, I've noticed that the street cleaning goes on on the Wednesday, the same day that the trash is picked up. That seems to be extremely inefficient, in that the street cleaners have to go around all the trash receptacles, and effectively only clean two-thirds of the street, but that's up to you. As for the third issue, I'm here to talk again about a situation that we had occurring on September 20th this year, at approximately 7:25 p.m., when one or more dogs owned by Ms. Linda McCausland, residing at 909 Windsor Drive, West Lafayette, entered our property, attacked and killed one of our cats named Trilly, and severely injured another of our cats named Mirabella. Mirabella was taken to the Purdue University Veterinary Small Animal Hospital, where she spent several days in intensive care with fractured ribs, a punctured lung, multiple bite wounds, and a flail chest thoracic trauma. And just so you understand that we're not talking about a little nip from a Jack Russell terrier, I'm just going to give you three photos of the dogs that entered our property. These dogs are approximately three feet high, 80 to 100 pounds, and I believe they're Siberian Huskies, although I'm not really sure of the breed. Ms. McCausland was cited for violations of two West Lafayette City ordinances, Chapter 61. Ms. McCausland appeared before Judge Lori Stein Sabol in West

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Lafayette City Court on Thursday, October 26, when she admitted to these violations. And as I previously mentioned, both in person and, I think, individually to most of you, my intention is not to punish the dogs, but to hold their owner responsible. The decision rendered by Judge Sabol and the subsequent fines were, in my opinion, inappropriate and pathetic, if not totally incompetent. Ms. McCausland was effectively fined \$50 for negligently and recklessly allowing her dogs to enter our property and to brutally kill one of our cats and severely injure another. There are several reasons that I believe Judge Sabol's decision was inadequate. First, the \$50 fine is insignificant. It is the minimum fine, it does not come close to imposing the proper level of responsibility for Ms. McCausland's negligence and the subsequent results of her recklessness. Had Ms. McCausland simply failed to clean up her dog's excrement, she would have been fined \$35. I do not think that Trilly's death and Mirabella's suffering are worth only \$15 more than a Ziploc bag of canine excrement. And here is the picture of our dead cat. Second, while the court lacks jurisdiction and authority to impose any additional financial penalties for Ms. McCausland's actions and the resultant death and injuries, Judge Sabol did not even recognize, let alone admonish, Ms. McCausland for her negligence in allowing her dogs to cause this death and injury. It is if nothing had happened. Third, Judge Sabol did not even mention, let alone request, that Ms. McCausland do anything to ensure that her dogs can never do this again. Finally, Ms. McCausland had previously disclosed that her dog that killed Trilly and injured Mirabella was a rescue. A rescue is a rescue for only one reason: someone else has abandoned it. There was no discussion why the dog was rescued, why it was abandoned, or its previous behavioral history. So once again, the judicial system has failed to protect the rights and property of innocent humans and nonhuman animal victims. Trilly and Mirabella, currently considered as property by most jurisdictions, have no rights, no standing. The irony is that even I, who do not consider them as property, that I, also, their so-called owner, have no rights under the current law. I have no standing, and I have no recourse of appeal in this jurisdiction. The law is inadequate. The judicial process is faulty. Any law, from the Constitution to a local municipal administrative ordinance, has to demand two things: First, it has to be flexible but consistent in its application, and second, it has to have penalties commensurate with the effects and results and consequences of violating that law, or else it's just a waste of paper. In closing, I would like to ask three things of you. First, the next time that you see Judge Sabol, and every time that you see her, ask her what type of damage would have to be done, in order for her to impose more than a minimum fine. Two cats killed? Five cats killed? A dog killed? A child killed? I intend to ask her every Thursday morning until I get an answer. Second, and I'm sure that some of you will feel that this is a sarcastic comment, but I believe that I have been polite, direct, and factual, so if it is sarcastic, it is also true. I would like to invite each of you, your spouse, your significant other, your children, your grandchildren, your nephews, your nieces to come over to our home, to spend some time in our back yard, and see how we are forced to live as a result of the attacks by Ms. McCausland's dogs. Nothing has changed. They bark all the time. They attack the fence. They bite at the boards on the fence. They scratch and claw to get through this fence into our yard. I will not let our cats out into our back yard. My wife has nightmares about the attack and, in fact, has gone back to Pennsylvania to live. She will not go into our back yard. We cannot invite our friends, our neighbors, our relatives, for fear of what would happen to them as a result of these dogs. We are literally prisoners in our own house. If Kafka were alive today, he would have a great follow-up novel, and Orson Welles could make the movie. Third, change the law. Make the owners of these animals, not the animals, responsible. There is adequate precedent. San Francisco, Tennessee, New Jersey, Pennsylvania, Oregon are all holding owners accountable. I would be

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glad to help in any way that I can. And, as it is hard to believe, and I never want to equate the total value of a human life with a non-human animal, that if Ms. McCausland's dogs had killed a young child, say your son or daughter, she would be no more accountable than she is for killing Trilly. I don't ever want anyone else to have to stand up here again under these or worse circumstances, and plead with you to do the right thing. You know it is wrong. You have the authority and the responsibility to correct the situation. Do the right thing. Thank you for your consideration. If you have any questions, I'll be glad to answer them.

Mayor Mills said thank you, Mr. Molnar. Do you care to have these [photos]?

Mr. Molnar said they're yours.

Councilor Plomin said I have a question, if you will. Have you spoken with our State legislator?

Mr. Molnar said I've spoken with Representative Plomin and Senator Alting—

Councilor Plomin said that's me.

Councilor O'Callaghan said Micon.

Councilor Plomin said Micon, you mean.

Mr. Molnar said Micon, sorry. Micon and Alting. I've spoken with the Tippecanoe County Prosecutor's Office, the West Lafayette Police, the Lafayette Police, the Purdue Police, and two attorneys in town. Okay? The law is deficient. Okay? The law doesn't say anything. There is no liability if her dogs had killed your kid. There is no liability for her.

Councilor Plomin said I know. We've already discussed it. I just wanted to ask you again.

Mr. Molnar said yes.

Councilor Griffin said thank you, Mr. Molnar.

Mr. Molnar said as I said, there are other municipalities in other states that have laws that cover this. Specifically, Tennessee, if anybody's interested, passed the law in 2001. They had modified it in 2004. It's Tennessee statute 44-17-403 that provides for damages when an animal kills somebody else's animal. And other states are doing the same thing. And it started with Diane Whipple. Thank you.

Councilor Hunt said Mr. Molnar, may I ask one more?

Mr. Molnar said sure.

Councilor Hunt said I'm very sorry for your cats and the situation that there is. But has this lady paid for the hospital and that kind of stuff?

Mr. Molnar said no, it hasn't even been discussed. She has never contacted me.

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Councilor Hunt said okay.

Mr. Molnar said there are certain legal avenues I'm pursuing. Okay? But what I'm saying is the burden should not be on the victim. And whether you want to consider our cats the victim or me as the "property owner," okay, the burden should not be on me. There should be a legislative and judicial remedy when somebody is negligent and reckless like this.

Councilor Hunt said thank you.

Mr. Molnar said thank you.

Mayor Mills said any other citizen comments?

ADJOURNMENT:

There being no further business at this time, Councilor Truitt moved for adjournment. Motion was seconded by Councilor Keen and passed by voice vote, the time being 9:41 p.m.

Respectfully submitted,

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