

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES

NOVEMBER 30, 2006

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

Mayor Mills called the meeting to order and presided.

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

Absent: Griffin.

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

UNFINISHED BUSINESS:

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)

Mayor Mills said we have just one item of unfinished business this month, and that is the ordinance to amend the salary ordinance. Any further discussion on that? We had pretty thorough last month.

There was no further discussion.

NEW BUSINESS:

Ordinance No. 35-06 An Ordinance To Amend The Zoning Ordinance Of Tippecanoe County, Indiana, To Rezone Certain Real Estate, From R1 To PDRS (The Villas at Stonebridge) (Submitted by the Area Plan Commission)

Mayor Mills said new business, we have just three items. The first is a change in zoning, and Mr. Teder [attorney with Reiling Teder & Schrier] and Mr. White [co-owner of Kalan Homes] are both here. So, Mr. Teder.

Mr. Dan Teder said thank you. Since the Mayor introduced me, I think I know most of you, and most of you put up with me at these things. Alan White is also here. Alan is one of the owners of Kalan Homes, and Kalan Homes is doing this development. They're also involved in another development just like this on the east side, on Concord Road. So if you have a chance to go out there at Ravenswood, you'll see how the project looks after being maybe half completed. I think they do a beautiful job on their projects. They do fourplex buildings, they have a pool, they have a clubhouse, they have trails, and a lot of the reason for this is they've used EPCON Communities. When I was at Area Plan, I said "EPCOT," and, no, that's wrong. Disney World is not coming to this area; it's EPCON and Alan obviously reminded me a number of times about that. But EPCON, because they are the second largest condominium developer in the United States, they're all over the United States. They're real concerned about how their product looks and want to keep that continuing. They are concerned about greenspace, and the

amount of common area that they have, and in this one, I think we'll have about 70% of greenspace for trails, for a picnic area, for the pond, and we think that will add to the—I brought this along to show you location. We're right here. This is Prophet's Ridge; obviously we're east of 75. We received a favorable recommendation from the Area Plan Commission; we had favorable staff recommendation as well. Our approval was unanimous from them. We had no objections from any of the property owners as well. We've talked to the City of West Lafayette, I know [City Engineer] Dave Buck is always tired of seeing me, because I bother him so much about these things, but we've gone through the PD process, which went from R1 to PDRS, which is basically going from residential to residential. So we're not, in my mind, really changing the use in any way. I think we're giving a better use for it, because I think the staff has indicated, too, we're taking it out of what would be the first-time homeowner, single family development, which we have probably a lot of in our community in West Lafayette, and putting it in a condo, that's the kind of homes that are going to be mainly to the retired and to the young professionals is what we see. That's what we've done over at Ravenswood, and that's what they do pretty much throughout the country on their developments. I'd be happy to answer any other questions that you might have. I know one of the Council people talked about trash pickup, and Mr. [Public Works Director] Downey informs me that trash, because we are in the City limits, is mandatory that the City of West Lafayette pick that up, so we'll work that out and have something back for you on Monday at the Council meeting. I'd be happy to answer any other questions that you might have.

Mayor Mills said questions for Mr. Teder or Mr. White?

Councilor Satterly said yes. Are the streets in here public?

Mr. Teder said these will be private streets.

Councilor Satterly said private streets.

Mr. Teder said yes.

Councilor O'Callaghan said and how come they're not dedicated to the City?

Mr. Teder said well, generally on a planned development, the streets in the planned developments are private. And then they become common area as part of the homeowners association.

Councilor Satterly said Lauren Lakes is planned development, and they're public streets.

Mr. Teder said well Lauren Lakes is totally different than almost anything else in this area.

City Attorney Bauman said well, actually, that's not true. There are several planned developments that the streets are public in West Lafayette, but there also are a number of them that they are not.

Councilor O'Callaghan said and some of those that were not public streets, then, later had come back and asked them to be public.

PRE-COUNCIL MINUTES, NOVEMBER 30, 2006, CONTINUED

Mr. Teder said Lauren Lakes is more of a single-family development. This is a single family development as a condominium project. Condominium projects—I think we've got a sketch here—

Mr. Alan White [Kalan Homes] said Patti [Councilor O'Callaghan], I can say one of the other reasons is it allows the—you'll see our site plan, we have common driveways, Patti [Councilor O'Callaghan], coming off those streets, and it services usually four garages that are together, and so what it does, it allows the homeowners association with our budget through the fees, to control the maintenance of, not only the streets, but when the streets get resurfaced, the driveways also all become part of that maintenance. And so the funds can be funded through the association that way, instead of having to do the streets separate from the drives.

Councilor O'Callaghan said and is the width sufficient for trash pickup and snow removal and emergency vehicles and things like that?

Councilor Keen said are these streets going to be constructed to City standards?

City Engineer Buck said the width is not what the City standards would require it to be. It would be adequate turning radiuses and the width would be adequate to allow a trash truck to go back through there and go around—

Councilor Keen said what about a fire truck?

City Engineer Buck said a fire truck, a moving truck. As you can see, the radii used for those little horseshoe areas where they turn around are pretty good sized. I mean, a pretty large vehicle is going to be able to maneuver back through there and still be able to turn around. It's not a dead end like a cul-de-sac. So they've kind of created a couple loops there, but the overall width of the street—a fire truck is not going to be able to pass a semi trailer; one of the two is going to have to go off the edge of the street. So the overall width isn't there, and they're not proposing to have curbs. That was one of the other reasons why they're private streets. They're just drives.

Mr. White said yes, I think we do have curbs.

City Engineer Buck said on the drives?

Mr. White said yes, on the main drives, but not on the driveways themselves. There'll be tapered cuts into the drives.

City Engineer Buck said okay.

Mr. White said but we do have curbs around the streets.

City Engineer Buck said on the two—

Mr. White said on the two loops? Yes.

City Engineer Buck said great, okay.

Mr. White said and I—

Mr. Teder said but I think the concern is too, is this unusual, for a planned development that's a condominium? Generally speaking, my opinion is that almost all condominiums have private streets in them.

Councilor O'Callaghan said whether they do or not, it's just—

Mr. Teder said I understand, but that's the process.

Councilor O'Callaghan said what we want.

Mr. Teder said I appreciate that, Patti [Councilor O'Callaghan].

Councilor Hunt said there's no street parking? Is my understanding correct?

Mr. Teder said correct. There's parking right here.

Councilor Keen said Patti [Councilor O'Callaghan], is part of your concern—I know in the past, we've had some of the planned development areas come back to the City and want the City to take over their streets years later, and they're not constructed to—

Councilor O'Callaghan said the City standards.

Councilor Keen said the City standards, and that's a concern that I would have here, if we're not constructing them to City standards that we would, 10 or 15 years from now, end up with somebody coming to us, wanting us to take it over, and then we'd have this inherited problem.

Mayor Mills said well, we just don't take them, if they're not constructed to our standards. I mean, that's been our policy, we won't take them.

Councilor Keen said okay.

Mayor Mills said and that's the reason. Because we can't—

City Engineer Buck said and we've done that. That's happened recently.

Mayor Mills said and we just tell them, "Sorry, but they don't meet our standards and we're not going to pick up the cost."

Councilor O'Callaghan said and so the homeowners association needs to know that if it's not City standards, it's not something that the City would be willing to cut it the future.

Mr. Teder said I understand, and the one that comes to mind is Pawnee Woods. I know a lot of the people over there came back to the City, maybe even when I was over here [as City Attorney] and concerned, "Why can't we be part of the City, as far as having public streets?" I think, again, you go back and look at the condominiums versus single family planned

developments, the single family is a larger type area. Condominiums generally aren't able to do that, to make it one, economically feasible, I guess. But to go through that process that we go through, we have Dave [City Engineer Buck] come down, and all the City people come down through the planned development to discuss that. And that's generally the way it's always occurred. I'm not saying what's always done is correct, but that's the way the process works in that PD, where we get that input. And we've had the input, we think, from Dave [City Engineer Buck] and from the Fire and Police and all those people that came down to that sketch plan meeting.

Councilor O'Callaghan said and then the next step is for our input, so—

Mr. Teder said I understand. The problem that I have is that it's not like a rezone. You can't make a change.

Councilor O'Callaghan said oh, yes.

Mr. Teder said okay? So that makes it very difficult on a planned development, because you spend a lot of time and effort to get to this point. Whereas on the rezone, you don't have to go through all these plans and spend that type of money to get to this point, Patti [Councilor O'Callaghan]. So that's a difference. Generally I know on the whole project I was involved in on Happy Hollow, the homeowners association, you have a reserve in there for a road, because we realize that's one of the biggest expenses that you have is that you have to have that reserve in that association fee, because today the road looks fine, but in 20 years, the road will need to be repaired. And some of the older ones maybe haven't done that, but I think today, that's stressed to anybody purchasing, those assessments need to include that fee.

Councilor O'Callaghan said that would be important for me to know, that the homeowner association knows that, just like I thought it was important for the Prophet's Ridge people to have known that annexation was a possibility. I think it's really important that these residents know that they are responsible for those streets, and when they need to be repaired in 15 or 20 years, that they're the ones that are going to be responsible for it.

Mr. White said prior to any closing we have on the condos on the east side there, they get a list of everything that's included in their monthly homeowners association fee that we have them sign off on. So they get a copy of the covenants and restrictions, they get it laid out—they have no maintenance over there, so that was one of the other things. When you have public streets and private drives that's not owned by the homeowner, we have to bid out the snow removal, so when you have the City coming through doing the streets and a private snow removal company doing the driveways, it doesn't work very well. So we have it all done by one contractor. Same with the trash pickups and with the lawn maintenance. Those bids are usually put out for annual contracts, once a year. So they do acknowledge, by signature, before closing what their funds are going to. And then on the south side right now, our current monthly association fee is \$115 per month per unit.

Councilor O'Callaghan said \$115?

Mr. White said \$115 a month.

Councilor O'Callaghan said a month?

Councilor Keen said a month or per year?

Mr. Teder said no, a month.

Mr. White said and that pays for—

Mr. Teder said that's one of the reasons I was talking to you earlier about the fees. I think the difference here is, too, that you have people who are generally over 50 or young professionals buying into this type of a complex, because that's the type of person that's going to want those amenities and can afford to pay for it. The problem in our community is that we have is where you have the new entry-level single family, and you have two people working and a child, and they pay \$150 a year, but they can't afford to pay even \$175 a year, if that goes up, because their funds are extremely limited, plus they all have mortgages to the hilt on their property as well. These type of animals are totally different than that, in my opinion, where generally you don't even have a mortgage on a lot of the places, because it's people selling their larger home, wanting a condominium here and then having enough money to also have a condominium in Florida. And they're wanting the best of both worlds.

Mayor Mills said have you had young professionals move in on the south side of town?

Mr. White said yes, I think we've had two that have been under 40. But the majority of our buyers are the over 60 actually. I always say probably 80% are retirees that we're servicing over there now.

Mayor Mills said if you have a chance this weekend, drive over there to the south side of town and look at what Alan [Mr. White] has put over there, because they're very nice. I think it will give you a good feel for the layout and what the buildings look like.

Mr. White said we're open seven days a week from noon to 5:00 over there, so you would have an opportunity to talk to our sales staff and then walk through the clubhouse. We have two furnished models that are open from noon to 5:00 that you can walk through.

City Attorney Bauman said Alan [Mr. White], will this be similar market to the kind of people who buy in Camelback over here?

Mr. White said similar, yes. I think there's probably a little bit more of a mix there than I think we're going to find ourselves still in that over 50, over 55 age category, more so than Camelback might be, but it's similar, yes.

Councilor O'Callaghan said so, Alan [Mr. White], it's still, when you described what that agreement was, it didn't seem to me that it would be clear that in 20 years if you needed to redo the streets that it would be the homeowners association's responsibility, so maybe—

Mr. White said what happens is out of that—

Councilor O'Callaghan said is it written there someplace?

Mr. White said yes, and out of that monthly fee, a certain percentage of that \$115 from day one starts to go in a maintenance reserve account. Because we're not only responsible for drives and streets, we're responsible for siding, windows, roof shingles—

Councilor O'Callaghan said the exterior?

Mr. White said all the exterior maintenance, so there's a percentage set aside out of every month from the very beginning. When you get to 15 years down the road or 20 years down the road and the buildings begin to need new shingle roofs there's money set aside for that that has been building over the 15 year period. It's not something that's going to be a surprise to the owners 15 years from now, that they're going to get an annual assessment for \$10,000, because the roofs need repair. That's been budgeted for over the life of the buildings.

Mr. Teder said Patti [Councilor O'Callaghan], just from experience, I had a condominium over in Saw Mill on the east side of town, and one of the first things the homeowners were required to do was to meet, and the first thing they had to do was to come up with a budget, because the budget is a yearly process. At the budget when you set that, this is all the homeowners, somebody in here's going to take care of landscaping, somebody's going to take care of insurance, somebody's going to take care of calling the assessor to see if they can get this reduced or that raised, somebody else is going to take a look at the common area. In that process, then, you're required to contact the Dave Downeys [public works directors] to determine what the trash cost is going to be, what the mowing cost is going to be, what the road—when you patch it—how long is this going to last until we can set up a reserve. And we did that there. That one, I think, the fee was \$125 a month, which is, I think, Alan [Mr. White] is talking about for this one and this type and size project, that would be normal proposition. That's usually how it goes, and that's generally the cost range that you see. The one you've looked at with Lauren Lakes is a totally different animal.

Councilor O'Callaghan said and when I saw that the trash was private, I thought maybe because it was considered four units, and that's why we wouldn't do the trash, but that's not—

Public Works Director Downey said we service four units and under.

Councilor O'Callaghan said and under, so that's not it, so it will be City trash pickup.

Mr. White said that language was developed for the south side, because Lafayette city did not offer trash pickup, so we had to go private.

Councilor Hunt said is there the possibility we can tie this down, whether it will be private or—?

Mr. Teder said yes. That's language—

Councilor Hunt said by Monday.

Mr. Teder said from the Area Plan Commission—

Councilor Hunt said I know that, but it's clearly—

Mr. Teder said I apologize—

Councilor Hunt said but it's clearly there.

Mr. Teder said they said that. So at the meeting Monday night, I will make a statement that says that the ordinance requires that, that's what we'll do.

Councilor Hunt said I would think the recycling and the trash pickup and the brush pickup would be—

Mr. Teder said is a positive, in my opinion.

Councilor Hunt said is a positive thing.

Mr. Teder said yes.

Councilor Satterly said so all the sewers are private also?

Mr. Teder said I need an engineer on that to tell me exactly where—

Mr. White said we're building them to City specs, and I know that in Lafayette—will you accept the utilities or sewer?

City Engineer Buck said yes, they will be public—

Councilor Satterly said did the City sewer—

City Engineer Buck said the sewers will be built to City standards and inspected, tested, accepted.

Councilor Satterly said even though they're under private roads?

City Engineer Buck said they're actually in easements, they're not proposed to be directly underneath all those roads.

Mr. White said they will be in the common area as easements in all the common area.

Councilor Satterly said thank you.

City Engineer Buck said there really isn't a lot of length of sewer—

[overtalking]

Mr. White said I might make the point that was a little bit confusing if you've never bought into a condominium. To understand condominium ownership, the homeowners only own from the inside of their walls in. So it's confusing language when you're looking at a building and you see a building sitting on a lot. There are no lots in this. There's all that common area of ground—

PRE-COUNCIL MINUTES, NOVEMBER 30, 2006, CONTINUED

the driveways, the front yards, the ponds, the walking trails. Each resident owns 1/92 of that, because we'll have 92 units. So there's no deeded interest in any driveway or anything.

City Engineer Buck said you can reach every sanitary structure because it's a private drive with the backhoe. With an excavation on the side of the project [unintelligible]. We can excavate out every part of the sanitary. That's the hardest structure for us to get in and have access. [unintelligible]

Mr. White said we had a little trouble with easements. Utility companies don't like to go on private drives. Well, these aren't private, these are common areas.

[overtalking]

City Engineer Buck said so we feel comfortable in [unintelligible].

Mr. Teder said Patti [Councilor O'Callaghan], I guess I would add in consideration for the future to help all of us, that anybody that has a concern, they get involved at the stage of the sketch plan, when we ask the City's input on it. It sure makes life a whole lot easier.

[overtalking]

Mr. White said under the common areas, [unintelligible], so at least you know that it's all spelled out—

[overtalking]

Clerk-Treasurer Rhodes said Patti [Councilor O'Callaghan], there is definition of common areas in the supplemental information.

[overtalking]

Mr. Teder said Dave [City Engineer Buck], do you want to talk about the emergency access, why that is acceptable the way it was?

City Engineer Buck said I really don't recall being involved in much discussion on that emergency access. Two routes in and two routes out is all I really remember—

Councilor Satterly said is that grass?

[overtalking]

City Engineer Buck said it looks like a cornfield entrance—

Councilor Hunt said where does it go?

[overtalking]

Councilor Satterly said but it's just going to be grass?

Mr. Teder said again, it's an emergency exit—

Councilor Satterly said can you get a fire truck over there?

Mr. White said yes. I think what we've done on the south side is you define those with signs, and the Fire Department needs to know where they are, and they will have that. But I think those are put in and I think it was requested by us, because, if there is by chance a blockage in the main entrance—

Councilor Satterly said if your bridge falls down.

Mr. White said that's a faux bridge, it's not going to fall in. But if there is some reason that a blockage where you can't get in the main drive, they need to know there's another access in and out of the development.

Councilor O'Callaghan said well, you need two accesses to a house, it makes sense—

[overtalking]

Fire Chief Drew said well, like it's wet today, it's all the mud out there, how solid is this going to be?

City Engineer Buck said it's probably going to need to be reinforced.

Mr. White said kind of a reinforced—

City Engineer Buck said with concrete blocks that have voids in them that allow dirt and grass to then fill in the voids and it's still structural.

Councilor Satterly said yes, if you put a—

City Engineer Buck said to support a fire truck. I think it'd be—

Councilor Satterly said if you put a fence up, too, you're going to have to have a gate in that fence.

Mr. White said or leave an opening or whatever would be requested.

City Attorney Bauman said I don't think a fence would slow a fire truck down much.

Mr. White said that is correct.

[overtalking]

Councilor Plomin said so nobody owns any of the land. Or who does own the land?

PRE-COUNCIL MINUTES, NOVEMBER 30, 2006, CONTINUED

Mr. White said the association itself. Everybody that lives there is a member of the homeowners association, and that association owns all of the ground. So what I'm saying is there's 92 residents that are going to be there, 92 units. When you buy a unit, you're buying into 1/92nd ownership of all that ground.

Councilor Plomin said so who pays the property taxes?

Mr. White said the homeowners association.

Mr. Teder said well, there's two properties. If you own this unit, you pay for your property taxes on the inside of that unit.

Councilor Plomin said okay.

Mr. Teder said plus the homeowners association pays for all the other common area, and that's when you pay your monthly fee of \$100-some per month. A portion of that is set aside then for the real estate taxes.

Councilor Plomin said there are some non-profit organizations in the City that don't pay property taxes. Instead, they make a payment in lieu of tax—

Mayor Mills said some do

[overtalking]

Mr. Teder said this is not a not-for-profit corporation, because it's a homeowners association, but it is not a 501(c)(3), so we are required to pay real estate taxes.

City Attorney Bauman said again, that's similar to other types of condominium developments.

Mr. White said and that may be something that we need to address, because we have had some issues on the Lafayette side. What we're doing over there, instead of the homeowners association itself owning the common area and paying a separate property tax, what they preferred is they've assigned key numbers to all the units, and then what the assessor's done is went out and they've assessed all the common areas and divided it by 80. So now what happens is your homeowners association fee does not collect property taxes that when you own a unit, you're paying for your unit and 1/80th of the property taxes for the whole thing. It's a wash, it's the same thing to you the owner at the end. I technically think this is a better way to do it. I think the assessor does it one time, assesses all the improvements, and then you get one tax bill per unit for 1/80th of the ownership. In this case, it will be 1/92nd. And I would like to see it done that way, if the City doesn't have an objection over here. Because the homeowner knows he's going to get a property tax bill anyway. And then you don't have to worry about fighting the homeowners association to get a tax payment, which I don't think will happen, but, you know, you never know when you're dealing with different boards, year in, year out.

Mayor Mills said yes. Other questions?

Councilor Satterly said what's the monthly fee to homeowners?

Mr. White said \$115 a month.

Councilor Satterly said and that's going to cover the property tax?

Mr. White said that does not include property tax. They have a separate property tax payment.

Councilor Hunt said oh.

[overtalking]

Mr. White said for their unit, yes.

[overtalking]

Councilor Satterly said how about the common property?

Mr. White said in Lafayette, it does not include the common areas. The homeowner pays for his unit and 1/80th of the taxes for the whole common area. This has all just transpired over the last three months—

Mr. Teder said what are your taxes for the common area a month?

Mr. White said we don't know. We have not got the assessment, because they screwed up the first time—what they tried to do the first time is we only had, say 18 or 15 residents living in the condominium development when the assessment was done, so they took all the common area and divided it by 18. So instead of somebody paying 1/80th of what they're supposed to, they're paying 1/18th and they were way out of whack. So they went back and they've done reassessments, they've assigned key numbers to all the units, and now they've finally decided that this is the way they're going to go. I don't have the assessments yet, but it should be coming pretty quickly.

City Attorney Bauman said but in all fairness to the developer, that's not something the developer gets to decide—

Mayor Mills said nothing to do with the site—

City Attorney Bauman said nor does the City Council.

Mr. White said correct.

Mayor Mills said that's right.

Councilor Satterly said I would think the \$115 a month is kind of low, if it includes taxes.

Mr. White said but it doesn't.

PRE-COUNCIL MINUTES, NOVEMBER 30, 2006, CONTINUED

Mr. Teder said what we paid on the east side in Saw Mill Run, \$125 a month, it included taxes, it included insurance, it included snow removal, it included road reserve, it included landscaping all common area—

Councilor Satterly said it just sounded low.

Mr. Teder said well, we had enough for a reserve based upon a 20-year road.

Mayor Mills said okay. Other questions about the project?

Councilor O'Callaghan said right now, it's currently farmland right now? I just drove out there—

Mr. White said yes.

Councilor O'Callaghan said it's a cornfield now. And so the owners are you, Alan [Mr. White] and EPCON? Are those the owners?

Mr. White said we are a franchisee of EPCON.

Councilor O'Callaghan said okay, so EPCON—

Mr. Teder said the owner is Kalan Homes.

Councilor O'Callaghan said okay.

Mr. Teder said is the petitioner. They are the owners, Alan White and Kim Thonn are the owners of Kalan Homes. Alan's president, Kim also lives in Lafayette, formerly worked for Gunstra Builders years ago. And she and Alan have done this, been involved in this and other projects probably for the last five, six years.

Councilor O'Callaghan said okay, because it says, "with consent of owners," so—

Mr. Teder said well, the owner of the ground—they haven't purchased the ground yet. They have an offer to purchase. Derrin Sorenson's group owns the ground. When you do these things, you get consent from the owner and you enter into a purchase agreement, which they've done, subject to, among other things, rezoning of the property. So their offer to purchase with Derrin's group is subject to this rezoning and then if this rezoning goes through, then they will purchase the property from Derrin. And that's why you have that consent.

Councilor O'Callaghan said thank you. And then those ponds—are there any safety measures on those ponds? I mean, you're not planning this to be for kids, but people have—

Mr. White said no, the engineers are required to—

City Attorney Bauman said yes. There are significant safety standards built in to—

City Engineer Buck said they will be required to meet the ordinance and all of—

PRE-COUNCIL MINUTES, NOVEMBER 30, 2006, CONTINUED

Mr. Teder said it's Rule 5 we are required to meet, aren't we, Dave [City Engineer Buck]?

City Engineer Buck said you will be required to pay to obtain a Rule 5 permit—

Mr. Teder said Rule 5 has all the safety ledges and everything else in it.

[overtalking]

Councilor O'Callaghan said it says that, "A notice included on the site plan which states that the developer or homeowners association may add trails, gazebos, or other similar items." Do we know what the likelihood is in adding more of them?

Mr. Teder said the reason we did that is that in a planned development what you see is what you get.

Councilor O'Callaghan said it's 2.5—

Mr. Teder said you cannot change anything in there, so we wanted to have some flexibility for the homeowners in the future, if they wanted to have more trails, or if they wanted to put in a fire pit, or they wanted to put in another gazebo, they could do that. [unintelligible] you get an improvement location permit in the Engineer's Office.

Councilor O'Callaghan said you don't burn outside in the City limits.

City Engineer Buck said the wooded area that's kind of not shown, at least from the plan in the packet, where the one trail ends, there's a wooded area.

Mr. Teder said right.

City Engineer Buck said some of the trail, you know, they didn't know exactly where the wooded area might put a trail or at least a path, and they wanted the freedom to be able to add that in in the future, once they had this at least partially developed and some development in.

Councilor O'Callaghan said thank you.

Mr. Teder said we didn't want to have a problem with a minor modification, so we wanted to put that language in now, for the possibility.

Councilor O'Callaghan said thank you. And then one last question, Dave [City Engineer Buck], it'll be for you. So what did the City staff maybe ask for in the planned development process and what did you get?

City Engineer Buck said a lot of the landscaping that you see, as well as, like we just said, the flexibility to add these trails. One of the comments was to make the pond be accessible by a trail, not so much to the pond but around the pond and around the small pond and the wooded area. I think there's some aesthetics in the package as well, on each of these buildings themselves, what they're going to look like. We talked, too, about the homeowners association, the rental nature of these—we can't prohibit them from being potentially a rental unit, but to

PRE-COUNCIL MINUTES, NOVEMBER 30, 2006, CONTINUED

make sure that the marketing is toward, you know, the 55 and over. That was an important part of our discussions; we talked quite a bit about that. The density, we did talk about how many units there would be per acre and the total number.

Councilor O'Callaghan said and is this the number, the density that you're comfortable with?

City Engineer Buck said yes. This is what they proposed from the beginning. We discussed it. It's certainly not high density.

Mr. White said I was going to point that out, too, I guess. You know, we're changing the zoning from single family, but a majority of these projects are done at 4 to 5 units an acre density, in other areas with other franchisees, and we're at 2½.

Councilor O'Callaghan said 2½ —

Mr. White said and that's the same as 75-foot wide single family R1 lots. So we have extra acreage, so that we didn't broach that density issue. We feel like it's probably a better project if we keep it a lower density.

Councilor O'Callaghan said so it's 2½ units per acre, the density?

Mr. White said yes.

Councilor O'Callaghan said thank you.

Mr. Teder said if we left it R1, the density would be more, Patti [Councilor O'Callaghan].

Councilor O'Callaghan said thank you.

Councilor Satterly said David [City Engineer Buck], on County Road 75 East, I notice the Prophet's Ridge has a passing blister, and decel tapers for the entrance. On this proposed planned development, there's no passing blister provided.

City Engineer Buck said are you talking about Elijah Street into Prophet's Ridge or Isaiah Street?

Councilor Satterly said no, Elijah Street looks like it has a passing blister here. In other words, if somebody's coming in here wanting to turn left, people can go around him. You don't have a similar arrangement for this entrance here.

City Engineer Buck said for somebody coming from the north.

Councilor Satterly said right.

City Engineer Buck said in there left. Okay, yes. We did not discuss that, and my opinion at the moment is there's going to be very few people doing that, coming from the north, turning left in there, to where there's going to be another person needing to pull in behind him. That's something that, as this is fully developed, as Prophet's Ridge is fully developed, that's going to

be something that would be more of a likelihood. But traffic into this subdivision, or into this development is going to be coming primarily from the south. We can look at the density of the number of vehicles we have on 75 East, as well as, with some development happening, and see what the traffic counts look like, and the likelihood of that blister being warranted, and if it is, I don't know if they're opposed to doing that or not, but we really haven't discussed it.

Councilor Satterly said because, see, is this still a County road?

City Engineer Buck said well, no, now it's a City street.

Councilor Satterly said it's a City street now. So we have control, not the County.

City Engineer Buck said we did talk about lighting with one of the others, and we just don't feel the volume of traffic using this driveway is going warrant needing it.

Mr. Satterly said yes, we talked about that at Traffic Commission.

City Engineer Buck said but we didn't talk about a passing blister on the west side of 75 immediately across from this. It kind of gets you right into the turn lane that's existing right there now. This turn lane is somewhat near—

Councilor Satterly said is there still an apron.

City Engineer Buck said yes.

Councilor O'Callaghan said these civil engineers—

City Engineer Buck said they would have to go and connect to that, become kind of one long—

Councilor Satterly said right.

City Engineer Buck said deceleration lane and turn lane—

Councilor Satterly said and passing blister.

City Engineer Buck said and all that. But we did not get the traffic counts on 75 or consider projecting traffic counts with the development of both Prophet's Ridge and this development, to know is there going to be that much southbound left-turning traffic that would warrant getting them out of the way.

Mayor Mills said there certainly doesn't seem to be now.

City Engineer Buck said no, but that doesn't mean that—

Councilor Satterly said but now is when you get it done.

PRE-COUNCIL MINUTES, NOVEMBER 30, 2006, CONTINUED

City Attorney Bauman said except that, as the entire area develops and becomes more urbanized, it's probably not appropriate to have all the passing blisters to accommodate high speed traffic.

City Engineer Buck said there's pros and cons. And in reality, the amount of time it's going to take to get to 15 years of development to occur out there, we're going to need to work on 75 anyway, urbanize it.

Mayor Mills said yes.

City Engineer Buck said and probably add travel lanes to it.

Councilor Satterly said yes.

City Engineer Buck said that likelihood and that window into the future certainly is a potential.

Mayor Mills said other questions?

Councilor O'Callaghan said Alan [Mr. White], are you going to build all 92 units and then try and sell them, is that what you do?

Mr. White said no, we'll build them— Like I said, there are four units at a time, and we'll start off with three buildings right away. One building will have two models, and then we'll build on demand as we go. We see this being a two-phase project, with the way it's laid out, north Phase I and south Phase II, and as the demand comes along. But, no, we won't put all 92 units up at one time.

Mr. Teder said Patti [Councilor O'Callaghan], I would suggest you go on Concord Road and take a look at what they've done, because that's the same process that they'll use here. The clubhouse goes up and they build two or three buildings, the roads go in, and they add from that. You can see what they've done over there, and that'll be the same thing that will occur here.

Mayor Mills said and, Alan [Mr. White], that's been started a year and a half?

Mr. White said yes, about a year and a half ago.

Mr. Teder said June of '05, I think is about—

Mayor Mills said that will give you a feel for how far along they are.

City Engineer Buck said there is a roundabout out there.

Mr. Teder said yes, there is.

Councilor Truitt said you have to get that in there.

Councilor Hunt said how many have you sold?

PRE-COUNCIL MINUTES, NOVEMBER 30, 2006, CONTINUED

Mr. White said we have completed 28 units; we're starting on our eighth building, which will be 32, and when those are done, out of the 32 units, we have 25 will be sold.

Councilor Hunt said okay.

Mr. White said there's one unit in this new building we're starting that's presold, and we still have two closings left between now and like the 10th of January.

Councilor Hunt said thank you.

Mr. White said so it's about 25 units.

Mr. Teder said I think from a developer's standpoint, they'd love to have it all sold in a year, but I think, realistically, with all the projects of this size, they're probably three to five years before they're fully developed.

Mr. White said I will say that people that have come to the south side, there's a ton of people that said, "When you come to West Lafayette, let us know." I think we've got 60 names on file to call or to mail when we get ready to do something in West Lafayette. So I think the interest level is there, and there are people that are looking for it here on the west side, as they were— Actually, I think it'll go quicker over here than it did on the south side. We won't have to educate the product as much here, because you can drive to the south side and actually see what you're going to get. Whereas before, we put them in the middle of a cornfield and had to try to tell people what we were going to do, and we could send them to Indianapolis, because there's three franchisees in Indianapolis doing this. But here, they can actually see what they're getting, so I think it'll, hopefully, go a little quicker.

Councilor Satterly said when do you build your clubhouse and pool?

Mr. White said right away.

Councilor Satterly said right away?

Mr. White said clubhouse and pool and the trails, the streets, everything within about 20 feet of each driveway will go in right away. And then the two buildings across from the clubhouse will be—those two buildings and each building will have one model each in it. Again, if you go out to see what we've done, you'll see how those are laid out. And those stay the models through entire development. We don't sell those until everything's built out. They're furnished, they stay open, and they stay that way until we're done.

Mayor Mills said other questions?

Mr. White said and please take a look at the pond over there, too. I think it's critical, because we spend money through the homeowners association to have the pond treated. It's mowed all the way down to the water line. Our people utilize that pond and are very protective of that, even though they chose not to have walking trails, because you can actually walk around it,

because it's mowed and well kept, like your backyard. And so if you have an opportunity, kind of get out and go back and look at that pond, because that's exactly what you'll see over here.

Councilor Satterly said so the ponds have water in them year round?

Mr. White said yes, they do retain water.

Mayor Mills said anything else?

Mr. Teder said thank you very much.

Councilor Hunt said may I ask a question? I went by this planned area the other day, and there are no signs for the rezoning?

[overtalking]

Councilor Hunt said and I called a lady that lives up there, and she told me about it, so— So we don't have to post rezoning signs?

[overtalking]

Councilor O'Callaghan said I was just out there. I didn't see any requests for rezoning.

[overtalking]

City Attorney Bauman said they have to post before the public hearing with the APC.

Councilor Hunt said just before the APC public hearing, not—?

Councilor O'Callaghan said so they already took them down, you think?

[overtalking]

City Attorney Bauman said yes, they send somebody out to check.

Mr. Teder said we posted the signs. They were up through the Area Plan. We have to do an affidavit and Area Plan checks that, which they did. If you're saying they're not up now, that means somebody took them.

Councilor O'Callaghan said they weren't there.

Mr. Teder said and so—

Councilor Hunt said and so they don't have to put them for our decision, just the APC's decision?

[overtalking]

PRE-COUNCIL MINUTES, NOVEMBER 30, 2006, CONTINUED

Councilor Hunt said okay. I didn't know that.

Mr. Teder said we're happy to take a look and see. If they're all down, we'll put something up.

Councilor Hunt said well, I was surprised, because the person that lives just a little further on, I asked to get her ideas, and she said she didn't know anything about it. And there certainly aren't—

Councilor O'Callaghan said there aren't any signs. I was just there.

Mr. Teder said one of the adjoining owners is Mr. Chapman that owns property to the north. We spoke with him; he's been involved with the process—

Councilor Hunt said that's the house between you and the big road?

Mr. Teder said Alan [Mr. White], is Chapman's house to the north?

Mr. White said Bill Chapman is the one right behind us, to the north.

Mr. Teder said and he's supportive—

Councilor Hunt said okay.

Mr. Teder said and in favor of it.

Councilor Hunt said okay, that is nice to know. Thanks.

Mr. White said he's actually been in the loop the whole time, and he's been to my office five times, looking at the site plan. I think he's actually looking at maybe acquiring the residual balance of this field as a buffer for his property as well, because his driveway runs along the whole side there.

Mr. Teder said thank you very much.

Mayor Mills said thank you.

There was no further discussion.

Ordinance No. 36-06 An Ordinance To Clarify The West Lafayette City Code Concerning The Payment Of Costs For Cases Adjudicated In City Court (Prepared by the City Attorney)

Mayor Mills said this is an ordinance to clarify the West Lafayette City Code concerning the payment of costs for cases adjudicated in City Court. Mr. Bauman.

Councilor Satterly said can you explain it to us?

City Attorney Bauman said this is basically what I was asked to by the City Judge, to make it clear that it's required by State law. There are various costs; this is a whole laundry list of them

that get paid different places on City Court fees, just as it would be a set of costs in Superior Court or whatever as well.

Councilor Satterly said is this just the underline is a change in the existing section?

City Attorney Bauman said yes.

Councilor Hunt said the underline doesn't have anything to do with the fees? Why is this underlined?

Councilor O'Callaghan said that's what's added.

City Attorney Bauman said that's the clarification concerning an issue in some noise ordinance cases, and I think Deputy Chief Walker can speak to that. And the other issue is dealt with by the last sentence here.

Mayor Mills said so the Judge has had concern in the past, that noise violation citations could not be written unless there was a complaint. And if the police were proactive in stopping at a house that had a really loud party that nobody had called in to, she would dismiss the ticket, because she didn't think that it was legally fair to fine them. So this takes care of that problem. So now she is comfortable with the idea that the police can stop, if they hear something happening, and write a ticket—

Councilor Hunt said so that's different than the fee, the dollar fee.

Mayor Mills said but it's in the same penalty language.

Councilor Hunt said I understand.

Mayor Mills said other questions?

Councilor O'Callaghan said just an editing thing. In that Section 10.06, the fifth line, is that "therefor" is that supposed to be two words, "there" and "for," or is it supposed to have an "e" on the end?

City Attorney Bauman said no, it's correct the way it is.

Councilor O'Callaghan said that is? That's the legal language?

City Attorney Bauman said yes. It's legal gobbledey-gook, but it's correct.

[overtalking]

Mayor Mills said anything else on this one? Other questions? Everyone comfortable?

There was no further discussion.

PRE-COUNCIL MINUTES, NOVEMBER 30, 2006, CONTINUED

Resolution No. 30-06 A Resolution Requesting The Transfer Of Funds (Engineering, Fire, Police Merit Commission, Development, CCD, Fire Pension) (Prepared by the Clerk-Treasurer)

Mayor Mills said you have sheets that have them all broken out for you. In Engineering, from Contract Services and Part Time Salaries to Gasoline, Telephone, Instruction, and Furniture. In the Fire Department, from Repair Services and Contracts to Tires and Memberships, Dues & Subscriptions. Police Merit Commission, from Legal Services to Salaries Full Time. In Development, from Repair Service to Tires & Tubes. In the Parks Department— We have an amended version of these three, actually. After Development, Motor Vehicle Highway, from Payroll to Other Equipment, \$7,500. In Parks in the CCD, from Repairs – Buildings & Structures to Contract Services. And then in Fire Pension, from Contracts to Travel. The department heads are here, if you have questions. Again, you all got an amended version of this, which included the MVH. That was not in there in the original packet.

Councilor Keen said Madam Mayor, I'd like to make a motion that we amend by substitution Resolution No. 30-06.

Mayor Mills said is there a second?

Councilor O'Callaghan said I second.

Mayor Mills said all right. Again, the change is the addition of the MVH transfer. All in favor of the amendment by substitution, please signify by saying "AYE."

The amendment of Resolution No. 30-06 by substitution passed by voice vote.

Mayor Mills said any questions on any of those transfers?

There was no further discussion.

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 5:20 p.m.

Respectfully submitted,

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