

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
MINUTES  
August 5, 2019

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at the Temporary City Hall – Former Happy Hollow Elementary School on August 5, 2019, at the hour of 6:30 p.m.

President Bunder called the meeting to order and presided.

The Pledge of Allegiance was recited.

Present: Peter Bunder, Nick DeBoer, Steve Dietrich, Jonathan Jones, Gerry Keen, Larry Leverenz, David Sanders, Gerald Thomas, and Norris Wang.

Absent: None

Also present: Mayor John Dennis, Corporation Counsel Eric Burns, Clerk Sana Booker, IT Director Brad Alexander, Street Commissioner Ben Anderson, Director of Development Erik Carlson, Facilities Director Tim Clark, Deputy Director of Development Erin Easter, Human Resources Director Diane Foster, City Controller Peter Gray, Police Chief Troy Harris, WWTU Director David Henderson, Parks Superintendent Kathy Lozano, Deputy Fire Chief Jeff Need, Assistant City Engineer Marcus Smith, and Building Commissioner Chad Spitznagle.

Councilor Bunder acknowledged that Controller Gray is in attendance this evening, despite being on vacation. In order to allow Controller Gray to return to his vacation, Councilor Bunder stated that Ordinance Nos. 21-19 and 22-19 will be discussed after the Financial Report.

### MINUTES

Councilor Keen moved for acceptance of the minutes of the June 27, 2019, Pre-Council Meeting, and the July 1, 2019, Common Council Meeting. Councilor DeBoer seconded the motion, and the motion passed by voice vote.

### REPORTS OF CITY DEPARTMENTS ON FILE IN THE CLERK'S OFFICE

There were no comments.

### REPORT OF THE APC REPRESENTATIVES

Councilor Leverenz stated that the Ordinance Committee will begin discussing solar energy farms and integrating climate change concerns beginning next Wednesday. There will also be a preview of the downtown west-side plan.

### PUBLIC RELATIONS:

#### Tactical Athlete Training Services – Councilor Leverenz

Councilor Leverenz reported that at the July 30, 2019, Board of Works meeting, the Board approved the Tactical Injury Care and Prevention Program for the City. Dr. Craig Voll brought the program to Councilor Leverenz's attention last March, as a free program. The program had already been kicking off in various cities around the Country.

Dr. Craig Voll, Manager, Sports Medicine at Franciscan Health, expressed his excitement to work with the City of West Lafayette on the Tactical Athletic Care Clinic. The program is free because

we are partnering with Indiana State University, who have provided a grant that covers the expenses associated with two athletic trainers that we will be embedding with West Lafayette Police, Fire, and TEAS (Tippecanoe Emergency Ambulance Service). He explained that a tactical athlete is anyone in police, fire, and EMS (Emergency Medical Services). These types of occupations are five times more likely to suffer a work related injury because of the work they do. When there is a tactical athlete who is injured and unable to work, mandatory overtime is then required for others who work within these departments. The program is aimed to hit three points. The first point is prevention, which allows screening and testing tools. A vast majority of injuries deal with shoulders and backs. Trainers will focus on these areas to be able to identify the weak spots that an individual may have, and then be able to give them strengthening exercises to address those weaknesses and prevent injury. Next, if there is an orthopedic injury we will be able to utilize the skills that athletic trainers work with in division one colleges and high schools. When injuries are addressed early on with particular exercises, the substantial amount of time-lost is reduced. The final point is the overall health and well-being with a holistic approach. The two athletic trainers who will be embedded are Justin Young and Kim White. Dr. Voll concluded by stating that this program has been used in large metropolitan areas, but never in a city this size. This is an amazing opportunity, and we are extremely excited to kick things off!

Mayoral Appointments with Council Consent: Father Patrick Baikauskas and Beth Bangs – Human Relations Commission

Mayor Dennis requested Council approval to appoint Father Patrick Baikauskas and Beth Bangs to the Human Relations Commission.

The Council approved the appointments by voice vote.

FINANCIAL REPORT

City Controller Gray stated that we are seven months through the year, which is 58%. The overall budget is at 57%, including all encumbrances.

NEW BUSINESS:

Ordinance No. 21-19 An Ordinance Providing For Temporary Loans (Motor Vehicle Highway to General Fund) (Submitted by Controller)

Councilor Keen read Ordinance No. 21-19 by title only.

Councilor Keen moved for passage of Ordinance No. 21-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray explained that this is the usual temporary loan we need in the second half of the year to cover the cash balances from the General Fund to the Motor Vehicle Highway (MVH) Fund, in the amount of \$2 million.

There was no further discussion.

Clerk Booker called the roll call vote:

<b><u>Councilperson</u></b>	<b><u>Vote</u></b>
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye

COMMON COUNCIL MEETING MINUTES, AUGUST 5, 2019, CONTINUED

<b>Councilperson</b>	<b>Vote</b>
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 21-19 passed on first reading.

Ordinance No. 22-19 An Ordinance Setting The 2020 City Budget And Setting The 2020 Tax Levy On Property And Tax Rate (Submitted by Controller) **PUBLIC HEARING**

Councilor Keen read Ordinance No. 22-19 by title only.

Councilor Keen moved for passage of Ordinance No. 22-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray stated that this is the budget that is being put forth for the year 2020. He noted that this evening will also entail a public hearing. The Wellness Center is projected to be coming online at the end of next year or beginning of the following year. The project will be a game changer for our budget and funding. That information has been taken out of this budget, and we will do an additional appropriation later on in the year when more of the estimated revenues and expenses are in line. This budget is more of a status quo from 2019 to 2020. Controller Gray moved on to state that there has been some shifting within the MVH Fund. A few years ago the State put a restriction on 50% of the funds that we receive to ensure that the funds go towards construction or reconstruction preservation for the roads. The State Board of Accounts (SBOA) has split the funds into two separate funds, which will allow us to easily track. However, the Department of Local Government Funds (DLGF) will still consider it as one. We have combined the funds within our budget to remain as one MVH Fund. Both agencies understand our decision and we are all on the same page. The General Liability and Workman's Compensation was switched to a different carrier at the beginning of 2019, where we received a significant cost savings. Even with the estimated 10% increase, we were able to keep this year's budget in line with the budget next year. Subsequent to meetings that have taken place, it appears that we will come in much less than 10% for the year. Continuing the discussion, Controller Gray stated that we have an extra pay period to be accounted for in the upcoming year. In the past when we have had an additional pay period, the funds have been split to be paid from a different fund. Getting into the budget itself, the Department Heads have done a great job at keeping all operating expenses flat for the year. The main increase for the upcoming year will be in the Personnel Fund, and will allow a 2% cost-of-living increase. The personal insurance will have an estimated 10% increase too. All information is reflected in the budget, and was published on Gateway. Controller Gray then reported that the grand total of funds are \$25,824,054.00. Within the grand total, we are estimating that our tax cap will be \$1,561,100.00, which is all predicated on the assess value.

Councilor Bunder asked if the extra pay period explains why some of the percentages are larger, to which Controller Gray confirmed. The Cumulative Capital Development (CCD) Fund and Economic Development Income Tax (EDIT) Fund both reflect the higher percentage for the extra pay period.

Councilor Keen moved to open a public hearing on Ordinance No. 22-19. The motion was seconded by Councilor DeBoer, and the motion was passed by voice vote.

COMMON COUNCIL MEETING MINUTES, AUGUST 5, 2019, CONTINUED

Councilor Bunder said, "Then the West Lafayette City Council is in a public hearing on Ordinance No. 22-19. Who from the audience would like to speak?"

Zachary Baiel (124 Connolly Street) said, "Good evening everyone! Just a few questions and items, in regards to the budget. When I had sent an email earlier to the Council in trying to do some comparisons to the three-year summary information that was attached to the agenda, in comparison to the former one, information on Indiana Gateway for 2019 – It looked like there was some discrepancies between some of that, so I know I sent that to Peter [Gray] and we are going to talk about that after his vacation. But I also know it went to the Mayor and Council. I do not know if you have had a chance to look at that, but I would encourage you to do so. Then also just a question for the Council too, being the fiscal body, I do not know if I made it to every Budget Work Session – I am curious – What comparisons, if any, were made from the Department Head line item budget – specific numbers and what changed in their impressions from there? Because I know that is the negotiation period from the fiscal body for that. Then just a note as well, really had to – from a citizen's side, advocate in order to get some of that line item information since only the high level budget numbers were only available at the Budget Work Session that happened on July 9<sup>th</sup>. It took nearly three weeks to get that line item information, so I will just get it in the record that it is very difficult to have an informed, intelligent, and genuine conversation with our elected and appointed officials without some detailed information regarding the budget. Thank you!"

Council Bunder said, "Thank you very much! Further citizen's comments on Ordinance No. 22-19?"

Councilor Keen moved to close a public hearing on Ordinance No. 22-19. The motion was seconded by Councilor DeBoer and the motion was passed by voice vote.

There was no further discussion.

Clerk Booker called the roll call vote:

<b>Councilperson</b>	<b>Vote</b>
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 22-19 passed on first reading.

**LEGAL REPORT**

This report is on file.

SPECIAL REPORTS:

Joint Board Report

Councilor DeBoer stated that the Board is currently working on closing out and paying one of the bills for State Street. The project is essentially wrapping up at this point in time, and the final payments are being made. One concern that was brought up dealt with the sidewalks along State Street, since one of them had been taken out shortly after it was installed. It was questioned on when the developer would be reconstructing the sidewalks. Currently, the goal is to have them reconstructed before school starts in 2.5 weeks. Also during the meeting, the Board approved moving money around, as well as made some inquiries about the last items on State Street Project.

Councilor Bunder asked what the Joint Board does after all of the bills have been completed, to which Councilor DeBoer acknowledged this great question. The Joint Board is a check-point agency for a variety of construction projects. He assumed that some of the projects that will be taking place where Purdue Village used to be, will come before the body. Any construction that will be taking place in that area will be reviewed and commented on by the Board. However, the body will have no legal effect on the issues.

Councilor Dietrich asked if the Joint Board has the same review as other projects in the City, to which Corporation Counsel Burns responded that there is an area that is not entirely the property of the City of West Lafayette.

Councilor Bunder added that he received an email from City staff that we will be paying the bills for the next 21 years.

UNFINISHED BUSINESS:

Ordinance No. 13-19 (Amended) An Ordinance Protecting Bicycle Riders (Submitted by the Engineering Department)

Councilor Keen read Ordinance No. 13-19 (Amended) by title only.

Councilor Keen moved for passage of Ordinance No. 13-19 (Amended) on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Assistant City Engineer Smith stated that this is the same document that was before the body last month. In response to a question about why we were addressing this issues to being with, there will be several citizens who will be speaking to the ordinance and giving their opinions on it this evening. From an engineering standpoint, as we continue to educate the public on safe bicycling in our community, it will be extremely beneficial for us to illustrate the laws within this piece of legislation.

Dr. Carl Griffin (421 Robinson Street), stated that he has been the Mayor's appointee for the Area Plan Commission (APC) for a number of years. The APC deals with transportation issues within the community, as well as economic development issues. He noted that his main purpose this evening is to advocate for the changes listed within the proposed ordinance. Anything that we do to support and make more favorable for bicycling in our community is an economic development tool.

Andrew Hirsch (625 Crestview Place), echoed Dr. Griffin's aforementioned points. This ordinance is a step in the right direction. He questioned Mr. Smith's comment about educating the public driving and cycling for the ordinance. The general public is not aware what the Indiana law states regards cyclists.

COMMON COUNCIL MEETING MINUTES, AUGUST 5, 2019, CONTINUED

Stewart Frescas (421 Brown Street), informed the body that he rides his bicycle back and forth to West Lafayette daily, and has been a cyclist in the town for 45 years. In addition, he noted that he is a member of the West Lafayette Bicycle Pedestrian Committee. Ordinances such as these are extremely important because they establish the rules of engagement for drivers and cyclists. Often, the responsibilities for pedestrians are left out of the mix when the responsibilities for drivers and pedestrians are discussed. We had an abject lesson during the scooter controversy.

Tom Gall (214 Woods Edge Court), stated that along with other things within the legislation, are the protections provided to cyclists in crosswalks. Currently a cyclist is not protected when they are traveling through an intersection.

Mr. Baiel acknowledged that he supports the spirit of the ordinance. However, he cannot be in favor of the current language. He recommended that the item be tabled until education issues and other details have been addressed within the current language. He requested an update of the APC Crash Analysis Report from 2007-2012. This ordinance, which is a discouragement against taking the lane, is feared to have the continued crashes related to vehicles running into bicycles making a right-hand turn. The report indicated that the highest number of crashes occurred at intersections. He further discussed that 1/3 of those crashes occurred with cyclists who were riding on the sidewalk, and another 1/3 of those crashes occurred with cyclists who were riding against traffic. He emphasized the importance of educational components within the language. Now we are proposing more language be passed, which may or may not be enforced to people who are not educated on the components. Therefore, the problems will continue to exist. We have the parking ban happening, but to his knowledge no communication has been given to the people who will be impacted by it. There has been courtesy given to Purdue home football and basketball games, but there is nothing for the West Lafayette Junior/Senior High School activities. He expressed concern about various language definitions within the ordinance, which have no educational components. He questioned if the City was only adopting these measures to get a good rating from the League of American Bicyclists.

Mayor Dennis expressed his appreciation to everyone who worked on the proposed ordinance. Assistant City Engineer Smith worked extremely hard on getting this ordinance to the Council, which was not an easy task. Mr. Smith has a sincere sentiment and cares deeply about our bicycle population, as he is also a cyclist.

Talin Lindsay (1100 Hillcrest Road), informed the body that she is an active cyclist. Several years ago, the body adopted a law that stated all cars must be within three feet of cyclists. The adopted law was broadcasted by numerous media coverages. The day after the ordinance was put into effect, Ms. Lindsay was pleased to see that nobody was trying to run her off of the road when she was cycling. We need to use our media outlooks to actively participate in the education issues.

Councilor Sanders noted his agreeance in the important values of educational components for this piece of legislation. He discussed how Professor Hirsh and he are working on an educational component for Purdue University, which will also be consulted on by the Purdue Police Department. The idea that they are working on could be applicable and easily used by the City for educational purposes too.

There was no further discussion.

Clerk Booker called the roll call vote:

<u>Councilperson</u>	<u>Vote</u>
Bunder	Aye



COMMON COUNCIL MEETING MINUTES, AUGUST 5, 2019, CONTINUED

<b>Councilperson</b>	<b>Vote</b>
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 13-19 (Amended) passed on second and final reading.

**NEW BUSINESS:** (Continued)

Ordinance No. 17-19 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (Z-2760 Westminster Village West Lafayette, Inc.) (Westminster Village Cottages PD) (PDRS to PDMX) (Submitted by Area Plan Commission)

Councilor Keen read Ordinance No. 17-19 by title only.

Councilor Keen moved for passage of Ordinance No. 16-19 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Chris Shelman (Gutwein Law), representing the petitioner, reported how excited Westminster Village is to announce the redevelopment of their campus in West Lafayette. There is a quirk in the zoning law that was created for new hospitals when they moved from Lafayette to the outskirts of town. The medical related zoning removed single family homes from the permitted use table. Westminster Villages has several cottages for seniors in our community. That created the current redevelopment of the on-site cottages. Westminster is looking forward to tearing down the existing cottages and a portion of the facility, which will then allow them to build new modern cottages. He noted how they have worked with City staff to be able to create a flexible path forward, so they are able to work within the framework to continue to serve the surrounding community. This piece of legislation will permit the redevelopment of the cottages, as well as all future flexibility that may include partnerships for other compatible uses within the general omission. Mr. Shelmon explained that this ordinance, along with the following one, are essentially one overall request that is broken up into two parts. The initial request is taking the area that is currently covered by cottages, and putting that into one planned development. That planned development has a specific set of regulations. This will also allow for the development and redevelopment for senior care and ancillary related uses. The other rezone request cleans up the first ordinance, and extends the current MR zoning, which includes the non-single family residential and other hospital care related facilities. Together the two ordinances create a path forward for Westminster to continue to serve the West Lafayette community for future generations.

Ann Hunt (932 Westminster Circle), stated that the independent living at Westminster consists of the apartments, hybrids, and cottages. The cottages are now aging. She noted that she currently lives in the hybrids, which are nice, independent, and more economical. People living in the hybrids are not required to purchase a meal plan like the apartments do. Many seniors prefer to

live in the hybrids or cottages. She emphasized and discussed how wonderful it is to live at Westminster.

Councilor Sanders asked if the number of units will be increased, to which Mr. Shelmon responded that initially we are increasing the number of cottages by two in the old portion of the section. Currently there are two planned developments that exists. One of which was one of the first planned developments in Tippecanoe County, and the other was more recent. The initial redevelopment will be for the oldest portion, and will increase the number of cottages for a total of 29 in the new format.

Councilor Sanders asked how much space will be in-between the cottages, to which Mr. Shelmon responded that there will be eight feet in between the structures, fifteen feet from the rear, and twenty-five feet from the road.

Councilor Wang asked what the occupancy rate is for the units, to which Mr. Shelmon responded that they are at 100% and also have a waiting list.

Mr. Shelmon confirmed for Councilor Leverenz that there is no plan to open a driveway on Manchester Street, and there is a no-vehicular access covenant along Manchester Street.

In response to a question asked by Councilor Dietrich, Mr. Shelmon confirmed that there will not be an additional access to Salisbury Street. There will be a minor shift in the way the traffic flows in from the current entrance, but it will be the same.

There was no further discussion.

Clerk Booker called the roll call vote:

<b>Councilperson</b>	<b>Vote</b>
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 17-19 passed on first and only reading.

Ordinance No. 18-19 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (Z-2767 Westminster Village West Lafayette, Inc.) (PDRS to MR) (Submitted by Area Plan Commission)

Councilor Keen read Ordinance No. 18-19 by title only.

Councilor Keen moved for passage of Ordinance No. 18-19 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.



COMMON COUNCIL MEETING MINUTES, AUGUST 5, 2019, CONTINUED

Mr. Shelmon reported that this piece of legislation is the second part that was discussed with Ordinance No. 17-19, and cleans everything up. He noted that both rezone requests received unanimous approval from APC.

There was no further discussion.

Clerk Booker called the roll call vote:

<b>Councilperson</b>	<b>Vote</b>
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 18-19 passed on first and only reading.

Ordinance No. 19-19 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (Z-2766 Purdue Research Foundation) (Provenance PD) (R3W to PDMX) (Submitted by Area Plan Commission)

Councilor Keen read Ordinance No. 19-19 by title only.

Councilor Keen moved for passage of Ordinance No. 19-19 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Joe Bumbleburg (Ball Eggleston PC), representing the petitioner, stated that Provenance is an interesting planned development in a sense that it is significantly larger than others. The project is for the development of 90 acres, with multiple phases and lots that will have mixed uses. There will be an estimated 550 residential units that will be either single-family or multi-family. There will be 90,000 square feet of non-residential use, and will include the daycare that was approved by the Board of Zoning Appeals. The project will be completed in eight phases. The phases have been outlined by both a map and description within the staff report from APC. In addition to building the residences and commercial uses, there will be a tree-saving program for the significant amount of trees in the middle of the property. As the buildings come on board, there will be a design manual that is based on the overlay system that was recently put into the zoning ordinance. The manual will include the design and architectural standards that will be subject to negotiation. Mr. Bumbleburg noted that City representatives have been fully involved during this entire process. The recommendations from the APC are standard and acceptable.

Councilor DeBoer expressed his excitement to be able to see homes south of State Street. It has been a long time coming to have town houses and single-family homes in that area. One of the major intentions for the State Street investment was to see this area revitalized to attract young

professionals and families. He concluded by noting his appreciation to everyone who has invested in this plan and worked on this project for the last five years.

Mayor Dennis stated that when these conversations first began, we were trying to figure out a different product for that particular area of the City. Purdue has been extremely cooperative in helping to determine what that product would be. Looking at the residential component for where normally the anticipation and expectation is either light industry or some other form of business is relatively unique. When we talk about the State Street Project or the development that we are in the process of having, it is encouraging to realize that there is more to offer than just business. Providing quality housing for students, professors, and families is critically important.

In response to a question asked by Mayor Dennis, Mr. Bumbleburg stated that the requirement between houses is six feet, but could be adjusted if needed. Mayor Dennis noted that after the recent fires in the Township, we want to ensure that there is an applicable amount of distance between building structures to avoid the same situation.

Councilor Dietrich asked which entity would have the primary fire response for this area, to which Mayor Dennis responded that it would be a joint response between both the West Lafayette Fire Department and the Purdue Fire Department. It was discussed that both fire departments now use the same size equipment, which enables both departments to respond.

Councilor Sanders asked who would be anticipated to live in the development, to which Justin Moffett (Old Town Design Group) responded that their charge was to help construct a plan for a community that would help talent retention and attraction activities through the Discovery Park. This is a function of serving Purdue Research Foundation's (PRF) mission to attract business to the Discover Park.

Councilor Thomas stated that the area is not only for people who will be working at Purdue. He discussed a conversation that he recently had with an executive who previously worked at Eaton. He is excited to be able to come back West Lafayette to live after hearing about this project.

Councilor Bunder brought up how the project has many phases. He questioned what would happen if a new University President would come in and change those phases. He requested further discussion about the process of the phases if they would change. Mr. Moffett responded that his company has signed a ten year agreement with PRF to develop the property in the phases. The market will drive when the phases come online. They have sensed a lot of demand for existing community stakeholders, people who work within the University system, and new potential businesses that may be attracted. However, there may be some concern that there may not be enough housing within the development for the substantial amount of interest received. Ultimately, the understanding for the local zoning process is that whatever is adopted within the ordinance sticks. It will be up to the local planning staff to arbitrate any changes in partnership with the APC.

Council Bunder asked who arbitrates changes in the layout of the property while the phases move forward, to which Councilor Keen responded the Administrative Officer (AO). Building Commissioner Spitznagle added that typically the City Engineer is the AO. He further explained that when Mr. Dave Buck left the City, he stepped up to fill in as the current AO.

Councilor Leverenz stated that one of the things that came up at APC was an explanation of who owns the land if a house is bought on the property. Mr. Moffett explained that their agreement with PRF is that the land will be deeded to property owners, and will not be a ground lease. Lots will be sold to homebuyers. There are some components allowed within the ordinance for multi-

family use, an area for civic use, and the possibility of a future school. Those uses would be led by PRF.

Councilor Dietrich asked when information would be available about purchasing residential area on the property, to which Mr. Moffett responded that if they are successful in receiving approval they will begin marketing the new development this fall. The goal would be to have site construction substantially complete by the end of spring. This would allow the first home construction to begin, with completion by the end of 2020.

There was no further discussion.

Clerk Booker called the roll call vote:

<b><u>Councilperson</u></b>	<b><u>Vote</u></b>
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 19-19 passed on first and only reading.

Ordinance No. 20-19 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (Z-2770 Balfour Beatty Campus Solutions – Dan Savoia) (Aspire PD) (PDMX to PDMX) (Amending West Lafayette Ord. No. 29-17) (Submitted by Area Plan Commission)

Councilor Keen read Ordinance No. 20-19 by title only.

Councilor Keen moved for passage of Ordinance No. 20-19 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Mr. Bumbleburg noted that Ordinance No. 20-19 is an example of how complicated a simple one-line change can be for a planned development that has already been approved. An issue was brought up regarding displaced guests from the Purdue Union construction. The APC has required one line be added to the use table that will allow transient guest facilities. Everything else about the ordinance is unchanged.

Councilor Wang asked if the sentence that was added for the Purdue Union construction will expire or remain after the remodeling is complete, to which Dan Savoia (Union, Kentucky) responded that the plan is to use the facility for the duration of renovations. However, if there is situation that arises in the future, it will be good to preserve that use if it's needed.

Councilor Wang questioned if by keeping the language it would it would mean that we have the option to change the business structure or continue to be a transient housing facility. Mr. Savoia responded that normally the procedure would not have that type of use. He explained that the

normal procedure would consist of using it as a regular apartment that would be rented on a one-year lease. However, given the dynamics of the market, we would like to preserve that opportunity in the future in case a situation arises where we may want to consider doing it.

Councilor Wang asked how many rooms that would result in, to which Director Carlson responded that this project is capped at 50 units for the planned development. There is a difference in code between transient housing and a hotel. If this had been built as a buy-right development in the City, they would already have this ability to utilize the rooms in this way by virtue of the ordinance a few years back where we turned down a County ordinance to regulate transient rooms that was aimed for Airbnb. When that occurred, if there was an R3 housing development in the City of West Lafayette they would have the opportunity to do this sort of thing. Since it was not prescribed in the original planned development, they are asking for the 50 rooms that will allow it.

Mr. Bumbleburg added that the renting is for a short period of time and will be for less than thirty days.

Councilor Wang asked if it would be more like a hotel, to which Director Carlson responded it would be similar, but it is more like the Airbnb style model. It will not be a physical hotel.

Mr. Savoia clarified that this is for one floor, which will be isolated with controlled access and in one building.

Councilor Dietrich brought up his concerns for bringing in 50 transient housing members and the necessary parking. He asked for further details on the complete framework of the parking and rate per beds for parking. Mr. Savoia explained that there is a newly constructed parking lot directly behind the facility that PRF has constructed. The whole initiative is a collaboration with PRF, and they have carved out the fifty spots in the parking lot.

Bruce Michael (Purdue Research Foundation), explained that they are developing a temporary 400 space parking lot, which will serve the retail for Aspire as well as Convergence. The timing has worked out extremely well. The intent is only for this academic year, while the Union is off-line. Within the next couple of years, it will be an estimated 1,000 space parking garage.

Councilor DeBoer asked who will be renting out the rooms, to which Mr. Michael responded that they are working with President Daniel's alumni. We are losing 200 keys in the Union Club. We want to be sure that we can still serve those valuable alumni, who want to return for football games. We are pre-reserving some of the rooms for them for key weekends. Then it will be listed on an apartment website that is similar to Airbnb.

Councilor DeBoer then asked if Mr. Michael's company would then rent the rooms out if they decided they wanted to get into the transient rental business, to which Mr. Savoia responded that the intent is that after this initial year we will not have to deal with a transient rental situation. However, everyone can see what is going on in the market place. There is a lot of student housing. In the event that there is a shortfall in the number of beds at some point, we will need to utilize the leasing opportunity at that time, This would be similar to an Airbnb.

Councilor Bunder noted that an Airbnb makes our constituents nervous. The residential communities that are represented question the usefulness of Airbnbs in West Lafayette. The notion that we might be creating a permanent Airbnb is unsettling, and leaves people with questions. He questioned if the City will inspect these circumstances, to which Building Commissioner Spitznagle responded that it would be in the Rental Housing Inspection Program, and then would fall into the 4-year renewal certificate.

COMMON COUNCIL MEETING MINUTES, AUGUST 5, 2019, CONTINUED

Councilor Dietrich questioned if the project would qualify for the hotel and innkeepers tax, to which Director Carlson responded that would be question for the State legislators.

Councilor Dietrich asked if what is being created by this ordinance would qualify with the existing State statute, to which Director Carlson responded that from his understanding these type of units are not part of the innskeeper tax.

Councilor Dietrich asked if that is why he is careful to say it is not a hotel, to which Director Carlson responded no. The reason he stated that it is the way it is recognized under County ordinance.

Councilor Dietrich stated that he has heard the discussion about 50 units with 50 parking spaces. However, after reviewing the ordinance, he does not see those restrictions within the ordinance. Mr. Bumbleburg responded that the information is documented in the planned development and not within the staff report. He added that anyone who makes a complaint to the APC has the authority to see if we are compliant.

Mr. Savoia stated that in the preliminary plans, one floor in the building has been marked up as the units that we are wanting to identify for the use.

Thomas Kesler (479 Maple Street) stated that he finds Airbnb scary. He is unclear on the term transient housing, and requested the definition. He questioned if there is a wider perspective that we need to understand about transient housing, who is eligible to use it, and hwo would make decisions about it.

Patrick Hagmaier (375 Brown Street, and owner of The Pint,111 South River Road), stated that he had a couple clarification questions that he wanted to get on the record. He questioned how Airbnb would be affected local tax wise, who takes in that money, and how it would affect where the money goes yearly. He questioned if the City or County would see that money. He does not see why there should not be a sunset on this, unless we built the building in error and now we realize we built too many beds. Additionally, it is interesting that we are blocking off 50 spaces in the parking lot, but it was not a use that brought up at the Redevelopment Commission meeting during the approval process.

There was no further discussion.

Clerk Booker called the roll call vote:

<b><u>Councilperson</u></b>	<b><u>Vote</u></b>
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Nay
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 8 AYES and 1 NAYS.

President Bunder announced that Ordinance No. 20-19 passed on first and only reading.

Ordinance No. 23-19 An Ordinance Amending The Solid Waste Ordinance To Provide For Roll-Off Dumpster Rental (Submitted by Mayor John Dennis)

Councilor Keen read Ordinance No. 23-19 by title only.

Councilor Keen moved for passage of Ordinance No. 23-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Street Commissioner Anderson explained that the Department is looking to add an improvement to the current offering of service by beginning a dumpster rental program. He explained that citizens would have the opportunity to rent roll-off dumpsters, with a one-time delivery and pick-up fee of \$150.00. The chart below shows the various sizes and rental prices:

Roll-off Dumpster Size	Price
10-yard	\$250.00
20-yard	\$300.00
30-yard	\$350.00

Councilor DeBoer asked who the target market would be for this rental program, to which Mr. Anderson responded that there are estate cleaners, landlords, and rental property managements that would benefit from this program. We have always provided the move-in and move-out dumpsters. A big portion of this program is to provide the most cost-effective service that we are able to provide.

Councilor DeBoer provided a scenario of someone who is in an apartment and they are trying to move out, and they would call the Street Department about renting a roll-off dumpster. Where would we deliver that dumpster? Would we call the landlord? Is there a mechanism to dictate where the dumpster should be placed? Mr. Anderson responded that we would figure all of that out during the particular situation. He reminded the body that the rental is for up to seven days. Citizens have to pay for the dumpsters upfront, therefore they will be motivated to fill the dumpsters up before their neighbors get a chance to. The program is something that has been needed for quite some time, and the opportunity presented itself when the dumpsters from the recycling center through the County were no longer in use.

In response to a question asked by Council DeBoer, Mr. Anderson confirmed that the Department will be the ones to will place the dumpsters accordingly.

Councilor Leverenz asked if a business was able to rent a dumpster, to which Mr. Anderson responded yes.

Councilor Wang asked for confirmation that that program is for private and commercial use, to which Corporation Counsel Burns confirmed. Mr. Burns noted that there should be further discussion about the options for commercial use.

Councilor Dietrich brought up that Mr. Anderson stated that this gives the homeowner or renter an option. He questioned if this is truly an option or if it will be mandated. He expressed his confusion on whether or not the Street Department will still continue to pick-up the messes even if the dumpsters are not rented. Mr. Anderson stated that there are a lot of unknowns in the recycling world right now. There is no greater time than now to recycle. We need to continue to step-up our game on how we do things. When we look at our \$16.00 per month, in 2013 a lot of people wanted to pay as you throw. It was a big controversy at that time. There are a lot of cities and municipalities have gone to maximums. For the safety of our employees, we would like to



eventually get to the point where we are not picking up sofas and other large items as regular trash. The end goal would be to only have one or two bulk items a month, but not routinely.

Councilor Dietrich asked if we have thought about selling advertising on the dumpsters, to which Mr. Anderson responded he is open to all things.

Councilor Sanders stated that the language does not say anything about the use within the City of West Lafayette, to which Corporation Counsel responded that the limitation is practical and legal because this would only apply to locations that are within our normal wastewater area.

Councilor Dietrich brought up that one thing to consider for commercial use is that we would have to pay to get rid of the trash. It would be an expense that we would be stepping outside of what we normally do. We would get the money for the rental of the bin, but then would need to pay to get rid of the contents within the bin. Mr. Anderson responded that one option maybe is if someone is a trash tenant they have one fee, but if they are not a trash tenant they have a different fee. If there is a commercial business that does not currently receive trash service from the City, the fee would be based accordingly.

Mr. Kesler applauded the Street Department for the proposed ordinance. However, he is reminded that when we were meeting in the old City Hall, which had mold, there was discussion about a graduated fee for picking up trash. He had made a comment that he would like to see businesses, who are renting houses, take on the cost for disposal of the trash from rental properties. Those graduated fees were noted back then to be difficult to administer. He questioned how this would work for occupants that move out of the community after moving out of properties in West Lafayette. He further discussed the various large items he has seen left behind after tenants have moved away, which the City has then been responsible for hauling away over the years.

Laurel Kesler (479 Maple Street), stated that there are bins throughout the county that are clearly labeled and distributed throughout the County. She does not see any way to control who distributed trash into them. Ms. Kesler further expressed her concern about the different fees and other residents abusing the terms for residents around the neighborhoods.

There was no further discussion.

Clerk Booker called the roll call vote:

<b>Councilperson</b>	<b>Vote</b>
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 23-19 passed on first reading.

REPORT BY THE MAYOR

There was no report.

COMMUNICATIONS

► Councilor Leverenz expressed his appreciation to Director Foster for putting together the Tactical Athlete Program and making it possible.

► Councilor Wang, noting that the scooters are back in the City, questioned Director Carlson on if the companies are setting up any required educational seminars. Councilor DeBoer, jumping into the discussion, questioned how many seminars have been authorized. Director Carlson responded that the City has authorized a total of 300 scooters, which will be divided to 150 scooters between two entities. We are expecting Gotcha to roll-out their scooters, and Spin has been in the community for approximately one month. There have been no complaints thus far. There will be an interest in expanding the capacity in the near future after the students are back on campus. As far as the education component, we are expecting that it will be a part of the freshman orientation and Boiler Bridge Bash events.

Councilor DeBoer noted that a friend of his today had a scooter in Lafayette. He was able to bring up the map, which clearly showed where you cannot park a scooter in West Lafayette.

Director Carlson further explained that the red on the map illustrates where parking is not allowed. If you zoom in on the map it will show the available parking spaces. What we have seen in the last few weeks, since Spin has rolled out, is a night and day from other communities. People who have been utilizing the scooters since they have come back have been doing so in a responsible manner on both sides of the river. Lafayette does not have the designated spots like we do, but they tend to be parked extremely orderly.

Councilor DeBoer expressed his opinion on how he thought this was a good way to control the volume between the two cities. Director Carlson further explained that this will be the balance we will be working on after the fall semester begins. Lafayette wants to make sure that they have scooters available there, and in order to do that we are going to have to expand our capacity. We will then have to expand identified parking spaces.

► Councilor Dietrich asked if there was comment on the blooming influx on robots, to which Director Carlson responded not at this time. There has been some conversation, and there will be some continued conversation in the coming weeks. The Mayor may have some things to discuss if the issues moves forward at that point.

In response to a question asked by Councilor Dietrich, Director Carlson confirmed that there is no deal for food delivery robots at this point.

► Councilor Dietrich recognized former Councilor Ann Hunt, who is in attendance this evening. As Director Clark mentioned at Pre-Council, various employees of the City participated in a vintage baseball game that benefited Prophetstown. Unfortunately, Director Clark had to leave early, but wanted to make sure that he received the game ball. Councilor Dietrich then presented the game ball to Director Clark.

► Councilor Sanders commended the City Council and Mayor Dennis for their foresight in the last year in urging our State legislature to have a serious conversation about gun violence in the State. We have proceeded from minority vote suppression to murder of minorities, in order to prevent them from voting. He expressed his concern that it was a predictable result. It is important to condemn that sort of interference in the rights of our citizens of all ethnicities.

### CITIZEN COMMENTS

► Mr. Baiel stated that since we are reminiscing about the pay as you throw, the City Council did approve that tiered ordinance in 2013. Mayor Dennis vetoed the ordinance in an updated version after that one. He then questioned where the data was for the scooters, which was a key component for the ordinance. The influx of robots is something he is eager to learn about in the near future. The Boiler Bridge Bash will on August 15<sup>th</sup> at 6:30 p.m. The New Chauncey Labor Day picnic will be on September 2<sup>nd</sup> at Lincoln Park, and more details will be online soon. The first meeting for the Accessibility Coalition of Tippecanoe County (ACT) met on July 30<sup>th</sup> in the County Building. ACT is working on sticker program for local businesses that will be accessible and help promote them. The Tippecanoe County Election Board decided on July 25<sup>th</sup> to no longer accept the current Purdue IDs as valid IDs for voting. Now students will be forced to either purchase a new ID from Purdue for \$10.00, obtain an Indiana State issued ID, or forgo voting in the upcoming election. It is encouraging to hear that Councilor Sanders and Professor Hirsh are working on a bicycling educational program around Purdue. Mr. Baiel noted that he attended the RDC meeting on July 31<sup>st</sup>, and was shocked to learn that Garmong Construction would not sign their guaranteed maximum price documents. That was not an original narrative that was let out to the public. He noted his agreeance with the criticisms regarding the transient housing components. Open data, access to data, and public data appears to be a consistent road block when trying to learn what is actually going on in the West Lafayette government. Public records requests are being delayed and seem to get the run around on different releases. He further encouraged the Council to explore more to participatory budgeting, and actually allowing the public to have the data and tools they need to understand, develop, and advocate for a budget. He concluded by stating that over half of the crashes with bicycles were at a right-angle at an intersection when a motorist did not yield when turning.

► Mr. Kesler explained that last month he supported educating bicyclists with the new codes. Tonight he questions how many vehicle drivers understand what is in the Indiana Motor Vehicle Handbook. Robocalls are a real pain in his household. Recently he recharged his flip-phone with a new phone number. Within days someone found it and wanted to talk to him about car payments, even though he does not have car payments. This afternoon he was in the alley picking trash up. He discussed a property that needs to be addressed while on a hike in an alley north of Stadium Avenue. Code enforcement was also in the area knocking on doors when he was in the area. Changing subjects, Mr. Kesler saw on the news a conference on supersonic weapons. Researchers were gathered to plan how they will approach the Federal Government on supersonic weapons. Civics literacy at Purdue is still being batted around. He noted that universities should be involved, and there are ways for students to educate themselves.

► Mr. Hagmaier stated that all information concerning Garmong Construction's exit from their agreement was covered at the Special RDC meeting as matter of public record and can be found.

### ADJOURNMENT

There being no further business at this time, Councilor DeBoer moved for adjournment, and President Bunder adjourned the meeting the time being 8:21 p.m.