

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
JUNE 4, 2018

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on June 4, 2018, 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 (arrived at 6:33 p.m.), Steve Dietrich, Jonathan Jones, Gerry Keen, Larry Leverenz, Gerald Thomas, and Norris Wang.

Absent: David Sanders

Also present: Mayor John Dennis, Corporation Counsel Eric Burns, Clerk Sana Booker, Interim Parks Superintendent Pennie Ainsworth, Street Commissioner Ben Anderson, Director of Development Erik Carlson, Facilities Director Tim Clark, Police Chief Jason Dombkowski, Human Resources Director Diane Foster, City Engineer Ed Garrison, City Controller Peter Gray, Fire Chief Tim Heath, WWTU Director David Henderson, Network Administrator Jordan Hockema, and Building Commissioner Chad Spitznagle.

MINUTES

Councilor Keen moved for acceptance of the minutes of the May 3, 2018, Pre-Council Meeting, and the May 7, 2018, Common Council Meeting. Councilor Leverenz 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 agenda is not out yet.

PUBLIC RELATIONS:

Presentation: Neighborhood Vitality Update – Development

Director of Development Carlson introduced Bryce Patz, Neighborhood Vitality (Department of Development), whose position was created at the beginning of last year. Mr. Patz has done a great job of building the program, and working on research to see how neighborhood vitality can and should work in the City. His position, which has a juxtaposition to be beneficial, allows him to be in the neighborhoods with his positions of Greenspace Administrator and Urban Forester as he is working on the street drives. Director Carlson discussed how Mr. Patz will be putting in a request to ask this body to help us connect with the people that connect with each of us. Everyone's assistance will be appreciated as a Neighborhood Empowerment Action Team begins.

Bryce Patz, Neighborhood Vitality (Department of Development), explained that when his journey first began with the City he was in charge of figuring out what neighborhood vitality meant for West Lafayette. After conducting research, it made sense for Urban Forestry and Neighborhood Vitality to go together, since there are many benefits from street trees, including giving growth

and life to our neighborhoods. Mr. Patz is already in the neighborhoods with a noticeable truck, which allows residents to feel comfortable communicating with him. He is able to listen to their ideas and how the City can work with the neighborhoods to grow and solve current issues throughout. During the process of figuring out some of the challenges and questions that were brought to Mr. Patz's attention, he stumbled upon a network called Neighborworks Network, which is a non-profit organization that focus on neighborhoods across the country. They work on challenges such as development on vacant lots to how to create a thriving a community. The organization offers two workshops, Self-Reliance and Cultivating Volunteers, which Mr. Patz discussed the details and information he gained from his attendance. The workshops were deemed to be extremely beneficial, and gave Mr. Patz numerous connections and techniques on how he can find leaders in the community that will benefit the City. He continued to explain that his next step was to begin finding the assets. A research-based partnership was built between the City's Development Department and the Anthropology Department at Purdue University. He discussed the tasks that the team recently completed this past semester in local neighborhoods. This partnership is for the next five years, over which time various projects may be revised in order to utilize other courses. It became apparent that a single point of contact for the Neighborhood Vitality position needed to be created for residents to ask questions, which would eliminate their frustration at various times. One of the first things Mr. Patz did was showcase the interesting qualities from our local neighborhoods. For example, New Chauncey is a historic neighborhood and one of the hidden gems of that neighborhood is the different styles of architecture. The City hosted a Hidden Gems Home Tour, thanks to eight homes that volunteered to open their doors. The event was a huge success. The next initiative that was launched was called Block Talks. This is a way to bring residents together to discuss issues in open dialogue. The meetings were held in Wabash Shores. In the future, PhD candidate student, Lucas Hanna will focus his research on neighborhood vitality. Mr. Hanna will partner with Mr. Patz in scheduling the block talks for the summer. The Neighborhood Environment and Action Team (NEAT) will launch in July 2018. These are residents who are passionate about their neighborhoods and willing to represent them. These neighborhood advocates will set neighborhood goals, actions plans, create solutions, identify ways to get involved in the community, and increase social capacity. Letters will be sent out to Home Owners Associations, neighborhood leaders, and City Councilors. Mr. Patz concluded his presentation by discussing the general timeline for NEAT.

Councilor DeBoer pointed out that Mr. Patz discussed a communications role for the City, which is an idea that is prime for where we are now as a class two City. We do suffer for the fact that we do not have a Communication Department. He asked what the City's general thought was on that topic right now, or if that was something that needed to be discussed during budget season. He also asked what the City's next steps were on trying to secure that position. Director Carlson responded that there has been some ongoing discussion about that topic, which could potentially be discussed further with the Council during budget season.

President Bunder asked how the program will interact with the practical questions that City Council and City Government faces. He provided examples of such as: How does the City feel about the demolition at the corner of Kent Avenue and Salisbury Street?; How does the City feel about expanding general business in that neighborhood? He stated that a concern for residents who currently live in the New Chauncey neighborhood is overoccupancy. Since Purdue has structured in overoccupancy in the upcoming school year, our expectation is that the pressure on rental property in New Chauncey will be greater.

Mr. Patz stated that NEAT wants to hear those concerns. Often times when those concerns are not heard they tend to fester and become an issue that explodes. This program gives residents a platform to talk with their neighbors about issues and challenges to get addressed. We hear from only a small population that has concerns. A lot of residents do not know how to

communicate their questions or concerns. This will give those residents that platform to speak with a City employee to make their voices heard.

Councilor Leverenz informed the Council members that, from experience, Mr. Patz was extremely responsive to the questions that he has brought to him, which were raised by his constituents. He commended Mr. Patz's work in ensuring that those questions were taken care of and encouraged others to utilize him as a resource when possible.

FINANCIAL REPORT

City Controller Gray reported that as of the end of May we are a little over 40% way through the year, with our year-to-day expenditures at 38%. We are following along with our budget like usual, no outliers at the moment.

LEGAL REPORT

This report is on file.

SPECIAL REPORTS: None

Tax Abatement Compliance Review – Development

Director of Development Carlson stated that when we come on an annual basis to approve the compliance for tax abatements we usually do them in one lump sum. This year they will be done as two different items. One is compliant, and another company has departed the City as a result of a merger and attempts to contact them have been unsuccessful.

a. Purdue Research Foundation (Kurz)

Director Carlson explained that this is a real property tax abatement and they have exceeded estimates.

Corporation Counsel Burns advised that the Council take a vote on the item.

Councilor Keen motioned to find the tax abatement for PRF Kurz in compliance. Councilor DeBoer seconded the motion, and the motion passed by voice vote.

b. Dow AgroSciences LLC

Director Carlson stated that this was an equipment personal property abatement, which had been approved for a ten year period beginning in 2011. They had met and exceeded plans until this point. After the merger with Pioneer and move to Iowa, the City requests that they be found not in compliance so that the tax is not abated.

Councilor Keen motioned to find the tax abatement for DowAgroSciences LLC not in compliance. Councilor DeBoer seconded the motion, and the motion passed by voice vote.

Corporation Counsel Burns asked if any clawback is needed, to which Director Carlson responded unfortunately we do not have a clawback into our abatements. This is a topic, which has been discussed with Greater Lafayette Commerce over the last year to consider adding into our abatements.

Councilor DeBoer asked when the last time the City made a new abatement, to which Director Carlson responded that the most recent one was with Dow AgroSciences LLC.

Director Carlson confirmed for Councilor Dietrich and Councilor DeBoer that the City's only tax abatement with Kurz will conclude at the end of this year. The tax abatement began in 2008 and was for ten years.

Joint Board Report

Councilor DeBoer reported that that the next Joint Board meeting will be on July 17, 2018, at the West Lafayette Public Library in the Walnut Room at noon.

President Bunder asked who holds the Chair position for this year, to which Councilor DeBoer responded Adrian Allen.

Councilor Thomas asked if the Board had found a replacement for Julie Griffith given the fact that she is no longer at Purdue, to which Councilor DeBoer responded yes. He stated that she will be replaced at the next meeting.

UNFINISHED BUSINESS: None

Ordinance No. 11-18 An Ordinance Vacating Public Rights-Of-Way And Alley(s) In The City Of West Lafayette, Indiana (Hayes Street, Raymond Street) (West Lafayette Junior-Senior High School Building Corporation) (Submitted by Reiling Teder & Schrier, LLC) PUBLIC HEARING

Councilor Keen read Ordinance No. 11-18 by title only.

Councilor Keen moved for passage of Ordinance No. 11-18 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

City Engineer Garrison explained that this is to vacate an old alley that we will not be building a road that runs through the middle of West Lafayette Junior-Senior High High School. Kevin Riley (Reiling Teder & Schrier, LLC), representing the petitioner, stated he is happy to answer any questions.

Councilor Keen moved to open the public hearing on Ordinance No. 11-18. The motion was seconded by Councilor DeBoer, and the motion was passed by voice vote.

President Bunder said, "We are now in a public hearing regarding Ordinance No. 11-18 and the vacating of Hayes Street and Raymond Street. What we are talking about is an old road that goes through the middle of West Lafayette Junior-Senior High School, which apparently was never ever vacated before, so we are doing it at this time. This is your last chance to open a Starbucks somewhere on the football field. Is there any public comment? Please, go ahead."

Carrie Berger (1120 Ravinia Road) said, "The back of my property line abuts the high school property line, or what I thought was being referred to as the alley. I am unclear as to what is being referred to as the alley. The reason why is because I came home this afternoon and found all of the trees behind my back fence cleared off, and there is clearly construction happening around the pool area. My concern is that I have no idea what is happening. I mean, I have received this [notice sent by Mr. Riley's office], as all of my neighbors have, but this does not tell us what is happening. This does not— There is no rendering of what the back of my yard is going to look like once the construction is done and the construction has already started. The trees behind my yard are gone. So I guess my comments, my requests, are first, that our neighborhood was not adequately notified, warned, and informed about what is going to happen, what the final prep plans and renderings are, how this may impact our property value. I do not recall ever seeing anyone coming out to survey my property to see if the trees cleared out were actually legally mine or belonged to someone else. I found it very interesting how Bryce was just talking about having "Block Talks" and communication among neighborhoods. I mean this is a prime example of how our neighborhood was not given adequate opportunity to be informed and provide feedback."

President Bunder said, "Thank you very much. Ed? Kevin? Do you want to— "

Carrie Berger said, "I guess what my question is, will we be informed or is this just happening and the ship has sailed?"

Mr. Riley said, "I mean that is why we sent out a Notice of the Petition. In terms of the alley that is being vacated it is a north-south alley located near Grant Street. It is not near— I understand I understand— It is not near Ravina. The Ravina work I assume has to do with the Aquatics Center that is being constructed at that location. This is really to clear up a zone. I mean it is to clear up an issue on that site that is frankly a zoning violation. You cannot build across lot lines and clearly cannot build across these roads or these streets that sit there. The removal of the trees have nothing to do with the alley, and the alley that we are talking about is not near Ravina. It is actually near Grant Street."

Carrie Berger said, "Okay, so I understand that. So then my question becomes again what is happening to the back of my property line because apparently there was no notification sent about that."

Councilor Dietrich said, "The project is a school corporation project correct?"

Corporation Counsel Burns said, "Yes."

Councilor Dietrich said, "Not a City Project."

Corporation Counsel Burns said, "Yes. Correct. I guess my question for Kevin, because I am not sure where Ms. Berger actually lives, does the vacation touch her property? Is it adjacent?"

Kevin Riley said, "No."

Corporation Counsel Burns said, "Okay, so the vacation is not the issue. It is whether or not the trees are being removed appropriately it sounds like."

Kevin Riley said, "The vacation is not next to any property other than property owned by the Junior-Senior High School Building Corporation. We own all of the property surrounding the area of vacate."

Corporation Counsel Burns said, "So the vacation—so that was what I was trying to discern from just looking at this. I do not think the vacation has anything to do with it. Do we have a contact name at the school that she ought to be talking to directly since it is a school project?"

Kevin Riley said, "Sure. You can call the Superintendent's Office. The Superintendent's Office can—"

Corporation Counsel Burns said, "Is there anybody specific she would ask for?"

Kevin Riley said, "Rocky Killian. Ross Slope. I would be happy to get you their contact information if you would like it."

Carrie Berger said, "I am sure I can find it. So I will go back to one of my original statements. I think this is a prime example of poor communication with the neighborhoods because we— Like I said, we got all of this [notice sent by Mr. Riley's office] and what you are referring to as the alley, it was just not clear from these documents what was happening to the back of our homes. Honestly, it is still not clear. So I will follow-up with the school as directed, but this is very unfortunate. Very unfortunate."

President Bunder said, "Chad did you have something you want to add?"

Building Commissioner Spitznagle said, "You are correct, they pulled a permit to start the aquatic center. They have also gone through the Board of Zoning Appeals to have four or five variances that have been advertised and approved. I think there is still a landscape plan approved with renovations that I think Bryce Patz is working on as well, so I am sure you could talk about whatever they are removing and then adding to make sure they are still in compliance with the landscape ordinance."

Corporation Counsel Burns said, "Your address ma'am, Ms. Berger? What is your address?"

Carrie Berger said, "1120 Ravinia Road."

Corporation Counsel Burns said, "Thank you."

President Bunder said, "Bryce, are you finished? You were standing up by the microphone, but now you are sitting down. Now that is fine. You can just—Yeah that's good. Please go to the microphone, introduce yourself and state your address."

David Glick (1100 Ravinia Road) said, "Immediately adjacent to the property that is owned by the West Lafayette School District. I just wanted to say in terms of notifying us about these proceedings and these variances, both my wife and I attempted to read these documents. I believe this is due to the obscure nature of this particular request, but we had extreme difficulty and understanding what we were being told and what the overall plans were as our neighbor has indicated. In the future, it would be lovely if these documents could be communicated more in plain English, as opposed to some of the legalese that is present."

President Bunder said, "Just to defend poor old West Lafayette. This is not our work product as I understand it. Would I be correct in saying that, gentlemen? But, we will try and help because we see lots of documents that we do not understand either and we get them."

David Glick said, "Thank you."

President Bunder said, "Oh Mr. Kesler, Good Evening."

Thomas Kesler (479 Maple Street) said, "I wonder if the tree trimming activities aforementioned related to power lines— We have seen a lot of tree trimming going on. On our block some power lines— We were kind of disappointed to see some of the trees disappear. We figured that is a fact of life related to power lines."

President Bunder said, "Thank you, Mr. Kesler. Any further public comment on Ordinance 11-18? Hearing none, seeing none, I would entertain a motion to close the public hearing."

Councilor Keen moved to close the public hearing on Ordinance No. 11-18. 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:

Councilperson	Vote
Bunder	Aye

COMMON COUNCIL MEETING MINUTES, June 4, 2018, CONTINUED

Councilperson	Vote
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Absent
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 8 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 11-18 passed on second and final reading.

NEW BUSINESS:

Ordinance No. 12-18 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (Browning Investments) (Discovery Park District PD) (A to PDNR) (Submitted by Area Plan Commission)

Councilor Keen read Ordinance No. 12-18 by title only.

Councilor Keen moved for passage of Ordinance No. 12-18 on first 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 this project is called Convergence. It is a classic planned development circumstance where we have the uses, which will be an efficient stable place for working, shopping, eating, and academic research, with a parking garage located next to the facility. The facility is designed to be a high-quality retail and office space with all amenities. The base is two lots with one building and one parking garage. He noted that the detailed narrative is available in the Area Plan Commission (APC) staff report. The detailed narrative discusses the permitted uses, amount of squared footage, and miscellaneous signs. This is the second phase of the master plan. He noted that the Aspire Building, which was approved several months ago, is underway now. The staff report suggests this is a true gateway product. The office building creates an urban theme, which is necessary in the seating, atrium, and pedestrian spaces. Mr. Bumbleburg confirmed that the parking spaces will be under control, as specified. He concluded by stating that the staff report answers most questions.

Councilor Dietrich asked if the proposed property is sitting on the footprint of some of the old married student housing. He stated that Marshall Drive is listed to be converted, but District Boulevard is a road that is not recognized.

Mike Wiley, Schnieder Corporation, stated that District Boulevard is a new road.

Councilor Dietrich asked if the structure on State Street with a welcome banner will be changed to an additional stop light, to which Mr. Garrison responded that it is a pedestrian push button signal crossing right now with the idea that it can be converted to a signal if deemed needed later on. It is not with this project at this time.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Absent
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 8 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 12-18 passed on first and only reading.

Ordinance No. 13-18 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (UZO Amendment #93 – Bufferyards) (Submitted by Area Plan Commission)

Councilor Keen read Ordinance No. 13-18 by title only.

Councilor Keen moved for passage of Ordinance No. 13-18 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer

Building Commissioner Spitznagle stated that APC ordinance committee updated bufferyard amendments to the zoning ordinance. One of the key changes is that any business with a loading dock will be required to have a sound barrier between the bufferyard and residential area. The new ordinance allows for a sound barrier, which will include Evergreen trees and other requirements within the bufferyard. He noted that Mr. Patz is in attendance to answer any further questions.

Mr. Spitznagle clarified for Councilor Dietrich that the amendment requires the sound barrier between the bufferyard and residential area.

Councilor Keen stated that he thinks this amendment is long overdue for the City. The City will have a better ability to handle noise complaints in areas where residences back-up to businesses. He stressed his support for the amendment to his fellow Council members.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye

Councilperson	Vote
Sanders	Absent
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 8 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 13-18 passed on first and only reading.

Ordinance No. 14-18 An Ordinance Restricting The Use Of Tobacco Products In Certain Public Places (Sponsored by Councilor Thomas)

Councilor Thomas stated after the spirited conversation we had at Pre-Council on Thursday regarding this ordinance, he would make a motion we table this ordinance for a time certain, the July 9, 2018, Council meeting, to make sure we get this ordinance right. This will ensure that all of correct information is included.

The motion was seconded by Councilor Dietrich, and the motion passed by voice vote.

There was no further discussion.

Ordinance No. 15-18 (Amended) An Ordinance Amending Building Code (City Code Chapter 110) (Sponsored by Mayor Dennis)

Councilor Keen read Ordinance No. 15-18 (Amended) by title only.

Councilor Keen moved for passage of Ordinance No.15-18 (Amended) on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

President Bunder asked if there is amended version of Ordinance 15-18, which is different from Pre-Council. Building Commissioner Spitznagle responded it is slightly different than the one from Pre-Council. He explained there was an incorrect road on a spreadsheet on page four, which is highlighted in yellow.

Councilor Keen motioned to amend Ordinance No. 15-18 (Amended) by substitution. Councilor DeBoer seconded the motion, and the motion passed by voice vote.

Building Commissioner Spitznagle stated that the City has not updated the building fees since 1992. Before the Municode revisions are complete, we have decided to move forward to amend Chapter 110 for the building fees. Additional Fire fees were also included in this amendment. The fees have been a long time in the making. Mr. Spitznagle noted that he has held meetings with the Builders Association of Greater Lafayette, who have impacted changes that have been included. Fire Chief Heath is in attendance to answer questions about the fire inspection fees too.

After discussion between Councilor Dietrich and Fire Chief Heath, Corporation Counsel Burns advised that the word "buildering" be changed to "building" as a scrivener's error at Section 110.26a.

Councilor Jones asked if there has been any projections in terms of changes to the fee schedule for revenue generation for the City, and if the goal is to raise the amount of money that is collected through the fee system.

Building Commissioner Spitznagle responded that the revenue will increase. Last year we did approximately \$130,000.00 in revenue, which is trying to support four full-time building staff employees. Our goal is only to raise it enough to cover our building costs.

Councilor Jones asked if there is a projection of how much revenue the new fee schedule would or should be collected, in order to support the four full-time employees.

Fire Chief Heath responded that it is difficult to foresee what projects will be built and how they will be built. He explained that for the Fire fees, as long as you keep the building to code, there will be no additional fees charged after the pre-plan for the building. For us to pre-plan and give guidance on how the structure should be built, it is very important. The problem comes in when buildings are not maintained and fall behind in code.

Gretchen White (Indiana Apartment Association), stated that her company represents approximately 225,000 professionally-managed multi-family units across the state, of which over 3,100 are located in West Lafayette. They were recently informed about this ordinance and are still collecting feedback on the potential impact. However, they have heard concerns from various members so far. There seems to be some disconnect in the language of the ordinance as it has been amended and the thought behind the administration in terms of how it may be utilized. To her understanding, one of their members recently spoke with Director Carlson and was told that the \$90.00 per-unit fee is a one-time fee per project, which covers all five of the necessary inspections. The language in the amended ordinance states that there are fees per inspection. She requests that the \$90.00 one-time fee is clarified. In the amended version, there is language regarding false alarms or faulty alarms, as well as other language currently in the City Code about fees that may need to be deleted in the current reference so that there is no confusion. It has been brought to their attention that the City might need an amendment to clarify that it would not be implemented for the first 90 days after it is published, per IC-36-2-4-8, which requires a 90-day delay when permit fees are being increased effective upon passage.

Councilor DeBoer requested for Corporation Counsel Burns' view on the 90-day delay, per IC-36-2-4-8. He asked if that language would be required in the statutory language.

Corporation Counsel Burns responded that IC-36-2-4-8 applies to counties only and the APC process, not municipalities. He stated to his understanding there is a built-in delay for the fees to go into effect.

Fire Chief Heath stated that the built-in delay is for the rental housing fees only.

Corporation Counsel Burns stated that he will research further, but to his understanding it only applies to APC raise in rates. The reason why is because that is a zoning issue and this is a regulatory issue.

John Basham, owner of Basham Rentals, mistakenly spoke about Ordinance No. 16-18. His comments will be added in the correct section below.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye

COMMON COUNCIL MEETING MINUTES, June 4, 2018, CONTINUED

Councilperson	Vote
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Absent
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 8 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 15-18 (Second Amended) passed on first reading.

Ordinance No. 16-18 An Ordinance Amending City Code Chapter 117 – Inspection And Certification Of Rental Housing (Sponsored by Mayor Dennis)

Councilor Keen read Ordinance No. 16-18 by title only.

Councilor Keen moved for passage of Ordinance No.16-18 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Fire Chief Heath stated that Rental Housing Inspection Director Dixon will explain the “how” of the program, and he will explain the “why” behind the changes. The current revenue is \$115,000.00 per year. The State statute says that any revenue has to stay in Rental Housing. The new revenue through this program is estimated at \$324,000.00 per year. The current payroll for employees is \$325,000.00 per year, which does not include the administrative cost of running the Department. The Department is not currently self-sustaining. Fuel for the vehicles, legal fees, and some of the additional cost are still being covered by tax dollars. Currently EDIT and Wastewater supplements the salaries for the employees. The goal is to become self-sufficient. The program was started in 1976 and the fee structure has not been reassessed since 2009. Chief Heath broke the numbers down, and stated that in 2013 there were 1,369 properties, or 8,557 units, or 15,203 beds in West Lafayette. Currently there are 1,393 properties, or 8,913 units, or 19,184 beds. After the completion of the Rise, The Hub, The Hub Plus, and the Hi-Vine in 2019 it is projected to have 1,402 properties, or 10,434 units, or 22,394 beds. There are 1.5 inspectors to inspect those properties. The City is not currently trying to hire additional people. However, due to the City’s continued growth, the Department will eventually need to adapt and grow as well. In 2009 the trend was to rent by the apartment. Rental Housing is currently seeing a change where landlords and some of the structures are renting by beds. Thus the change in inspection. We are continuing to make the program equal across the board. Chief Heath talked about examples such as the Ivy Towns and flats, which have 38 buildings and 297 units. For their four-year rental certificate under the current structure they pay \$6,296.00. The Fuse building has one building and 229 units. The cost of their rental certificate is \$608.00. It is consistently stated that it is not equal. The new system will have everyone paying \$1.00 per month per bed on a four-year certificate. We understand that amount adds up. Chief Heath has visited other cities to look at the problems they are dealing with compared to ours. Other cities have occupancies of three-bedroom apartments with 15 people living in them. They do not have the programs, such as Rental Housing and NRT. He stated that he felt these programs are valuable assets and make a difference in our community. These programs play a major role in making our community a safer place. Chief Heath noted that he is a renter in this community and is okay with this as a renter. The fees will not go in effect until June 2019. The City wants to give the landlords and

property managers a year to prepare for this change. We are also looking at a multi-year payment plan that will help landlords and us with scheduling.

Rental Housing Inspection Director Dixon stated that since the Pre-Council meeting on Thursday there was an email that made its way through several hands. The email hits great highlight points for the changes to the ordinance. He explained that he would be discussing the eight bullet points that the email brought about and his response where the changes come from on each point. 1. The definition of the guest language has been changed. The current language was vague when stating the current guest is there 25% of the time. The language was changed to four 24-hour days a month. 2. Discusses how multi-family residences do not have to execute an occupancy affidavit. There really is no change, except cleaning up the language. In Section 117.05(b) the language stated "of such statement" referred to the paragraph prior that mentioned the occupancy affidavit. We have removed that statement, and included the words occupancy affidavit to ensure the language is clear throughout the body of the document. 3. The language discussed how the occupancy affidavit should be updated annually or upon any change of tenants. There was a contradiction in the current Chapter 117. In Section 117.05(c) it states that this should be done upon the request of the program administrator, but then in Section 117.08(d) 4a it states the affidavits should be updated annually or when the tenants change. 4. Pertained to the fees, which Chief Heath previously discussed. He noted that there are other examples he can provide that pertains to one-building properties versus multi-building properties, with how the playing field is not equal. 5. Talks about a reduction in reinspection fee from \$150.00 to \$100.00. The question we considered was how this affects a multi-family property. This would be assessed on any type of property whether it is a multi-family, single-family, or any other type of rental property. It also discussed a failure to appear. When we do an inspection and find violations, we have to go back to do a re-inspection to ensure that the code violations have been corrected. There are a few different outcomes. The first one is that we go back and everything is corrected, which means there is no further requirements. The second one is we go back and the violations have not been corrected, which institutes another re-inspection and that is what the \$150.00 in the current ordinance comes from. Another situation is a failure to appear by the owner or manager to let us check if the violations have been corrected. The current fine in the ordinance is \$100.00. Either way, it will end up with a third trip back for our office, so we chose to drop the fee to \$100.00 for both. 6. Had to deal with deleting language allowing reduction of fees and fines for owners when there are good records and are in full-compliance with the program. The deleted language from this section was redundant since it was already stated that the program administrator will make recommendations to the Council for any revisions of the scheduled fees. Any revision pertaining to increases or decreases will be brought to the Council. 7. Had to deal with deleting language that allows program fee reductions if no violations are found and if the owner participates in the landlord certification program. The thought process behind deleting this section has two parts. The industry standard when you pay the inspection fee is that the fee covers that inspection and re-inspection. Any additional fees necessary beyond the first re-inspection would come out of the first \$100.00. We deleted the \$50.00 discount for not coming back the second time, then have the \$100.00 fine for the third trip. The last part in the section read unclear. It read as if it was optional to be in the rental certification program, but it is a requirement. The current language also mentions a landlord certification program, which was also confusing. 8. Pertained to the occupancy stickers. In R1 and R2 zones, single family homes, we send out a sticker for that unit that the landlord is supposed to post at the property so tenants know how many people are allowed to live in that unit. This is an administrative change; instead of a sticker, we want to send out a second copy of rental certificate. We are asking for the certificate to be posted at the property instead, because the stickers were cumbersome and redundant when we can print a second copy of the certificate to post.

Mayor John Dennis confirmed that the City is undergoing a significant amount of change. In some neighborhoods as much of 70% of the property is rental property. The number of rental properties is increasing around the State Street Project, with additional AirBnBs, which will also require inspections. To keep spaces safe, there has to be assurance on a part of the City that we are in position to do so by having the staff. We continue to get phone calls where a potential student has gone online to research a property to rent. The parents begin to write checks, and the student comes to West Lafayette in a position to move into the property to find that it is uninhabitable. We are limited in our staff and ability to inspect. This is not a money grab, or a formal process of punishment. This is a way for us to generate the essential revenue to keep one of our critical programs moving forward in the City. Mayor Dennis explained that everyone's main focus is to keep the kids safe. If the local government is in a position to assist with that they should because that is the spirit of this program. He concluded by stating we need to look after properties, look after who is renting them, and look after our City.

Councilor Jones stated that he understood that this ordinance is not a money grab. He further explained that he wanted to clarify the cost per year, in order for him to do his due-diligence and responsibilities as a Council member. He asked if the estimated cost of \$325,000.00 that was quoted was an annual amount for the program, to which Chief Heath responded that is the current payroll.

Chief Heath confirmed for Councilor Jones that the amount did not include the cost for travel, legal, etc. Those cost expenses will be an additional \$35,000.00.

Councilor Jones asked if that \$325,000.00 was the payroll for the 1.5 inspectors that were aforementioned, to which Chief Heath responded no. There are four employees in the Department and 1.5 of them are out inspecting. One of those employees is the Administrative Assistant, who handles all of the paperwork. This paperwork includes checking Beacon to see who has homesteads and checking if there are rental properties that are not certified. One of the other employees is the Program Director, who is in control of administering the program.

Councilor Jones stated that based on the numbers provided, the increase of revenue is projected to be an estimated \$210,000.00. He asked if the program is currently costing the City in other areas and not able to be self-sustaining. Chief Heath responded that the program is not self-sustaining, but neither is the Fire Department. He further explained that taxpayers play a vital role in the program. We understand that landlords are taxpayers as well, but taxpayers also receive a benefit from this program.

Councilor Jones asked if this type of program is one of three Rental Inspection Programs in the State of Indiana. He asked for further justification behind the program, and what benefits the City will gain.

Chief Heath confirmed that the program is only in three cities, which includes West Lafayette, Bloomington, and Goshen. A huge benefit to the program is when there is a fire in the City, the first file pulled is for the address of where the fire took place. If there is an affidavit they match the names on the affidavit and to the names on the fire report. The Department knows that they need to speak with a parent, and want to ensure that they get in contact with the correct people. Safety is one of the many things this program ensures. We are able to give a parent some satisfaction of how an inspection went, and maybe how a fire it started. The ability to give these parents some peace of mind may not have a price on it.

President Bunder noted that there are other cities who may want to participate in this program, but are prohibited. Chief Heath stated that the three participating cities are grandfathered in with this program.

Councilor Dietrich asked with the current status of 1.5 inspectors, what type of frequency do the rental units have to be inspected. He noted that four years seems like a long time to get inspected. He questioned if it is merely a numbers game because we cannot physically get to everyone in a two-year cycle.

Chief Heath responded that the rental certificate is for four years. There is a provision that the administrator can downgrade a four-year certificate to a two-year certificate. The only person who is able to do that is the Program Director, and not the Inspector. However, this has never happened in our community. If a landlord would have that happen and would want an appeal process, they can then appeal it to the Director. A four-year certificate does not mean we walk away from them for four years. If a student requests that we look at a property sooner, we will check out the property at no cost. However, we are not the negotiating team, and we try to stay out of the conflicts with the tenants and landlords. As far as the leases are concerned, we do not involve ourselves in them.

Councilor Dietrich asked if there is any impact with the private residences being constructed through Purdue Research Foundation (PRF), or by the University. He asked if the City would be involved in inspecting those or if the University would be responsible for taking care of those themselves.

Chief Heath stated those building plans are coming to us for plan review because they are a taxable entity. We will respond because we have an automatic agreement with Purdue Fire that we respond jointly. Then we will inspect those properties as well. We inspect current PRF properties and will continue. Councilor Dietrich asked if they will receive a similar inspection schedule, to which Chief Heath responded yes.

Councilor DeBoer stated that he has two points. One is that his rent up 31%, 9%, and 26% over that past 4 years of living in West Lafayette, while this inspection fee would amount to less than 0.1% increase if it was passed down. This seems like a rather insignificant number in the grand scheme of things. His second point is the change for the definition of guest, which would have to deal with every bad relationship that Councilor Jones and he knew in college. It decreases it from 7.75 days to 4 days, which seems rather drastic. He felt the number should be much higher, if even in in the ordinance at all. He stated that would like to amend it back to the equivalent of 25% or 7.75 days, which we could round up to 8 days, for the legislation. He requested to hear the City's view.

Chief Heath explained that the way it was originally written with the 25% did not quantify what time. There were no specifics of if it was a day, week, month, or year. The City was trying to quantify the time, but is willing to have a conversation.

Councilor DeBoer responded he understood the City's point of trying to quantify the time. In practicality that is not the way things are actually working out, and then this legislation would have the effect of criminalizing hundreds if not thousands of students. He would be reluctant to vote for something that would do that to his constituents.

Councilor DeBoer moved to amend to Ordinance 16-18 Section 117.02(e) to say that a guest shall may temporarily reside for eight days, instead of four days. Councilor Keen seconded the motion.

Councilor Jones stated that he would like to echo Councilor DeBoer's sentiments that several of his constituents would be in violation under the "four day" language.

Chief Heath does not oppose the change.

President Bunder requested that Clerk Booker call a roll call vote on the amendment.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Absent
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 8 AYES and 0 NAYS.

Following are the comments made by John Basham, owner of Basham Rentals, discussed during Ordinance 15-18 (Amended): He stated that he has been in this business for 42 years. He has no problem with the inspection program in West Lafayette, but \$48.00 per bedroom is high in his opinion. Mr. Basham stated that he supports the program and the ability to get the program running correctly. He also understands that there will be approximately 3,000 additional bedrooms being added. He knows that the City is not receiving the necessary revenue. As an example, he referred to The Fuse, which takes four people to inspect over a four-day period, but only generates \$700.00 per inspection. Mr. Basham requested to see the numbers, and maybe even a Power Point presentation with further information, which would allow everyone a better understanding of what is going out and what is coming in.

Mr. Basham continued his comments by commending the West Lafayette Police and Fire Departments in their outstanding work in our community. Mr. Basham asked if TIF money was able to be of assistance in this program. President Bunder responded that it would not be able to be used in maintenance. Corporation Counsel Burns responded that the money is not allowed to be used on personnel costs.

Mr. Basham stated that Chief Heath mentioned earlier that the City will have 22,394 bedrooms. He calculated that this would generate \$1.75 million over a four year span. When that total amount is divided by four it comes out to \$269,000.00 per year, which would essentially mean the City was in the hole from the \$350,000.00 it costs to run the program per year. Mr. Basham asked for clarification from Chief Heath on this matter.

Chief Heath explained that some of those units are single-family convertors, which cost \$225.00 and do not include every bedroom at the \$48.00 fee. Those certificates are two-year compared to the other certificates that are four years.

Mr. Basham noted that he does not believe that the affidavits are required in Zone R3, to which Director Dixon confirmed that it is not.

Mr. Basham expressed how he felt that the inspections every four years did not make sense, but was not advocating for them to be every year either. The increase in these fees will cost him approximately an additional \$50,000.00. It is hard to continue to pass the property taxes to the customer, so to continue to pass these fees as well is just the same. He stated that the increase in these fees should be spread more equally over the playing field. He concluded by stating that he supports the increase, but not at an amount of \$48.00 per bedroom.

Thomas Kesler (479 Maple Street), stated that after listening to the suggestions after the number of days for guests to reside in the units, he was unclear of what was behind the original and amended number. He suggested looking at the baseline of events that are likely to prompt guests to stay, which would begin the count that ultimately ends with the number of days per month. Then we could look at those events over a course of a year.

Chisty Weida-Dombkowski, Manager of Weida Rentals, stated that they have always rented by the unit and not the bed. However, they understand the majority of the newer properties are beginning to rent by the bed, rather than the unit. She explained that the new fee structure will apply to them differently than others. The inspection for a two bedroom apartment should not cost much more than a one bedroom. The difference in size between the two are not much, and should not take much more time to inspect. Under Section 117.07(c) where the language is discussing Category 3, it states that the Rental Certificate is valid for two years. However, Chief Heath and Director Dixon mentioned earlier that a multi-family property in the City has never been downgraded to a two-year certificate, which makes the language unclear. If we are going to have a four-year certificate it should read that way in the ordinance because the fee structure would double for numerous people. Due to West Lafayette being one of three cities in the State who participates in the program, it should be celebrated. The certification program should be used as a type of safety seal for our community that we take great pride in. She concluded by stating that she commends both the Fire and Police Departments for the work they do throughout the City. They are a huge help and partners in the community.

Ms. White expressed her appreciation for all of the information that has been shared this evening. For half of their members, the formula is a concern at \$48.00 per bedroom versus the \$150.00 building plus \$2.00 per unit. The amount per bedroom basis is a concern to members. After reviewing the checklist that the inspectors use, there is not a lot of specific details to inspecting a particular bedroom rather the overall unit. She is still unclear about the concern that was expressed about lowering the re-inspection fees. Ms. White stated that she did not understand why the fees for re-inspections would be lowered on the back-end as the fees are being raised on the on the front-end for everyone because the program needs additional money.

Grethchen Shelman, Granite Student Living, explained they are a third-party property management company, which currently manages over 3,000 beds. She stated that on behalf of 50 property owners, the annual financial impact on those property owners is \$40,000.00 for a four-year certificate. The cost needs to come from somewhere. They serve as advocates for both the students and the property owners, whether that is going to the students, who are already bearing the burden of other taxes and fees that are thrust upon them, or it is going to the property owners who are trying to keep the community thriving. She echoed that inspections are done by the unit and it seems unrelated to how it is rented out specifically. The inspections are on top of other requirements and codes that they are obligated to follow.

Councilor DeBoer stated that if a meeting was required to be held every time rent was raised for tenants by 0.1% this body would be completely locked down in bureaucracy. This whining from landlords is too much. Good Lord.

COMMON COUNCIL MEETING MINUTES, June 4, 2018, CONTINUED

In response to dialogue with Councilor DeBoer and Mr. Basham, which was partially inaudible, Councilor Jones asked for some decorum.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Absent
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 8 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 16-18 (Amended) passed on first reading.

Resolution No. 10-18 A Resolution Appropriating Insurance Recovery Received For Damage To City Property (Police) (Submitted by City Controller)

Councilor Keen read Resolution No. 10-18 by title only.

Councilor Keen moved for passage of Resolution No. 10-18 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

Controller Gray stated that one of the Ford Explorer Police units was involved in a crash earlier this year. This is recovery money received, in the amount of \$10,527.18, which will be appropriated back into the budget to fix the vehicle.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Absent
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 8 AYES and 0 NAYS.

President Bunder announced that Resolution No. 10-18 passed on first and only reading.

REPORT BY THE MAYOR

Mayor Dennis stated that he read a proclamation earlier this month at Board of Works, which pertained to Gun Violence Awareness Day. Both West Lafayette and Lafayette have recently had events and conversations about this issue. Numerous people have come forward about the issues involving the irresponsible use of weaponry. Most recently there have been situations in our schools that have brought this to a flash point. He explained that he felt it was imperative to also read the proclamation at Council.

NATIONAL GUN VIOLENCE AWARENESS DAY

- WHEREAS,** every day, 96 Americans are killed by gun violence and on average there are nearly 13,000 gun homicides every year; and
- WHEREAS,** Americans are 25 times more likely to be killed with guns than people in other developed countries; and
- WHEREAS,** protecting public safety in the communities they serve is mayors' highest responsibility; and
- WHEREAS,** support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from dangerous people; and
- WHEREAS,** mayors and law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and
- WHEREAS,** in January 2013, Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later, should be now celebrating her 21st birthday; and
- WHEREAS,** to help honor Hadiya – and the 96 Americans whose lives are cut short and the countless survivors who are injured by shootings every day – a national coalition of organizations has designated June 1st, 2018, the first Friday in June, as the 4th National Gun Violence Awareness Day; and
- WHEREAS,** the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and
- WHEREAS,** anyone can join this campaign by pledging to Wear Orange on June 1st, the first Friday in June in 2018, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 1, 2018 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE, I, John Dennis, Mayor of the City of West Lafayette hereby proclaim Friday, June 1, 2018 as

National Gun Violence Awareness Day

in the City of West Lafayette and encourage all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed, the great seal of the City of West Lafayette, this 29th day of May, 2018.

Mayor Dennis acknowledged that there are mothers and others in attendance this evening to show their support for this cause. He discussed how times have changed in regards to guns. He concluded by stating that this is important; it is important to stand publicly, and it is important for everyone to understand.

Councilor Thomas expressed his appreciation to the Greater Lafayette Moms Demand Action for Gun Sense in America group, who made it possible for the proclamation to be read this evening. This group does amazing work in our community to raise awareness about gun violence. He specifically acknowledged Julia Chester, Sara Cloutier, Amy Pageant, Kathy Parker, and Beth Tran. The event at Centennial Park the previous weekend had double the numbers in attendance this year. Councilor Thomas shared his personal view on the issue after losing a family member for being at the wrong place at the wrong time. He does not feel that this is about taking guns from anyone or the Second Amendment, but about common sense and gun law legislation.

President Bunder pointed out that issuing a Proclamation is all they are allowed to do as the City Council, per State statute. He quoted IC 35-47-11.1-2:

Political subdivision regulation of firearms, ammunition, and firearm accessories prohibited

Sec. 2. Except as provided in section 4 of this chapter, a political subdivision may not regulate:

- (1) firearms, ammunition, and firearm accessories;
- (2) the ownership, possession, carrying, transportation, registration, transfer, and storage of firearms, ammunition, and firearm accessories

Councilor DeBoer stated that in City Code for Chapter 65 - Nuisances for the prohibition about firing guns, the City currently has this item on the books for discussion. He further explained that there is talk about removing it in the code update.

President Bunder responded that this is as much as we can do until the State legislature is changed.

COMMUNICATIONS

▶ There were no comments.

CITIZEN COMMENTS

▶ Thomas Kesler (479 Maple Street), stated that he brings some encouraging news. There has been success in making our area more attractive. One year ago Mr. Kesler received a property tax assessment from the County Treasurer's Office, which had an increase of 12.5%. Today he received another tax assessment with an increase of 1%. He explained that this year's assessment was more comfortable than the previous year. Double-digit increases confirm that the housing market in New Chauncey is crazy. He stated he will continue to watch how he should handle these increases over time.

▶ Mr. Basham stated that after reading thru the "Public Comment" section on the agenda, it states that all participants are required to use civility, respect, and courtesy. Councilor DeBoer's previous comment, if heard correctly, were out-of-line, wrong, and he should apologize to the landlords. It should not mean that the landlords are whining anytime they come before the Council with their comments or concerns.

President Bunder interrupted Mr. Basham by stating that it was his role to inform him that he was not permitted to attack Councilor DeBoer.

Mr. Basham assured President Bunder that he was not attacking Councilor DeBoer and it was the other way around.

Councilor Dietrich stressed to Mr. Basham that he had made his point.

ADJOURNMENT

There being no further business at this time, Councilor Dietrich moved for adjournment, and President Bunder adjourned the meeting the time being 8:31 p.m.