

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
NOVEMBER 6, 2017

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on November 6, 2017, 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, and Norris Wang.

Absent: Gerald Thomas

Also present: Mayor John Dennis, City Attorney Zach Williams, Clerk Sana Booker, IT Director Brad Alexander, Street Commissioner Ben Anderson, Director of Development Erik Carlson, Facilities Director Tim Clark, Police Chief Jason Dombkowski, Parks Superintendent Janet Fawley, Human Resources Director Diane Foster, City Engineer Ed Garrison, City Controller Peter Gray, Fire Chief Tim Heath, WWTU Director David Henderson, and Building Commissioner Chad Spitznagle.

MINUTES

Councilor Keen moved for acceptance of the minutes of the September 28, 2017, Pre-Council Meeting, and the October 2, 2017, 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 Keen stated that the APC agenda has not been filed yet.

PUBLIC RELATIONS:

Council Appointment: Traffic Commission – District #2 – Paul Bower

President Bunder noted that Paul Bower lives at 170 E. Stadium Avenue, and he is the safety coordinator in the Purdue chemistry department. He has worked with us on the CDBG Advisory Panel, and he is a member of the New Chauncey Steering Committee. He will replace Lauren Bruce, who has stepped down.

Councilor DeBoer moved to appoint Paul Bower to the Traffic Commission for District #2. Councilor Jones seconded the motion, and the motion passed by voice vote.

FINANCIAL REPORT

City Controller Gray stated that the report has been filed, and we are tracking under budget as far as expenses go this year. He stated that he wanted to acknowledge the Street Department's Administrative Assistant, Tonya Vanaman, for her research on a new fuel charge that began this year. She discovered that we can apply for a refund for that charge on an ongoing basis, and that totals approximately \$8,000 per year.

LEGAL REPORT

This report is on file.

SPECIAL REPORTS:

Joint Board Report

Councilor DeBoer reported that there was one major item on the Joint Board agenda, and that was the ratification of Resolution No. 2017-01, which the Council adopted in August. It was ratified as a Board so that it is now a part of the Interlocal Cooperation Agreement. Dates were set for next year's meetings, continuing on a once-per-quarter basis.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 29-17 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (Innovation Place PD 2017) (Balfour Beatty Campus Solutions/Dan Savoia) (PDMX to PDMX) (Submitted by Area Plan Commission)

Councilor Keen read Ordinance No. 29-17 by title only.

Councilor Keen moved for passage of Ordinance No. 29-17 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 development in another form was previously before the Council [Ordinance No. 01-17]. However, that process did not produce the kind of development that the developer thought was both needed and useful. Therefore, they essentially started over with this new planned development before the Council this evening. This was passed by the APC unanimously, and the APC Staff Report is a capable instrument to explain what this project is about. Adjusting the concept of student housing demands from the previous petition to this one, the Purdue Research Foundation (PRF) elected to revisit and revise the previously approved Innovation Place Planned Development to make it better serve what they believe to be the University's needs. It is no longer strictly put into the Residential Life process. The reimagining of this project replaced two five-story buildings with three four-story buildings, incorporating the multiple plazas and the opening spaces. Apart from the reduction of the building height, the retail space has been scaled back from about 15,000 square feet to 78,000 square feet, and is now housed on a ground floor of one of the westerly most buildings. The residential program is spread across three buildings, and has been reduced from 413 units with 841 beds to 375 units with 837 beds. The staff at the APC indicated that the architectural themes that were established in the original plan were continued in this plan, including residential balconies, expanded study and lounge spaces, and large outdoor plazas along State Street. The staff of the APC consider this plan to be a very solid first step in the development of the larger Innovation District, which is the future of this particular area.

Director of Development Carlson stated that a unique aspect to this development is in regards to the parking situation. The City, as well as the APC, requires on-site parking as a standard and usual aspect for parking in any of these developments. However, this is the first part of a 200-plus-acre redevelopment of an area on the west side of the City that is a part of a master plan. In that process, they have planned for structured garages to be strategically placed throughout the development. As we learned with the Wabash Landing development, where the City erected a parking garage in advance of the development occurring, it is difficult to get an already built parking structure to correctly interact with its surroundings without an idea of what will be built around it. With that in mind, there is a request from the developer and from the group doing the

overall master plan for the district to wait on a structured parking solution for this project. We were willing to agree to a three-year time period in which a couple of options could be given to handle parking for this apartment complex, which has a similar ratio, of 0.29 spaces per bed, to The Hub, Hub Plus, and The Rise. The two options would be to utilize parking facilities with an agreement with the University for use of the McCutcheon Garage or to construct a surface parking lot directly behind this building. The developers have agreed, and if the structured parking solution is not available in three years then the City has the ability to pull the occupancy permit for this building.

Councilor Dietrich asked for an idea of how many stores, shops, or businesses can fit into the retail space. Director Carlson responded that the plan for the retail area is more of a “food hall,” not to be confused with a “food court,” to provide dining options for the residents. Dan Savoia (Balfour Beatty Campus Solutions) confirmed this, and added that it will primarily serve the resident’s needs for food. Director Carlson stated that this is something we have seen in developments around the country for the past five years, with local food options and a seating area.

Councilor Dietrich stated that his concern about the parking is how 24 parking spaces can support the businesses. Building Commissioner Spitznagle stated that the Unified Zoning Ordinance (UZO) requirement is one space per 100 gross floor area. However, this is a negotiation of the planned development. Director Carlson stated that one of the aspects of the State Street project, at an expense of over \$600,000, is that there are a large number of on-street parking spaces that have been added by PRF to both State Street and the MacArthur extension. The parking spaces are two-hour spaces, not long-term spaces. Councilor Dietrich stated that there are plenty of parking spaces on campus to accommodate the beds, but he just has a concern that we are not providing enough for the business.

Councilor Leverenz stated that his concern is that we are setting a precedent here if another developer came in and requested a similar situation of grossly adjusting the parking requirements. He asked if we are putting ourselves in some sort of jeopardy. Director Carlson stated that the only precedent that would be set would actually be a decent one for the City. That is, if someone else were to come in and develop 200 acres of land, then we would be able and willing to discuss short-term accommodations for parking requirements. He emphasized that the parking requirements are going to be met. We have the parking ratios negotiated as a part of this planned development, and all of those spaces will be available for the entirety of the building from Day 1 of the building being open. It is just a question of where. If someone else were to come in to do another large development like this, then we would consider similar accommodations. If it were a more common situation of a developing by parcel or an acre or two of land, then the answer would be no.

Councilor Leverenz asked what the demographic for occupancy will be here. He asked if it is essentially an undergrad dorm or something else. Mr. Savoia responded that the expected demographic is upper-level undergraduates. He confirmed for Councilor Dietrich that it is open to anyone.

Councilor Jones asked, regarding the negotiations of parking spaces in the McCutcheon Garage, if the residents will purchase a University resident’s permit in order to park there. Director Carlson responded that this does not state that parking will be at McCutcheon; it gives the opportunity for it to be there, but they could also build a surface lot. In the scenario that the garage is used, the residents would only have permission to park in only that one garage. He confirmed for Councilor Jones that the developer is guaranteeing the parking ratio whether it is the surface lot or the parking garage, as that is the requirement for this building.

Councilor Sanders stated that, if he is following the history here correctly, the property was transferred from the trustees to the PRF. Presumably, the original concept was that this would be part of residential housing at Purdue, and now it is a private housing arrangement where we are setting several precedents. He understands that this may not apply to anyone else in terms of allowing some leeway about when we have the parking, but we are also potentially allowing for Purdue to have new passes for a private building to have potential use of Purdue parking facilities. If we have all these sorts of arrangements between Purdue and West Lafayette, he asked what else we expect to allow to happen. He stated that it seems that we are making a lot of exceptions and changes that are not consistent with the long-term interests of West Lafayette and Purdue University. Director Carlson responded that, on the idea of precedence, the way that planned developments work, being that these are negotiations then there is no precedent. Parking ratios tend to be a guideline that we have. In the past the ratio was one parking space per bed. However, that was not a precedent because now that has changed dramatically. These are negotiations, and we are, by County and City law, allowed to reject things that we do not like. This is not something that will be available to others moving forward. Regarding the question about use of the garage, he stated that this is not the first time that a development has been tethered to Purdue parking. One example is the Lutheran Church parking when they took over the *Exponent* building. Commissioner Spitznagle added that two of the fraternity houses also have parking in McCutcheon. Director Carlson added that Wang Hall at Northwestern does as well. Councilor Sanders stated that it does not actually reassure him that we have increasing numbers of leasing, and he is concerned about the increasing privatization of Purdue University. This is another step. Instead of student housing connected with other student housing on the campus, we are replacing it with something that may be student housing but could actually be open to anyone. Those people are not really affiliated and do not obey the same rules, but we are still going to give them access to Purdue parking. Director Carlson noted that there is still no agreement for parking; it is one of their options, and long term it is not an option. Councilor Sanders stated that the idea that we may, at some point, revoke occupancy from this particular building due to not fulfilling the parking requirement seems to him to be a longshot. He thinks that it is unlikely to ever happen. Director Carlson stated that there are agreements built into this project that would make it absolutely a longshot because it would not be a good situation for them if this parking is not available by Year 3, because we can and would, by this ordinance, be able to take that housing away from them. That would be a failure on the part of the development.

Councilor Dietrich stated that the original plan that we approved was also a private building in connection with the University. The only difference he sees in the two projects is that the rooms were going to be designated and run through Residential Life as opposed to the business itself. The fact that we are already expanded out to the Cottages, Blackbird Farm Apartments, and other locations as overflow spots tells him that this is probably a very needed location—whether it is a private spot or a public spot. We have already approved the concept the first time. Director Carlson stated that the original development, which is still on the books and could still be built if so chosen, would have also been allowed to be 100% private. It was an either/or situation where it could be a part of Residential Life but was not required. Councilor Dietrich asked if it is correct that this rezone is from PDMX to PDMX just because it is a different project. Director Carlson confirmed this, explaining that the change in number of stories, beds, and square footage of retail all requires a rezone. Each PDMX is a unique zone.

Councilor Dietrich stated that there was concern about fire coverage in the other project, whether it would be covered by Purdue or the City. He asked if that has been resolved. Director Carlson stated that it was resolved in March 2014 with the Project Development Agreement between the University and the City and each zone was mapped. Councilor Dietrich stated that there was still concern when we did this project after 2014, including discussion about different sizes of

standpipes. He wants assurance that the fire response situation has been worked out. Director Carlson responded that it is, and stated that actually later this week there will be an agreement between the University and City for automatic aid, so all of that is handled and in place. Fire Chief Heath added that both fire departments have worked together on buildings to make sure that we have and can use the same connections to work on the standpipes. We are getting ready to sign the automatic aid agreement, which kind of supersedes a mutual aid agreement, so we will be responding even more together as two agencies. He does not see any problem with the fire protection side of this.

President Bunder asked what the timeline is for the MacArthur extension. Mr. Savoia responded that they plan to have it complete with the residential portion, which is August 2019.

President Bunder stated that he is looking down the road to the next time that we talk about parking, particularly in the Village. As someone who represents District 2, what happens on the west side of the campus is less important to him than what would happen in the Village, so he admits that he does not have a lot of energy around this parking issue. However, he can see a future where a developer, such as Mr. King or Mr. Muinzer, is telling us that in three years they will have remote parking on Klondike Road with a bus to the remote parking. He asked if someone will assure him that we will not see these kind of proposals with the precedent being that we gave one three years to get parking. Director Carlson stated that while Mr. King may have a larger parcel that most to redevelop, four acres does not make a master development. We would not entertain remote parking off of the developer's site for something other than a master plan development, such as the one that Browning is working on with PRF. President Bunder asked what the difference is between the master plan and this PDMX. He asked who approves the master plan, or if we did that already. Director Carlson responded that it will be coming up as we talk about the U.S. 231 zoning study. He noted that the Council has the final say on anything concerning a rezone in the City of West Lafayette. Director Carlson confirmed for Councilor Leverenz that this change is only for this property, and is the same parcel as it was originally.

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	Nay
Thomas	Absent
Wang	Aye

Clerk Booker stated that the vote was 7 AYES and 1 NAY.

President Bunder announced that Ordinance No. 29-17 passed on first reading.

Ordinance No. 30-17 An Ordinance Expanding The City Of West Lafayette's Garbage And Recycling Collection To Specific Neighborhoods Within The Unit (Sponsored by Mayor Dennis)

Councilor Keen read Ordinance No. 30-17 by title only.

Councilor Keen moved for passage of Ordinance No. 30-17 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Street Commissioner Anderson stated that this ordinance is to ask the Council to consider expansion on our sanitary services in order to pick up garbage and recycling on a weekly basis to coincide with the solid waste district boundaries. Those sewer service boundaries expand outside of City limits and into the County region. He stated that we sent out letters to approximately 1,100 residents who currently live in our sanitary sewer district, and we held some informational meetings to let people know what we were looking to do. One of the main reasons for this is that we have had numerous people request this service over many years because we drive right by them already. Also, we are at a point in our program where we need to redistrict, or reshuffle, our current route maps. It aligns us into a situation where if we were to do something, now is the time. We have new subdivisions coming online in the north.

Councilor Wang asked if we will have enough trucks and manpower to cover 1,100 more residents without adversely affecting the other neighborhoods. Commissioner Anderson responded that we will not have to add any additional trucks, besides our normal replacement program, and we will not need more manpower. One of the big things in having to redistrict is that if you look at our current zones and where we pick up trash, we are all over the place. This is because as the City has grown, we have just added service where we had holes. When we redistrict the service areas, it will allow us to be more efficient by staying in an area versus jumping around. Adding 1,100 stops will be fine for us to pick up with our current resources. Councilor Wang stated that he appreciates the good work that the Street Department's staff does, and that is why he is concerned that they may get behind. Superintendent Anderson stated that this process will make us more efficient, and garbage and recycling pickup will still be done three days per week at the current rate of \$16.00 per month.

Councilor Dietrich stated that he has been asked several questions by friends and neighbors. He asked if this is the first step to annexation of those neighborhoods, and Commissioner Anderson responded no. Councilor Dietrich asked if we make any money off of trash collection. Commissioner Anderson responded that we do not; it is a service we provide to our citizens. We want to align with our waste district so that the maps are equal to each other. Councilor Dietrich asked if it has to be all-or-nothing for each neighborhood, or can it be an opt-in and opt-out thing. Commissioner Anderson responded that he sees it as an all-or-nothing, and confirmed that that is for everybody inside a subdivision.

President Bunder stated that leaves have been brought up, and asked if it is correct that we will not pick those up. Commissioner Anderson explained that leaf collection is out of stormwater fees, including funds for the leaf machines. It is a separate program. He noted that he does not control the storm drains in those areas, so he will not put a burden on a County service to worry about clogging their storm pipes for something that is paid out of a different fee that we collect from our citizens. President Bunder asked how it happened that the sewers went in without us taking the stormwater. WWTU Director Henderson responded that it goes back to the early 1990s. Some of the areas that we are discussing here, such as Green Meadows and The Orchard, were part of the West Lafayette Regional Sewer District. When that was disbanded, the City received a heavy suggestion from Indiana Department of Environmental Management (IDEM) to take that over. That is how we inherited the sanitary system. He confirmed for

President Bunder that we did not build that system. He wishes we had constructed it, as some of the sewers are a little leaky with stormwater infiltration during storms.

Bob Sorenson (2521 Gala Drive) stated that The Orchard has two homeowner associations (HOAs). He will speak on behalf of The Orchard HOA, and Jay Smith will speak on behalf of the Appleridge HOA. The HOAs share a common street, which is Scarlett Drive, and there is a single entrance and exit. He stated that as president of the HOA, he is representing 90 property owners in The Orchard. He noted that he and his wife previously lived on Northwestern Avenue and received City services, including trash removal. Mr. Sorenson stated that they were first made aware of the proposed ordinance when they received a letter from Mr. Anderson inviting them to attend a meeting for interested parties about a City initiative to provide trash collection services to those County residents now receiving water and sewage treatment services from the City. He stated that while some information was provided, it was clear that the real purpose of the meeting was to tell them that the City Council was about to be asked to mandate trash collection services, whether they were interested, or not, in receiving them. If you compare City trash services with what they currently receive from contracted vendors, you would have to admit that they are essentially the same. The difference is that what is proposed will cost them an increase of 23% plus the cost of an added trash container. The benefit to be gained is from the addition of recycling being picked up once every week rather than their current bi-weekly system. He stated that there is a cost and a benefit, and essentially the homeowners of The Orchard simply said that it is not worth it. It is clear that there may be many residents in the target area that are desirable of this service, as Mr. Anderson has pointed out. For those groups who do not have negotiating powers, those costs may be significant, and they acknowledge that. He asked, however, why it is necessary to respond with this all-or-nothing mandate. By adding such a large number of customers to the service space and not increasing the rate, you are being asked to approve a plan that possibly provides new replacement equipment and added staffing at no additional cost to you, but with the cost being added to those who never asked for it. He stated that he suggested to Mayor Dennis that the ordinance be modified to allow HOAs to opt out of the proposed plan. In the future, the organizations would have the option to petition. If they did petition in the future when the City may not have the capacity to take them, then they would understand that risk. The whole issue is mandating something to a group that does not need to take it. He does not think the City's model fails if two small HOAs are removed. He asked why mandate something to a group that is already organized to receive similar services at lesser costs.

Jay Smith (1313 McShay Court) stated that he is here as a board member of the Appleridge HOA to speak against this proposed ordinance, and appreciates the opportunity since they are not residents of the City. He stated that the HOA disagrees with the offer to impose trash services on a neighborhood for a legal reason and for some common sense reasons. The legal concern is that the ordinance language, as written, stretches to include garbage collection and implies the City has authority. In fact, Chapter 25, referenced in the ordinance, covers only sewage fees. It does not, in the HOA's opinion, enable the City to impose garbage collection on the users. The word "garbage" only appears once in that section of the Code. The interesting thing is that in Chapters 30 and 33, the proper sections of the Code on garbage or solid waste, the definition of "solid waste" and the definition of "sewage" are mutually exclusive. Further, while the City can control the collection of solid waste within the City limits, it cannot impose services on incorporated sections of the County without the County executive's consent. He asked if the City has the consent of their own elected representatives. Mr. Smith spoke about the common sense aspect. He stated that the HOAs currently have a competitive environment for garbage collection. The contract is bid periodically. They have been satisfied with Republic Services, and knows that the adjacent HOA has been satisfied with Republic Services, Waste Management, and some independent haulers who serve the neighborhood. He asked why City government would harm

these private businesses by taking away their customers. He asked why the City would ask non-residents to pay 23% more for a service they have not requested. This lacks common sense. He stated that we are together tonight because the City bailed out the Green Meadows sewer system years ago, and the City's pipes ran through these HOA's land before it was developed. It made common sense for the developer to connect to the sewer. When the HOA's residents bought homes, they volunteered to pay for sewer services, without any representation in the Mayor's Office or City Council. However, they doubt that the sewer agreement obligates them to other City services. He stated that, lastly, they know that they were on the annexation radar when the bypass was built. Noting that they may not hold back annexation forever, and that there may be a time they even request to be annexed someday, he asked that in the meantime the City not impose its will on people who are not citizens and who cannot vote in the City's elections. Even if the law is on the City's side, that is morally wrong and it lacks common sense.

Mike Crose (2037 Wea School Road, Lafayette), with Republic Services, stated that he has been a part of this community for 43 years, and he loves all that Lafayette and West Lafayette has to offer. He noted that he is not here to push Republic Services on anyone today, and is just here for a couple of questions. He was the trash truck driver for about two years that did these routes. They are nice, clean neighborhoods. He took pride in that work. He has stepped up in the company, and he takes pride in that as well. He stated that the City's actions will affect the paychecks of individuals who live in this community. This is not just a \$10 billion company; the drivers they use get paid a fair wage with good benefits. It will affect employee's pay by about three hours per week. Over a year, that does affect someone's paycheck. He stated that he has a question about the contracts the company has with these two HOAs. He asked if the City will move on this ordinance before the end of the contracts, or if the contracts will be allowed to run their course.

Jessica Schneider (1907 Blueberry Lane, Green Meadows), stated that there are some who would be excited to have West Lafayette service, and she is one of them. She explained that when she called around for private trash service, she did not have good options due to not having an HOA negotiating a contract for her. The only option that included recycling costs twice as much as West Lafayette is willing to offer, and it does not pick up nearly as much. Even Republic Services, though it services the nearby neighborhoods, does not give the option of paying extra for recycling. She stated that she would love to have a private market that gives competitive options but as an individual without a group negotiation, she does not.

Councilor Dietrich asked about the possibility of opting out the two neighborhoods and just providing service for Green Meadows. He asked if it is an all-or-nothing situation, or if having the option disrupts our master plan. Commissioner Anderson responded that if you look at the map and at the amount of homes in the area—there is Green Meadows, Pine Lane, The Orchard, Sherwood Forrest, and Wake Robin neighborhoods—that is pretty much a route in terms of amount of volume of homes out there. Councilor Dietrich determined from the HOA representatives that they represent 140 homes, and that would leave 900 of the 1,100 homes that we are looking to add. He asked if that is still worth our while. Commissioner Anderson responded that anything we do is worth our while. Councilor Dietrich stated that he does not know if the other neighborhoods do not have HOAs, or if they are all willing to come aboard, but it is uncomfortable to have two groups banded together who are not interested in the service. He stated that he asked the question earlier about if we have the authority to impose something on people who do not have the ability to get rid of himself. He was told by Counsel that we do have that authority and there is State law that covers that. It still is not a comfortable thing for him to do that. He stated that he agrees that it is a great service and that the HOAs are remiss in not jumping on board, but they do not want to at this point. We still have 900 other homes to take care of that are either not organized enough or do not care enough to fight the issue. He would

like to see some reconciliation to those two neighborhoods by taking those out, if that is feasible. Commissioner Anderson noted that while the two gentleman are here representing their boards, there are people in The Orchard who would like the City's service. He does not know how something would be written to allow certain people in or out.

City Attorney Williams stated that, procedurally, the way this law works is that it is based off of residences that are connected to our sewer. That is how we have residences here that are outside of our jurisdictional limits. There is actually a set of statutes that covers this. If you are familiar with our current billing practices, these trash fees are billed right now through WWTU. That bill contains those garbage fees. He stated that Corporation Counsel Eric Burns spent substantial time looking at the various statutes that were mentioned earlier by Mr. Smith. He stated that they appreciated Mr. Smith reaching out beforehand with his concerns, and we can respond here the same way as they did to Mr. Smith. When the City Attorney's Office looked at this, there are multiple sections of Indiana law that address garbage and those types of things, but they do not apply in every situation. The Code chapters that were mentioned earlier do not apply here, because they would not be consistent with the way we do things currently. The way we do things currently is that our billing practices for trash pickup go through Wastewater Billing. The way our Code is set up in Chapter 67 specifically references that. That is also the way that the statute and that this ordinance is setup; it applies trash pickup to all those residences that would be connected to our sewer system. Rarely do you get a case that addresses these types of statutes, but there is actually a Court of Appeals case that looked at this. It said that the plain language of this subsection 25 indicates that a municipality can charge all of its residents a flat fee for garbage collection. Also, a separate subsection in the chapter indicates that a city can exercise these powers outside of its corporate boundaries. To follow-up on what Mr. Anderson is saying, the way this is set-up right now, in front of the Council, is that it is basically going to change our Chapter 67 authority on trash collection from "jurisdiction" to "anyone connected to the sewer." That is part of how we are getting the all-or-nothing approach. He stated that a carve-out may be feasible, but that is not what is in front of the Council tonight.

Councilor Dietrich stated that he is suggesting that we ought to make that what is in front of the Council. He suggested that we amend this, or re-write this portion of it, to include that verbiage. It would be better served to be in front of the Council than an all-or-nothing where we are forcing 140 people to come on board. Attorney Williams stated that he thinks there is, from the legal side, a way we could craft something like that with an opt-out. Home rule is generally going to give us more options than very specific requirements when it comes to something like this.

Councilor Sanders discussed with an unidentified speaker that the 23% number translates to \$36 per year, or \$3 per month, and that the homeowners will also need to purchase a new trash container.

Councilor Wang asked when services would start if the ordinance is passed. Commissioner Anderson responded that we would be targeting to start June 1, 2018. It would give time for those in contracts to know when they would need to switch over to the City's services.

Councilor Wang stated that he is of the opinion that we should do as Councilor Dietrich recommended. If we cannot, and if it has to be hooked up to Wastewater, then that means it has to be all-or-nothing. Attorney Williams stated that, the way the statute is setup is that if you want to charge a fee, that could be done. In the case referenced earlier, the gentleman objected because he was not even using the City's trash pickup but was still being charged a fee. A carve-out from a drafting perspective is hard because of the way we are setup with the Board of Works, but he does not think that there is anything that would prohibit it in the law. He confirmed for Councilor Wang that we can look into that.

Councilor Dietrich moved to table Ordinance No. 30-17 to the December Council meeting in order to give an opportunity to review this more. Councilor Jones seconded the motion.

President Bunder noted that there are two readings on the ordinance, so there is another bite at this apple anyway, and it can be amended. Councilor Dietrich stated that he does not think that it is good policy, even on the first vote, to vote for something that we do not think is good business or good law.

The motion to table Ordinance No. 30-17 to a time certain, being the next meeting of the West Lafayette Common Council, was passed by voice vote.

There was no further discussion.

Resolution No. 20-17 A Resolution To Designate Boundaries Of The West Lafayette Municipal Riverfront Redevelopment Project (Prepared by City Attorney)

Councilor Keen read Resolution No. 20-17 by title only.

Councilor Keen moved for passage of Resolution No. 20-17 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Director Carlson stated that this resolution is for the expansion of the Riverfront District of West Lafayette. It was originally created in 2004. At this point, the District is most of the Levee area and four parcels to the west of River Road. This would expand the District into the Village area, and it ties in with State law, which allows for up to 3,000 feet from the river or the nearest developable property. This would be aimed at bringing in more options for retail in the Village area, as well as encouraging more development in the original district by creating a few changes to the ordinance. As it was passed in 2004, it required that any riverfront license holder had to go into a building that was developed or redeveloped within the previous five years, at no less than \$40 per square foot build-out. This resolution would do away with that requirement so that existing buildings would be eligible to have establishments like this. It would also add that a bar could come in without having food requirements of 67% non-alcohol sales, as long as it keeps strict hours of operations from 11:00 a.m. to midnight.

Councilor Leverenz stated that he had a business owner ask a question related to discussion at Pre-Council regarding that if a business has one license then they could not have another one. He asked if a business owner could change business plans to sell its three-way license to change to this one. Director Carlson responded that it depends on how they were to do that. They would have to get rid of the three-way license and then go through the application process for a riverfront license. He imagines that would require some time of being closed during the process.

Councilor DeBoer stated that he wants to thank Director Carlson. He has been thinking and talking about this since he joined the Council four years ago. At that time it did not appear it could be done, but Director Carlson revisited it. He is excited to have the opportunity to have more restaurants, more bars, and more places that people can safely enjoy themselves in this area. Especially with the amount of development we have, he thinks that this will be a bright spot as we try to revitalize the State Street area.

President Bunder confirmed with Director Carlson that the protection as to the character of the restaurant or bar is up to the Mayor's decision. Director Carlson added that a letter of support from the Mayor of West Lafayette would be required by the Alcohol & Tobacco Commission (ATC)

as a part of the process for the license. Councilor Keen stated that he thinks that the requirement is a good thing.

Patrick Hagmire (282 Littleton Street, and owner of The Pint, 111 South River Road), stated that he had a couple of questions. He stated that the State does allow for a business to apply for a different license while an active license exists, so he assumes it would be a City mandate that would preclude a business from being able to apply or having to shut down first. He asked for clarification on that. He stated that it was mentioned that people would only be able to hold one of these licenses, and asked if that is something that the City is instating as well, or if it is a State mandate that someone in the riverfront area can only own one riverfront license. Director Carlson responded that at the bottom of the State statute, it states that a permit may not be issued if the proposed permit premises is the location of an existing three-way permit. So, at the very least, it does not allow the license to be issued if one currently exists at the site. Director Carlson also explained that a single business could not have two permits. If the same person owns multiple businesses then separate permits may be allowed at the separate premises.

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	Aye
Thomas	Absent
Wang	Aye

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

President Bunder announced that Resolution No. 20-17 passed on first and only reading.

Resolution No. 21-17 A Resolution Amending The Map As Contained In Resolution 16-16 (U.S. 231 Corridor Land Use Plan Request) (Submitted by Mayor Dennis)

Councilor Keen read Resolution No. 21-17 by title only.

Councilor Keen moved for passage of Resolution No. 21-17 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Director Carlson stated that this is the second amendment to the map for the U.S. 231 Land Use Plan study. This was originally expanded to include the parcel with the Purdue West Shopping Center. This study is looking at how to classify land along the 231 bypass. He noted that, along with the APC, Mayor Dennis, himself, Councilmen DeBoer and Wang have been participating in this process. They have had three steering committee meetings in the past few months to make good headway. There is hopes of hosting public input sessions in January 2018. As a matter of cause, they thought it would be best to include the parcels of land, including the development approved with Ordinance No. 29-17, and area east of Airport Road in this study. When this was

originally adopted [Resolution No. 10-16] and amended [Resolution No. 16-16] that land was owned by the University Trustees. The property was transferred to PRF in October of last year, so it is now best to include it in the study as well.

Ryan O’Gara, Assistant Director, Area Plan Commission stated that it is correct that this boundary is shifting because we now have land that is in private hands, and they are seeking to redevelop privately. It would be odd to have a completely planned corridor with this sliver of unplanned space sandwiched between University property and our studied area. The timing was right, as PRF had completed their internal master plan. He stated that he is excited and we are quite a ways along with the plan. It is faster than the New Chauncey plan because it is largely fields instead of an established neighborhood. We hope to initiate the public comment and debut of the project after Christmas. He stated that the Innovation District will have a special land use category that will allow a lot of flexibility, and they may be interested in bringing in form-based overlay zoning into that space. He is excited to include this area and to partner with PRF and Browning to bring their vision of the Innovation District in line with the APC staff’s similar vision.

Councilor Wang thanked Director Carlson, Mr. O’Gara, and Councilor DeBoer. They had a lot of discussion about the 231 Corridor because there is an agreement with the businesses and Council members that we want to do this right and have the right kind of businesses. The thoughtfulness that went into it was outstanding. Councilor DeBoer stated that he seconds that.

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	Aye
Thomas	Absent
Wang	Aye

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

President Bunder announced that Resolution No. 21-17 passed on first and only reading.

Resolution No. 22-17 A Resolution Requesting The Transfer Of Funds (Facilities) (Prepared by City Controller)

Councilor Keen read Resolution No. 22-17 by title only.

Councilor Keen moved for passage of Resolution No. 22-17 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray stated that this is a routine moving of funds from one category to another. We have an excess in the Janitorial category to be moved to the Capital Lease category for the lease of plotter.

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	Aye
Thomas	Absent
Wang	Aye

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

President Bunder announced that Resolution No. 22-17 passed on first and only reading.

REPORT BY THE MAYOR

There was no report.

COMMUNICATIONS

► Councilor Jones stated that when he stepped into this role he said that he would help communicate the student body interests, and he has two comments to make from the Purdue student body that he has been hearing. One, germane to Ordinance No. 29-17, he wants to echo sentiments spoken by Councilor Dietrich in that there is a big need for housing for students right now. There is a lot of overflow. As a resident assistant, he knows that the system is very stressed right now. He looks forward to that development going in, and he knows students in that part of campus want more housing options. There are already several upperclassmen living options within University residences, so the private aspect of that development is welcome or not a large concern to the students. He stated that his second comment is regarding recent discussion about a needle exchange program. From the Purdue Student Government side, the senators are taking up writing a resolution against that program; they do not want that on campus. Until that is passed it is not an official statement from the student body, but it is the sentiment of the students right now.

CITIZEN COMMENTS

► Kay Miller (8143 Old State Road 25 North), Co-President of the Americus Area Community Coalition, stood to speak and President Bunder congratulated her. Ms. Miller stated that it is not over yet, but we are crossing our fingers. On behalf of the Coalition, Ms. Miller read the following letter:

Dear West Lafayette City Council,

Author James Freeman Clarke once said, "The difference between a politician and a statesman is that a politician thinks about the next election while the statesman think about the next generation." Considering these words, the residents of Americus are thankful to be surrounded by so many statesmen and so few politicians.

COMMON COUNCIL MEETING MINUTES, November 6, 2017, CONTINUED

On behalf of the AACC membership, we would like to thank you for your support in our four-year effort to stop the proposed quarry from coming to Americus . Words cannot describe the gratitude we feel for your willingness to listen to our facts and research and for your willingness to support us in this endeavor.

You have given us faith in the system, and you have shown us that a grass-roots organization *does* have a voice - that there are community and elected leaders ready to stand with such an organization when the facts bear out their concerns.

We are humbled that many of you were able and willing to sit with us through the entire seven-hour meeting on October 25/26. We hope you understand how much you are appreciated by those of us who call the Americus area home.

We thank you for being statesman - for thinking of the future residents of this area - and we are sure you will continue to be so in the future.

Ms. Miller added that the Council was a very important part of the puzzle with the resolution of support that was read that night. Councilor DeBoer congratulated Ms. Miller. President Bunder received the letter on behalf of the Council.

ADJOURNMENT

There being no further business at this time, Councilor DeBoer moved for adjournment, and President Bunder adjourned the meeting the time being 7:54 p.m.