

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
PRE-COUNCIL MINUTES  
November 2, 2017

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on November 2, 2017, at the hour of 4:30 p.m.

President Bunder called the meeting to order and presided.

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

Absent: Steve Dietrich and 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, Parks Superintendent Janet Fawley, City Engineer Ed Garrison, City Controller Peter Gray, WWTU Director David Henderson, and Building Commissioner Chad Spitznagle.

REPORT OF APC REPRESENTATIVES

Councilor Leverenz noted that the APC agenda is not available yet.

PUBLIC RELATIONS:

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

President Bunder explained that this appointment is to replace Lauren Bruce.

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)

President Bunder read Ordinance No. 29-17 by title only.

Joe Bumbleburg (Ball Eggleston PC), representing the petitioner, stated that this is a re-run of a planned development that was passed about a year ago [Ordinance No. 01-17] with some significant changes. There is a small movement of the amount of acreage, the number of floors in the buildings, the square footage, and some things like that. This was passed by the APC unanimously.

President Bunder stated that a question that will linger on Monday will relate to parking, of which there is little. Director of Development Carlson stated that parking is at the same level that has been required at every other of the major planned developments that we have done recently. The outlier for the parking situation in this project is that the plan is for it to be located adjacent to the development in the very near future. He will explain more on Monday.

There was no further discussion.

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)

President Bunder read Ordinance No. 30-17 by title only.

Street Commissioner Anderson stated that that we are looking to expand the sanitation and recycling services to come in alignment with our sewer district so that our maps overlap each other. Councilor Leverenz asked what the impetus for this was, and why now. Commissioner Anderson responded that people have requested this; they call us when they move into those neighborhoods, and we drive right by them in some situations. We are also at a point where we need to redo our route maps anyway in order to balance each day's workload and to include new subdivisions. There are a lot of factors that have gotten us to this point, and now is the time.

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)

President Bunder read Resolution No. 20-17 by title only.

Director Carlson stated that he discussed this at last month's Council meeting. This resolution is to look at the areas where riverfront licenses would be available in the City. This brings it more into the Village area to allow the ability for existing and new structures to get non-quota liquor licenses, because here in West Lafayette and Tippecanoe County, we are at our limit. This allows businesses to have an opportunity to sell alcohol without going through the process of buying out another business's liquor license, which also leads to the closure of a business in the community. In response to a question from Councilor DeBoer, Director Carlson stated that liquor licenses often sell for up to six figures. He noted that this buy-out would allow a business to be able to apply for the license; it is not for the license itself.

President Bunder asked if there is a limit to these, or how many licenses we can generate. Director Carlson responded that inside the area it is a non-quota license, so there is no limit. However, right now, we currently have five licenses in the Riverfront District. These are with Poblanos, Puccini's, Scotty's Brewhouse, Town & Gown, and Nine Irish Brothers. Councilor DeBoer asked if it is correct that, theoretically, there would be a limit based on the number that the Mayor would be willing to sign. Director Carlson confirmed that, and explained that the other portion of this is that while we can expand this district via motion of the Council, no license is allowed to be created without a letter of support from the Mayor of the City of West Lafayette. It gives the City an opportunity to look at a business model and menu and see if it is something of interest to the City. The existing local law, as passed in 2004, requires that 2/3 of sales come from non-liquor, and it has to be a building that has been developed or redeveloped in the last five years at a build-out price of more than \$40 per square foot. With this change, we are looking to eliminate the requirement of being a new construction or redevelopment so that existing buildings can be home to other types of businesses. A second change is the wording from "non-liquor" to "non-alcohol," to include beer and wine sales. Another change is that if a business does not want to have that food ration included, then they would be allowed to open a more standard bar while only being allowed to operate between 11:00 a.m. and midnight. In response to a question from Councilor Wang, Director Carlson stated that the license itself costs around \$1,000, and he believes that the money goes to the State.

Councilor DeBoer asked if a business with a current liquor license would be able to sell off their license and then acquire one of these. Director Carlson responded no, explaining that State law

says that if a business holds a three-way license then it cannot convert to one of these licenses. The business would need to sell their license, shut down, and then apply for one. He noted that, unless the business also started selling a lot of food, they would not be able to stay open for last call or open early enough for Breakfast Club.

President Bunder asked for confirmation that the character of the businesses coming in is up to the Mayor. Director Carlson confirmed this, and said the Mayor would meet with the business owner to talk about their plans before giving a letter of support.

Councilor Sanders asked if this expansion eliminates the value of the right to apply for three-way licensing. Director Carlson responded that it does not necessarily mean that, because the three-way licenses can be used anywhere in the City and do not have the same restrictions as the Riverfront license. He noted that this district can only go 3,000 feet from the river or from the nearest developable parcel of land adjacent to the river. That would take it to the Pierce/Anderson intersection of State Street. However, there is also a provision that it cannot be within 200 feet of a State-owned educational facility, which would be Rawls Hall at that same intersection. Councilor Sanders asked if there has been any concern from places with existing licenses. Director Carlson responded that we have not heard any. He noted that there was a good amount of press on this since the last meeting, and we have received no feedback either way.

There was no further discussion.

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)

President Bunder read Resolution No. 21-17 by title only.

Director Carlson stated that this resolution is to add parcels of land to the U.S. 231 Corridor study that has been going on the last few months. There has been a request to add property east of Airport Road, in the area known as the Innovation District or Discovery Park, to the zone.

There was no further discussion.

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

President Bunder read Resolution No. 22-17 by title only.

There was no discussion.

#### ADJOURNMENT

There being no further business at this time, President Bunder took the consent of the Council and adjourned the meeting, the time being 4:48 p.m.