

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
OCTOBER 5, 2015

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on October 5, 2015, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Bunder, Burch, DeBoer, Dietrich, Hunt, Keen, and Thomas.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, IT Director Alexander, Facilities Director Clark, Parks Superintendent Fawley, Human Resources Director Foster, Engineering Assistant Garrison, Police Captain Harris, Fire Chief Heath, WWTU Director Henderson, Street Commissioner Payne, and Director of Development Poole.

MINUTES

Councilor Keen moved for acceptance of the minutes of the September 3, 2015, Pre-Council Meeting, and the September 8, 2015, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed by voice vote.

COMMITTEE STANDING REPORTS

STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY

Councilor Bunder presented this report, which will be on file in the Clerk-Treasurer's Office.

PUBLIC SAFETY AND ORDINANCE

Councilor Keen presented this report, which will be on file in the Clerk-Treasurer's Office.

PURDUE RELATIONS

Councilor DeBoer reported on events at Purdue University.

PARKS AND RECREATION

Councilor Hunt presented this report, which will be on file in the Clerk-Treasurer's Office.

ECONOMIC DEVELOPMENT

Councilor Thomas presented this report, which will be on file in the Clerk-Treasurer's Office.

PERSONNEL

Councilor Burch presented this report, which will be on file in the Clerk-Treasurer's Office.

BUDGET AND FINANCE

There was no report.

REPORT OF APC REPRESENTATIVE

Councilor Keen reported that there are three items of note on the October 21 APC agenda. One is Z-2627 to rezone all current R3 zones within the City of West Lafayette to R3W. The second item is Z-2631, a request by Purdue Research Foundation to rezone 21.37 acres on the south corner of State Street and US 231. The third item is Z-2632, a request from Jackson-Polen Animal

Hospital to rezone 0.89 acres on the north side of Sagamore Parkway east of Nighthawk Drive, more specifically 180 Sagamore Parkway West.

Councilor Bunder asked what the difference is between R3 and R3W.

Councilor Keen stated that the R3W is basically a West Lafayette classification.

SPECIAL REPORTS: None

PUBLIC RELATIONS:

Beautification Award

Councilor Burch presented the Beautification Award to Dave and Dianne Willard for their property at 1531 Northwestern Avenue, and Mr. Willard expressed appreciation.

FINANCIAL REPORT

There was no report.

LEGAL REPORT

City Attorney Burns stated that this report is on file.

Councilor Dietrich asked if there is any progress on an order we did for “the point” on Northwestern Avenue.

City Attorney Burns stated that it was resolved. He believes it was on the same terms as when we got the authority; it settled quickly thereafter. City Attorney Burns clarified for Councilor Dietrich that a mention of a president in the report is in reference to the president of the Police Merit Commission.

UNFINISHED BUSINESS:

Ordinance No. 26-15 An Ordinance Setting The 2016 City Budget And Setting The 2016 Tax Levy On Property And Tax Rate (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 26-15 by title only.

Councilor Keen moved for passage of Ordinance No. 26-15 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis noted that the budget has been through its first reading and a public hearing, and now it is time for the second and final reading.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 26-15 passed on second and final reading. He thanked the County officials in attendance who did the non-binding review of the budget.

Ordinance No. 32-15 (Amended) An Ordinance Amending Various Section Of The West Lafayette City Code To Comply With Second Class City Status (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 32-15 (Amended) by title only.

Councilor Keen moved for passage of Ordinance No. 32-15 (Amended) on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Burch noted that Page 4, Section 22.21 (e) contains the phrase “clerk and treasurer.” She asked if the reference to treasurer should remain.

City Attorney Burns stated that it should be amended to delete “and treasurer.”

Councilor Burch, referencing a change on Page 4, Article III, asked what the difference is between City Attorney and Corporation Counsel.

City Attorney Burns responded that it is merely a term that is used. A third-class city has a city attorney, while a second-class or first-class city has a corporation counsel.

Councilor Burch, referencing the first paragraph of Page 14, stated that she does not understand the second line from the bottom which says, “amount of such charge shall be placed upon the duplicate” She asked what that means.

City Attorney Burns responded that the duplicate is the term of art that the auditor uses for a form, sometimes called a tax duplicate, and it means that a person’s real estate will receive a lien on it if there are unpaid charges. This is the way it is done to be put on the duplicate.

Councilor Burch, referencing Page 18, Section 114.04, she quoted, “The applicant shall pay to the city a fee of fifteen dollars per excavation permit,” and noted that the term clerk-treasurer was deleted after the word city. She asked who and where the person would pay.

City Attorney Burns responded that we made some changes like that in order to allow a bit of latitude within the City. Sometimes it is easier to have a point-of-sale receipt, so it may be done at the Engineer’s Office, or it might be done at the Controller’s Office. So, in some places the wording was left as “city” so that the determination can be made as to the best place for citizens to pay. He confirmed for Councilor Burch that the same situation applies to wording on Page 21.

Councilor Burch made a motion to delete the words “and treasurer” from Page 4, Section 22.21 (e). Councilor Keen seconded the motion, and the motion passed by voice vote.

Mayor Dennis read Ordinance No. 32-15 (Second Amended) by title only.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

COMMON COUNCIL MEETING MINUTES, October 5, 2015, CONTINUED

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 32-15 (Second Amended) passed on second and final reading.

Ordinance No. 33-15 (Amended) An Ordinance To Establish A Parking Fine Surcharge And A Parking Permit Surcharge (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 33-15 (Amended) by title only.

Councilor Keen moved for passage of Ordinance No. 33-15 (Amended) on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor DeBoer stated that, as with last month, he intends to vote “no” because he thinks that after doubling these fines four years ago this will disproportionately affect students and make them pay money that they do not have.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer		✓		
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 1 NAY.

Mayor Dennis announced that Ordinance No. 33-15 (Amended) passed on second and final reading.

Clerk-Treasurer Rhodes asked City Attorney Burns if this ordinance will require advertising before it is effective, and City Attorney Burns responded affirmatively.

Ordinance No. 34-15 A Fire Protection Ordinance Providing For Payment Of Fire Hydrant Rental Costs By Indiana American Water Company Ratepayers (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 34-15 by title only.

Councilor Keen moved for passage of Ordinance No. 34-15 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Burch stated that she gets hot under the collar when we raise fees and taxes, but she does support this ordinance.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 34-15 passed on second and final reading.

NEW BUSINESS:

Ordinance No. 35-15 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (UZO #85) (Outdoor Advertising Restrictions) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 35-15 by title only.

Councilor Keen moved for passage of Ordinance No. 35-15 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Keen stated that this addresses prohibiting billboards along the Hoosier Heartland corridor within Tippecanoe County, the Wabash River Scenic Byway on Route 43, and US 231 throughout the County. This would mirror the West Lafayette ordinance already in place and ensures that it will take place on those corridors as well.

Councilor Dietrich asked where the I2 and I3 zones in West Lafayette, noting that the wording indicates that the zones are in West Lafayette.

Councilor Keen stated that he does not believe there are any in within the City.

City Attorney Burns stated that perhaps it is a protective measure in case something gets rezoned.

Councilor DeBoer stated that he gets a little hot under the collar anytime we take up issues that he feels regulates speech in a certain format. He stated that he wrestled with this piece of legislation. He stated that it is narrowly drawn enough that he is not sure what compelling government interest it is providing right now, especially the 2,000 foot separator between where signs can appear. He stated that there is clearly not a risk that these will be popping up, so this is outside of what is already allowed. He stated that at that point he fears that this sort of legislation would prohibit putting up a billboard during the political campaign season. He stated

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that he does not think he is vested with the constitutional authority to enact this kind of legislation or consider is wise to prohibiting speech in this fashion. He stated that he feels uncomfortable regulating speech under any kind of circumstance.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer		✓		
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 1 NAY.

Mayor Dennis announced that Ordinance No. 35-15 passed on first and only reading.

Ordinance No. 36-15 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (UZO #86) (Parking Standards) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 36-15 by title only.

Councilor Keen moved for passage of Ordinance No. 36-15 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Burch asked if this applies to the whole City or only certain parts.

Councilor Keen responded that he believes it would be for the whole City.

Councilor Hunt stated that there is a statement about University-proximate residences on the ordinance.

Councilor Keen stated that the reality is that before we rezoned New Chauncey there were no R3U zones within the City, and that is now where all of them currently are. So, by default they are all University-proximate.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			

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	AYE	NAY	ABSENT	ABSTAIN
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 36-15 passed on first and only reading.

Ordinance No. 37-15 An Ordinance Requesting An Additional Appropriation For The Cumulative Capital Development Fund (CCD-IT) (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 37-15 by title only.

Councilor Keen moved for passage of Ordinance No. 37-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Burch asked for some examples of the Services & Other Charges that the appropriation is for.

Mayor Dennis responded that it is for Microsoft licenses, software maintenance, and security.

Clerk-Treasurer Rhodes clarified that we will be transferring funds from Economic Development Income Tax into Cumulative Capital Development to support this additional appropriation, pursuant to the Mayor's authority.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 37-15 passed on first reading.

Resolution No. 21-15 A Resolution Requesting The Transfer Of Funds (Police) (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 21-15 by title only.

Councilor Keen moved for passage of Resolution No. 21-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes stated that this transfer was requested by the Police Department to increase appropriations in the training and conference registration area.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 21-15 passed on first reading.

COMMUNICATIONS

► Clerk-Treasurer Rhodes asked that the Council members stay after we adjourn in order to sign the budget form.

► Councilor Burch asked that everyone check out the east wall of the West Lafayette Post Office on Navajo Street. There is a beautiful mural painted there entitled "Send." A tentative dedication date is set for October 17. The credit for this goes to the West Lafayette Public Arts Team.

► Councilor Hunt noted that early voting starts tomorrow in the County building.

► Council members discussed that the next Council meeting is a week later, on November 9, due to Election Day.

► Councilor Bunder stated that he wants to praise Sue Mattern as she retires. He stated that we all know what a roll coaches play in people's lives, and for many in the City she provided both discipline and latitude as a supervisor of the pool and ice rink.

Mayor Dennis stated that she taught him how to dive.

CITIZEN COMMENTS

► Dev Verman, Purdue Graduate Student Government (PGSG), spoke about how rental properties try to keep money for cleaning, painting, and such, and that many renters do not know the legalities of this. He asked what could be done from the City-side to prevent rental properties from taking this money.

Mayor Dennis asked Mr. Verman to speak with Director of Development Poole.

Councilor Bunder stated that this is not a new issue. It comes up repeatedly. He stated that for some landlords this is rolled into their business model. He does not know what to do about it, but he would love to hear ideas.

Councilor Hunt stated that she dealt with this several years ago and it is a big problem for some landlords. She noted that when the lease is signed there is a list of things that need done afterwards, and it is very good to document how it was at move-in and when leaving. It is some help.

Councilor Dietrich asked if there is any roll that City Court can play in that.

City Attorney Burns responded that it is more County Court. He stated that abuses certainly occur, but the City cannot regulate contracting parties. There are strong provisions in the law that allow the tenant to get the money back through Small Claims Court. He stated that there is a student legal liaison at Purdue for issues like that.

► Zachary Baiel (124 Connolly Street) asked for a status on the 2015 Strategic Plan update that has been happening this year. He stated that he has not been able to find information on the website. He expressed appreciation to Police Captain Sparger for responding to his inquiry regarding data retention for the new photo- and GPS-enabled parking system that will be rolled-out soon. He is asking that the Police retention policies be available online. He asked City Attorney Burns what the result was of the Human Rights Commission's vice-chair's question regarding Purdue's jurisdiction over complaints.

City Attorney Burns responded that there is no result yet, but there are meetings scheduled to move forward.

Mr. Baiel stated that he is looking forward to Parks Superintendent Fawley running a workshop about enhancing public spaces. He stated that he has learned the City's website redesign is moving forward, and he is anxiously awaiting its arrival. He stated that he would like citizens to have input in the design and implementation of this process.

► Tyler Pearson (428 S. Chauncey Avenue) stated that he has spent three years at Purdue University and has gotten to class using a skateboard. He stated that today he was told by the Police that skateboarders are no longer allowed on the bike path or in the road. He stated that he would like to find out what he can do, and what the Longboarding Club can do to have that changed so that longboards can be recognized as modes of transportation.

Mayor Dennis asked that Mr. Pearson provide his contact information after the meeting to get in contact with the Police Chief.

Mr. Pearson confirmed for Councilor DeBoer that it was the West Lafayette Police Department, not the Purdue Police Department.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 7:13 p.m.