

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES
JULY 2, 2015

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on July 2, 2015, at the hour of 4:30 p.m.

Mayor Dennis called the meeting to order and presided.

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

Absent: Dietrich

Also present were City Attorney Associate Williams, Clerk-Treasurer Rhodes, Public Works Director Buck, Facilities Director Clark, Parks Superintendent Fawley, Police Lieutenant Harris, Fire Chief Heath, Street Commissioner Payne, and Director of Development Poole.

NEW BUSINESS:

Ordinance No. 19-15 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (Wabash Village, Inc.) (PDNR to GB) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 19-15 by title only, and he noted that this is will be a single reading as a validation of the APC's request.

Councilor Burch stated that in reading the APC staff report, the staff recommendation is "denial." However, the APC certification letter states that the vote was 10 "yes" to 0 "no."

Mayor Dennis stated that it means that the staff said no but the Commission said yes.

Councilor Keen stated that the staff recommendation of denial was only because denial would hold the developer to the planned development plan that is in effect now. However, that planned development has gone into abandonment because it has been so long since it was granted and nothing has been done with it. He explained that the thought was that if the petition was denied, they would at least have to adhere to the remainder of the planned development process for that area. However, the petitioner made a good case, saying that if we deny this then development could sit there for another 10 years with no development. If we approve it, development could then move forward and we would get new development in that area.

Joe Bumbleburg (Ball Eggleston PC) stated that the base problem is as Councilor Keen explained. When a planned development expires, it leaves a black hole with nothing you can do. He stated that the process was to figure out what would be the appropriate fill of that hole, and that is General Business. He stated that the process began, and then the City of West Lafayette built an apron and a driveway entrance on Salisbury Street into the development. It was not hooked to the parking lot by an easement. He stated that the APC staff concluded that the developer would not make that connection. However, there is a contract with Fairfield and a building permit from the City Engineering Department to build the driveway. He stated that Purdue Federal Credit Union also has plans to redo the ATM area there. He stated that he believes that members of the APC opted to listen to the fact that the developer had done all of this work and would not walk away without hooking the parking lot to Salisbury Street.

Mayor Dennis asked what action the Council needs to take to continue this project.

Mr. Bumbleburg responded that the Council needs to approve the rezone.

Councilor Bunder asked what is happening to Marsh. He stated that everybody who sees a sign in front of a building wants to know what is happening in back of the sign. He asked if this rezone means anything for the development particularly, or if it is just for the future.

Mr. Bumbleburg responded that whatever is happening to Marsh is above his pay grade.

Councilor Hunt asked for confirmation that the public art would not be removed.

Councilor Keen responded that this is for the entrance next to Starbucks.

Mr. Bumbleburg stated that the apron and driveway have already been put in, and now the developer is just trying to make it useful.

There was no further discussion.

Ordinance No. 20-15 An Ordinance Abolishing The Non-Reverting Capital Pool Fund (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 20-15 by title only.

There was no discussion.

Ordinance No. 21-15 An Ordinance Providing For Temporary Loans (General Fund, CCD, SAFER Grant) (Prepared by the Clerk-Treasurer)

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

There was no discussion.

Resolution No. 17-15 A Resolution To Authorize The City Of West Lafayette To Apply To The Indiana Economic Development Corporation For Designation Of A Certified Technology Park (Submitted by the Department of Development)

Mayor Dennis read Resolution No. 17-15 by title only.

Clerk-Treasurer Rhodes stated that there are two outstanding issues. She requested to have the ability to append a legible version of the legal description to the ordinance, as the description intended by the microscopic text on the map is not suitable for permanent records. She asked what the counsel suggests in order to have that included.

Councilor Keen asked if we would need to amend by substitution.

City Attorney Associate Williams stated that because we are not actually modifying anything in the submission, and it is basically enlarging something that is already attached to it, then the Council can move to amend the resolution now. He clarified that it is already included; this would just add something legible for records.

Councilor Keen moved to amend Resolution No. 17-15 by attaching the legible legal description. Councilor Burch seconded the motion, and the motion passed by voice vote.

Clerk-Treasurer Rhodes stated that the second item is a reference to an attachment that is supposed to be part of the application. It is Attachment C on page 3. The application asks, "Will there be an incubator associated with the Technology Park?" She noted that "Yes" has been check-marked, and the application states, "If yes, please describe as Attachment C." She stated that she has been advised that there is no such attachment yet. She asked if there will be an attachment before the reading on Monday.

Mayor Dennis stated that there will not be.

Clerk-Treasurer Rhodes stated that our goal is to have the permanent records contain a complete application since it is incorporated here by reference.

City Attorney Associate Williams stated that he would advise the Council that once we have the language, or the particular statement, that we would append it in at a later date.

Councilor Hunt asked if we can vote on something that says it is there when it is not there.

Clerk-Treasurer Rhodes asked if someone can describe it briefly for the record.

Director of Development Poole stated that the incubator that will be part of the certified tech park in the aerospace district has not been defined yet as to exactly where it will be or how it is going to be, but there will be one identified and put into the actual park. He stated that the application has been reviewed by the State already and they are fine with Attachment C being submitted when it is ready.

Councilor Hunt stated that so, we are approving something that says it is there and it is not there.

Director Poole stated that the Council is approving an application. This is the ability to apply to the State to get a certified tech park designated with an aerospace area.

Councilor Hunt asked if we can remove that it is attached, if that would lessen the complication.

Director Poole stated that he does not think it does. There will be an incubator there, but we do not have the funds to build one yet, or know how it will look or what is going to be in there. He stated that we would like to continue with this since the State has already said that it is fine to submit the attachment when it is ready.

Clerk-Treasurer Rhodes stated that in the past when there have been incomplete documents, we have had placeholder pages, and then made an amendment by substitution when the detailed attachment is available. She stated that she would suggest that we put in a placeholder, and asked if that would be acceptable.

Director Poole stated that he thinks it would be acceptable, whatever the language would be.

Clerk-Treasurer Rhodes suggested, "Attachment C Technology Park Incubator Information." It will provide a venue to attach the complete description in the future.

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City Attorney Associate Williams stated that since we will add the placeholder he recommends the Council have a motion.

Councilor Keen motioned to amend Resolution No. 17-15 by attaching a placeholder for Attachment C. Councilor Burch seconded the motion.

Councilor Bunder asked if it is correct that the State has already approved something that we have never submitted.

Director Poole responded that they have not approved it. We have asked for their direction and they looked at it.

There was no further discussion.

The motion passed by voice vote.

There was no further discussion.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment. Mayor Dennis adjourned the meeting, the time being 4:47 p.m.