

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
MARCH 4, 2013

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on March 4, 2013, 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, Dietrich, Hunt, Thomas, and VanBogaert.

Absent: Keen

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, Public Works Director Buck, Police Chief Dombkowski, Street Commissioner Downey, Human Resources Director Foster, WWTU Director Henderson, Assistant Fire Chief Holder, Parks Superintendent Payne, Information Technology Director Newman, and Director of Development Poole.

MINUTES

Councilor Burch moved for acceptance of the minutes of the January 31, 2013, Pre-Council Meeting, and the February 4, 2013, Common Council Meeting. Councilor VanBogaert 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

There was no report.

PURDUE RELATIONS

Councilor VanBogaert reported on events at Purdue University, including that on February 12 Purdue President Mitch Daniels hosted local elected officials, University administrators, and several other community leaders at a reception at Westwood.

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

Mayor Dennis stated that the New Chauncey Neighborhood Land Use Plan is up for reading at the next Area Plan Commission meeting.

Councilor Bunder summarized a notice sent by the Area Plan Commission which verifies that at a public hearing held on February 20, 2013, the Commission continued the New Chauncey Neighborhood Land Use Plan to the March 20, 2013 meeting. That was done at staff's request.

SPECIAL REPORTS: None

PUBLIC RELATIONS

Council Appointment: Go Greener Commission

Councilor Hunt stated that this is a re-appointment to the Go Green Commission. She reviewed Heather Gall's resume, and motioned to appoint her to the Go Greener Commission. Councilor Burch seconded the motion.

The motion passed by unanimous voice vote.

FINANCIAL REPORT

Clerk-Treasurer Rhodes stated that the Department of Local Government Finance (DLGF) has issued our budget order for 2013. Our tax rate will be 0.8655, which is approximately 2.5 cents higher than this year. This is due entirely to the action of the Council to increase the rate for the Cumulative Capital Development Fund to fund major infrastructure projects in the coming years. It was the first increase in over ten years. The tax rate that supports the operations of the City, the General Fund, Parks, and Cumulative Fire, are virtually unchanged from last year, which is quite an accomplishment. We are at least starting from the same point as last year. However, the budget order is not money we receive, and we still face the hurdle of circuit breaker. Those numbers will not be known until the end of March or early April.

LEGAL REPORT

City Attorney Burns stated that this report is on file.

Councilor Bunder asked for information about the yellow signs belonging to Livesay Property Management.

City Attorney Burns stated that it was a matter that Public Works Director Buck looked into, consulting with the Mayor and himself. A letter has been sent, which points out that there are restrictions that need to be observed. He stated that some of the new appearances of signs appear to be a problem. He stated that the letter from Public Works Director Buck gives the regulations and asks for compliance. City Attorney Burns stated that we will be making sure the signs are in compliance in the coming months.

Mayor Dennis stated that we have had several complaints prior to issuing the letter and making the clarification on the existing ordinance. Officers from the Neighborhood Resource Team have looked at the signs. There are some things that need to be corrected and reminders that need to be sent out. He stated that we thought it was appropriate to make that initial step of notification. He stated that sometimes people need to be reminded that you can do the right thing and it is not correct, and you can do the correct thing and it is not right. We are trying to

get an understanding of not just compliance, but of common sense use of some of that advertising. The next step will be enforcement.

UNFINISHED BUSINESS: None

NEW BUSINESS

Resolution No. 02-13 A Resolution Approving Interlocal Agreement For Utilization Of A Street Sweeper Bid (Sponsored by Mayor Dennis)

Mayor Dennis read Resolution No. 02-13 by title only.

Councilor Burch moved for passage of Resolution No. 02-13 on first and final reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

City Attorney Burns stated that this was a request from the City of Angola. They saw that we had purchased a street sweeper at the price of \$175,000. State law provides that if one unit of government has already through the whole bid process, that another unit of government, such as Angola, can piggyback onto our procedure and get the same deal at the same price without repeating the bidding process. He stated that Angola contacted Clerk-Treasurer Rhodes, and provided a form of a resolution, which he reviewed. There is no risk to West Lafayette, it is a way to help another city.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

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

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 03-13 passed on first and only reading.

Resolution No. 03-13 A Resolution Appropriating Insurance Recovery Received For Damage To City Property (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 02-13 by title only.

Councilor Burch moved for passage of Resolution No. 02-13 on first and final reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Clerk-Treasurer Rhodes stated that this is to reflect appropriation of insurance recovery received for damage to Police vehicles.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

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

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 03-13 passed on first and only reading.

COMMUNICATIONS

There were no comments.

CITIZEN COMMENTS

► Thomas Kesler (479 Maple Street) stated that he plans to participate in this year’s New Chauncey Clean Sweep, which is on March 23rd. He submitted his request to Boiler Blast for six volunteers from Sigma Chi. He hopes to have them work the steep slope on East Columbia Street, between South River Road and South Littleton Street. He knows that this is not a part of New Chauncey, but it is a mess. The task will involve bagging trash and recycling, moving concrete chunks to a location to be loaded into Mr. Kesler’s minivan, and move broken tree limbs and old Christmas trees close to the curb. Mr. Kesler stated he is mentioning this in order to give advance notice to the Street Department that there may be some piles there. If this actually happens, he will email the Street Department with more details. Mr. Kesler also requested more details about the signage issue, previously discussed, asking if there is a timetable related to the issue.

Mayor Dennis responded that there would be a reasonable length of time to educate and inform before taking enforcement actions.

Mr. Kesler asked if that would mean that the timetable is within this year, and Mayor Dennis responded affirmatively.

► Chris Kulesza (190 Burke Court, Apt. 111), President of the Purdue Graduate Student Government (PGSG), stated that his term as President expires at the end of this month. However, he hopes to become a Vice-President of the group. He reported that the PGSG has decided to separate the vice-presidency into two positions, with one being external, the other internal. The external Vice-President will be charged with community and State relations, which is the position he hopes to secure. He wants to foster more communication between the City and PGSG. Mr. Kulesza reported that this session was very successful. They have their Child Care Grant in full operation, expecting to offer two grants for \$1,000 each by the end of the semester. He reported that the veterinary students, originally represented by the undergraduate government, are now represented by the PGSG. He also reported that the amount of work that the PGSG has been doing with the Board of Trustees as increased dramatically. They are

going through the process of finding a new student trustee, hoping to have the ten candidates by the end of next month. Mr. Kulesza stated that they are hosting Graduate Student Appreciation Week the first week of April, and he invited the City to get involved in that.

Councilor Dietrich asked if student trustees are limited to graduates or undergraduates, or if it is open to anyone.

Mr. Kulesza responded that any student can apply. Graduate students typically do not get appointed, but they are hoping to change that this year. The person is required to be a full-time student for the next two years.

► Deborah Jaffey (612 Terry Lane) stated that she wanted to follow-up on the issue of the Livesay Property Management signs. She stated that she and her husband were among those who had objected to them. She stated that she is concerned because it is unclear if the signs there are going to be acceptable according to the ordinance. She stated that her perspective, and that of neighbors she has spoken to, is that the signs are unacceptable. Ms. Jaffey stated she is wondering if lobbying for a different ordinance is needed. She stated that the signs are unacceptable in a family neighborhood. She requested clarification on what is in compliance with the ordinance.

Public Works Director Buck stated that the Engineer's Office had prepared a letter signed by Mayor Dennis, along with a memo of supporting information, which may be of interest to Ms. Jaffey. He will make that letter and memo available to Clerk-Treasurer Rhodes for distribution to the Council and any member of the public who is interested. He stated that if the signs say "For Rent" or "For Lease," or a contractor that is, for example, putting a roof on the house, then they are called incidental signs by the ordinance. Those are allowed, but they have to be of a certain size. In residential areas, the rule of thumb used is 6 square feet. That is in the information given to the management companies and landlords. In a commercial zone, 20 square feet is allowed.

Ms. Jaffey stated that these signs do not mention rent or lease. The signs give the name of the company with contact information.

Public Works Director Buck stated that that information is considered incidental and is allowed if they are within size limits. In response to an inquiry from Ms. Jaffey, Public Works Director Buck stated that there is nothing about color in the zoning ordinance.

Pauletta Smith (520 Terry Lane) asked if there is anything about permanent signs. A "For Rent" sign will come down, but these signs are permanently attached in an R1 residential. She asked if a petition is needed.

Public Works Director Buck stated that we are already working with the Area Plan Commission to look at some of these issues. Color was not discussed, but duration was discussed as an additional detail to add to the ordinance regarding incidental signs to make them less offensive.

Ms. Jaffey stated that her concern is not only with the aesthetics, but with the fact that it draws attention, in an extremely aggressive way, to the amount of rentals in nominally family-occupied neighborhoods. That can only be bad for property values. She asked if there are things the residents needs to be doing, such as going to Livesay and speaking to them about being a good neighbor, or if they should defer to the City to take that action.

Mayor Dennis stated that the City has taken that first step. We have let them know that this has brought attention to us of something that is currently less than tasteful. In response to an inquiry from Ms. Jaffey, Mayor Dennis stated that he is not aware of feedback from Livesay Property Management, and asked Police Chief Dombkowski if there had been a response.

Police Chief Dombkowski stated that the Neighborhood Resource Team has had some dialog with Livesay Property Management. He believes that they are receptive to possibly dialing that down, though their response was to say that they are not the only ones. He stated that they are not the only ones, but are the only bright yellow and very noticeable signs. Talks will continue, and he will keep Mayor Dennis updated.

Mayor Dennis stated that we are in this process, that we will try to get cooperation, and we will also go through the Area Plan Commission to revisit the ordinance.

Ms. Smith stated that there have never been permanent attached signs to a house in the neighborhood. She stated that that is her big complaint. If a house is for rent or sale, or if you are constructing, then a sign is needed. She stated that a sign is not needed permanently attached to the top of the roof.

Mayor Dennis stated that what we need to be able to take action is an ordinance that supports the action that we are going to take. This requires going through channels and working with other governing bodies.

Ms. Smith stated that the neighborhood was wondering if getting a petition signed would expedite the matter.

Mayor Dennis stated that a signed petition given to the perpetrator may get his attention, but as far as the governmental process, we will do the best we can. He asked for understanding that three separate bureaucracies are involved.

Councilor Hunt stated that to add some credibility to Terry Lane, four of the houses there won the Beautification Award approximately a year and one-half ago. So, they have some credibility as far as beautifying the community.

Councilor Dietrich stated that he does not know how defined the term incidental is, but he would not consider a sign permanently affixed to real property to be incidental.

Public Works Director Buck stated that the duration of time for an allowed sign is not addressed by the ordinance. That would need to be discussed and a change would need to be made to the ordinance. He stated that the only sign he is aware of where a time duration is given is called a temporary sign, such as a banner or a sale event.

Councilor Dietrich stated that the term "incidental" is confusing.

Public Works Director Buck stated that the ordinance gives a definition of incidental. The definition is not perfect, but it is what we have to work with. Now we are opening discussion to improve that definition to address these concerns.

Mr. Kesler asked what the extent of the issue is. He stated that he presumes that someone drove around and looked at these signs. He has seen them during his walks in New Chauncey,

but he has not walked through other neighborhoods. He asked if signs have been seen beyond New Chauncey.

Police Chief Dombkowski stated that several complaints were received when the signs were put up. There were enough complaints that he personally drove through as many neighborhoods as he could, especially those near campus. He stated that he only saw them in the New Chauncey neighborhood. He said some had received his attention even before he received complaints, specifically on Salisbury Street. He knew right away that they would be a problem, and directed the Neighborhood Resource Team Director, Rick Walker, to begin dialog with Livesay. He said that seeing them only in New Chauncey does not mean that we will not see them beyond that area, so we are trying to get a handle on this before it goes viral.

Councilor Bunder stated that, to give some comfort to the citizens, West Lafayette has a good history of dealing with signs. He stated that we are the City that does not have billboards, and that was a bipartisan effort. He stated that we understand that these signs are big, ugly, new, and detrimental to the neighborhood. Councilor Bunder stated that he trusts Mayor Dennis to do the right thing, and that the Neighborhood Resource Team has good people. He would give them a chance to work on this, though a petition is always a good thing. He stated that if nothing happens, there is nothing better he likes than to draft a good ordinance.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 7:04 p.m.