

Subject to approval at the January 7, 2012, Common Council Meeting.

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
PRE-COUNCIL MINUTES  
November 29, 2012

The Common Council of the City of West Lafayette, Indiana, met in Council Chambers at City Hall on November 29, 2012, at the hour of 4:30 p.m.

Mayor Dennis called the meeting to order and presided.

Present: Bunder, Burch, Dietrich, Hunt, Thomas, and VanBogaert.

Absent: Keen

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

SPECIAL REPORTS

a. Anti-Nepotism Policy - Legal

Mayor Dennis stated that the anti-nepotism policy was crafted by City Attorney Burns, and it needs to be signed by all Councilors.

City Attorney Burns stated that there are two different parts to it, which were attached to the packet that was sent electronically to all Councilors. This is a State law, and will need signed by the end of each year. It helps everyone to think about matters of employment or contracting with relatives.

PUBLIC RELATIONS

a. Council Appointments

i. Redevelopment Commission (2)

Councilor Hunt stated that we would like to re-nominate Larry Oates, who has been a member of the Redevelopment Commission and Chair for several years. He is a local business owner and an attorney. He has been very generous with his time.

Councilor Bunder stated that Joanna Grama is unable to continue on the Redevelopment Commission, and we will be nominating Susannah Hall-Justice, a local attorney active in civic affairs.

ii. Area IV Development Board (1)

Councilor Hunt stated that she has attended the last two meetings of the Area IV Development Board, at the request of Steve Meyer who asked her to take his place. She recently learned that her position needs appointed by the Council.

iii. West Lafayette Parks and Recreation Foundation (1)

Councilor Hunt stated that Anita Joglekar recently resigned from the Parks and Recreation Foundation, which manages donations. She would like to nominate Carol Ghiselli. She has lived here many years and is active in the community.

iv. Economic Development Commission (1)

Councilor Hunt stated that Linda Cohen has been on the Economic Development Commission and enjoys the job and has done a good job. Councilor Hunt would like to nominate Ms. Cohen to continue.

b. 2013 Council Schedule

Clerk-Treasurer Rhodes asked the Council to look at the suggested dates for the 2012 Council Schedule. She noted that it can be amended throughout the year as needed, however, a notice needs to be sent to the media by the beginning of the year. Approving a schedule will allow us to go forward with that.

Councilor Hunt suggested that instead of Wednesday, November 27, 2013, which is the night before Thanksgiving, the meeting should be held on Monday, November 25, 2013. She noted that Purdue University classes end on that Tuesday. Councilor Burch agreed.

Mayor Dennis announced that by consent, the meeting will be scheduled for Monday, November 25, 2013.

Clerk-Treasurer Rhodes confirmed with the Council that there is no problem with Tuesday, September 3, 2013, in place of the Monday, September 2, 2013, meeting, which is Labor Day. This is the schedule followed for that holiday in the past.

The 2013 Council Schedule as revised was adopted by consent of the Council.

b. Council President Nomination

Councilor VanBogaert requested that a vote be taken for Council President at this time.

Councilor VanBogaert moved to re-nominate Councilor Ann Hunt as Council President for 2013. The motion was seconded by Councilor Dietrich.

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 congratulated Councilor Hunt on being elected Council President for 2013.

UNFINISHED BUSINESS:

Ordinance No. 30-12 An Ordinance Of The Common Council Of The City Of West Lafayette, Indiana, Authorizing The Issuance Of The City Of West Lafayette, Indiana Economic Development Revenue Bonds, Series 2012 (Metro FiberNet Project), And The Use Of The

Proceeds Thereof To Support Metro FiberNet Projects, And Authorizing And Approving Other Actions In Respect Thereto (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 30-12 by title only.

There was no discussion.

Ordinance No. 31-12 An Ordinance To Amend West Lafayette City Code Chapter 21 Concerning The Designation Of Council Districts (Submitted by Councilor VanBogaert)

Mayor Dennis read Ordinance No. 31-12 by title only.

Councilor VanBogaert stated that we are now at the point where we have five maps and the supporting text. He thanked the County and the Area Plan Commission, including Executive Director Sallie Fahey, for their help. He stated that he and Councilor Burch met with them twice, and with the County Clerk, and members of their GIS team. It enabled them to take their ideas and put them into life in the maps, and to come up with the block and tract numbers that was used in the text of the ordinance. They helped with the struggle with the data issues, and isolating numbers from the census department that were a little off. He stated that at this point, there should be discussion of what we want to do in terms of those maps. Councilor VanBogaert stated that he would like to move from five to two maps to be considered at Monday's Council meeting.

APC Executive Director Fahey reviewed the fact that that at the November 5, 2012, Council meeting there were three maps. One was a five-district map from Councilor VanBogaert, one was a five-district map from Councilor Burch, and one was a four-district map from Councilor Burch. So, Proposal A is the same as Councilor VanBogaert's proposal, with some modifications that he asked to be made. So, Proposal A is the same as seen in November, but slightly revised. Proposal B is Councilor Burch's five-district proposal, and Proposal C is Councilor Burch's four-district proposal. Proposals D and E were produced by the Area Plan Commission, which were made as if no work had been done yet, and what would be produced if this were started from scratch. APC Executive Director Fahey stated that a sheet has also been provided showing how many persons live, as of the 2010 census, in each of the districts, by proposal. An attempt was made to keep the numbers within 10%, though she could find nothing in the statute that requires that number, so it is not technically a consideration.

Councilor VanBogaert stated that it is not required by statute, but there is some case law supporting that there may be an equal protection case that could be made if variances were too high. The 10% is not a hard and fast number, but he stated that City Attorney Burns suggested that we may want to stay inside of that benchmark.

APC Executive Director Fahey stated that the top of the sheet shows that the 10% higher limit is 6,511 persons. Depending on what happens with annexation, or not, in the next 10 years, this would need to be done again. So, it may last 10 years, it may not. APC Executive Director Fahey stated that she concurs with Councilor VanBogaert that narrowing this to two maps for consideration before the Council meeting would be a highly productive move today.

Mayor Dennis stated that the best way to do that is to go through that is almost auctioneer-style, and just go through each one.

Councilor Dietrich stated that it seems logical to him, because of the 10% being suggested by

City Attorney Burns, and that Proposals B and D exceed that 10%, that they should not be considered, nor should the four-district proposal. This leaves Proposals A and E.

Mayor Dennis asked if he wants to submit that as a motion, and Councilor Dietrich responded affirmatively.

City Attorney Burns reviewed the motion. It would be to retain Proposals A and E, and to dismiss Proposals B, C, and D.

The motion was seconded by Councilor Hunt.

Councilor Burch stated that the proposal with the four districts and three at-large allows not just the students in District 1, but those who live and have been living in District 1, more say, more input, a feeling of because they've lived here, that their say counts a little bit more. They will still have district representative, they will have three at-large, and of course, the Mayor. She stated that Mayor Dennis has done a good job of hearing the concerns of those that live in District 1, and answering those. She feels that we should think a little more about it.

Councilor Bunder stated that he agrees with Councilor Burch. He stated that the philosophical division is whether you want five or four, so we might as well as debate that in front of a big audience at Monday night's Council meeting. He feels that it would be a fair way of proceeding.

Councilor Thomas stated that he has concern with going to four districts and three at-large due to his experience being an at-large the last 4 years. He feels that the first go-to for people who really want to talk about an issue is their district individual. Limiting that from five to four, to have another at-large, is a concern. Although he gets his share of emails and phone calls about issues, he is not the first go-to.

There was no further discussion.

Mayor Dennis reviewed that what is being voted on is to dismiss Proposals B, C, and D, and having Proposals A and E come up for vote.

Councilor VanBogaert asked that if there was specific process that should be used to do this because the amendments have not been laid on the table. He stated that this is effectively a non-binding vote.

City Attorney Burns stated that the issue is laid on the table by reading the ordinance.

Councilor VanBogaert asked for unanimous consent that Proposal A be amended by substitution, to replace his original map that is not legally valid. He clarified that there is a tabled ordinance being considered right now. He stated that he will then ask that the other ordinances be placed on the table as amendments, and then table the map that we would like to keep for Monday, and then reject the three maps that we do not want to consider. Because then those amendment maps will have been rejected and cannot be reintroduced on the floor.

City Attorney Burns stated that anything can be brought back up with the majority of the Council, so in either case, they could be brought back up.

Councilor VanBogaert stated that is fine, but as far as the process goes, he is not sure anything is being voted on right now.

City Attorney Burns stated that what needs to be done at a minimum is to suggest this numbered ordinance be brought on the table, then the motion made by Councilor Dietrich would be in order to just eliminate the three and retain the two. Then, Councilor VanBogaert needs to substitute. He suggested that a motion be entertained to bring Ordinance No. 31-12 on to the table.

Councilor VanBogaert stated that it his understanding that because this is an official Council meeting, that the ordinance is already on the table, it is already being considered.

City Attorney Burns stated that he does not know whether it was tabled to this, or to time certain, or what it was. He suggested entertaining a motion to bring it on the table, because that will make it clear.

City Attorney Burns and Councilor VanBogaert discussed whether a motion would be in order to bring Ordinance No. 31-12 on the table at this time.

Councilor VanBogaert asked that the Mayor rule that the current motion is out of order, although he agreed with it.

Mayor Dennis stated that the motion on the table is out of order.

Councilor VanBogaert moved that we consider Ordinance No. 31-12, which has been tabled. Councilor Burch seconded the motion.

The motion passed by voice vote.

Mayor Dennis stated that we are now going to hear Ordinance No. 31-12.

Councilor VanBogaert moved to amend Ordinance No. 31-12 as presented with Proposal A, and asked that it be made by substitution. Councilor VanBogaert confirmed for City Attorney Burns that he is substituting the proposal submitted with Ordinance No. 31-12 with the map and accompanying text of Proposal A, which, substantively was much changed. Councilor Bunder seconded the motion.

The motion passed by voice vote.

Councilor Dietrich moved to accept Proposals A and E, and remove Proposals B, C, and D because two of them are out of the 10% earmark, and the other is four districts versus five. Councilor Hunt seconded the motion.

After some overlapping discussion, Clerk-Treasurer Rhodes requested that the motion be restated.

City Attorney Burns stated that there is now, within Ordinance No. 31-12, by substitution, a packet which is denoted Map Proposal A by Councilor VanBogaert. We will call that, for purposes of the record, Proposal A. There is also in the same packet, a similar document, called Amendment #4, also referencing Ordinance No. 31-12, and at the top it is called "Based on Map Proposal E from the Area Plan Commission. For the sake of the record, we will call that Proposal E. As I understand Councilor Dietrich's motion, it is that for purposes of consideration at our next regular Council meeting, that Proposals A and E be on the table for consideration on

Monday night. Any other proposal filed, Proposals B, C, and D, will be eliminated from further consideration.

Councilor VanBogaert stated that for point of order, Proposal A is currently the ordinance, because it has been substituted. So, we are introducing Proposal E. That is what will move forward to Monday. Proposal A does not need a vote.

City Attorney Burns stated that is correct, those are the two that will be moving forward— Proposal A, as already amended, and Proposal E. So, it is just a question of which two are retained and which three are discarded from further consideration.

Councilor Dietrich confirmed that only one vote is needed on Proposal E because Proposal A is in by substitution.

Councilor VanBogaert said that is correct, and stated that Proposals B, C, and D do not exist right now because they have not been introduced as amendments. He stated his understanding that what is trying to be done here is to introduce Proposal E as an amendment.

City Attorney Burns stated that what is being done, and already has been done, is that there is a written packet that is marked, that has been read into the record, and there is no lack of clarity on the fact that Proposal E is being requested to be open for consideration along with Proposal A. The record is fine, and this is procedurally fine. There is a motion, and a second.

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 4 AYES and 2 NAYS.

Mayor Dennis announced that we will be considering Proposals A and E only on Monday night.

Councilor Hunt stated that some thanks are in order, as there has been a tremendous amount of work done, with Councilor VanBogaert starting it all, as well as Councilor Burch. Also, the Area Plan Commission, looking at numbers and blocks.

APC Executive Director Fahey introduced her staff. Kathy Lind is a senior planner, and she is the key census person for the entire community. Linda Eastman is one of the GIS specialists.

Mayor Dennis thanked the Area Plan Commission for their work.

There was no further discussion.

Ordinance No. 32-12 An Ordinance Requesting An Additional Appropriation For The General Fund (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 32-12 by title, and stated that it will require a public hearing.

Clerk-Treasurer Rhodes stated that this is to cover a part-time salary through the end of the year.

There was no further discussion.

#### NEW BUSINESS

Ordinance No. 33-12 An Ordinance To Amend The Fire Safety Fund (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 33-12 by title only.

Clerk-Treasurer Rhodes stated that this ordinance was prepared at the request of Fire Chief Health.

Fire Chief Health thanked Clerk-Treasurer Rhodes for preparing it. He stated that this change is due to receiving some grants and funds, and it was decided that it was best to make the ordinance for the Fire Department the same as the Police Department's, so there is some flexibility in those funds. He stated that the Fire Department received a grant for iPads, and they need a fund to put that money. There is also a grant from State Farm to purchase an insulation vacuum, which can be used by departments countywide. The vacuum allows insulation to be taken out of a home after a fire, allowing the firefighters to see if there are any hot spots. This saves the house from water damage, saves the homeowner money, and saves the insurance company money.

Councilor Burch asked if all grant money would go into this fund, or only these specific ones.

Clerk-Treasurer Rhodes responded that not necessarily all grant money, as there may be certain restrictions on some, but the fund will be for local awards or contributions

There was no further discussion.

Ordinance No. 34-12 An Ordinance Establishing User Fees To Be Collected By The City Of West Lafayette From Owners Of Property Located Within The City. (Sponsored By Mayor John Dennis)

Mayor Dennis read Ordinance No. 34-12 by title and stated that this is the stormwater ordinance. He confirmed for Councilor Burch that there will be a presentation at the Council meeting.

There was no further discussion.

Resolution No. 22-12 A Resolution Appropriating Insurance Recovery Received For Damage To City Property (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 22-12 by title only.

Clerk-Treasurer Rhodes stated that this resolution is related to damage to a police vehicle.

There was no further discussion.

#### COMMUNICATIONS

► Mayor Dennis gave thanks, again, to the Area Plan Commission and everyone else involved with the redistricting ordinance.

► Councilor Hunt requested that Street Commissioner Downey speak about what his group did for one-seventh of the City yesterday.

Street Commissioner Downey stated that Councilor Hunt photographed the first day of distributing the Mayor's new enhancement program to West Lafayette recycling. He stated that close to 850 recycling toters have been distributed. There are approximately 2,800 still to be distributed.

Councilor Hunt stated that there were many teams assembling and distributing the toters, and she congratulated Street Commissioner Downey.

Street Commissioner Downey noted that members of several other Departments were also involved, he was thankful for the support, and there has been positive feedback from the community. Street Commissioner Downey confirmed for Councilor Thomas that if the residents do not want the older red bins, the Department will pick them up and donate them to the schools after cleaning them.

#### ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment. Mayor Dennis adjourned the meeting, the time being 5:09 p.m.