

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
MINUTES  
JUNE 1, 2020

The Common Council of the City of West Lafayette, Indiana, met electronically on June 1, 2020, at the hour of 6:30 p.m.

President Bunder called the meeting to order and presided.

The Pledge of Allegiance was recited.

Present: James Blanco, Peter Bunder, Nick DeBoer, Shannon Kang, Larry Leverenz, Kathy Parker, David Sanders, and Gerald Thomas.

Absent: Norris Wang

Also present: Mayor John Dennis, Corporation Counsel Eric Burns, Clerk Sana Booker, Director of Development Erin Easter, and City Controller Peter Gray. Other unnamed department heads who did not speak were available on the conference line.

#### NOTES

► The Pre-Council meeting scheduled for May 28, 2020, was cancelled.

► This meeting was conducted electronically, without the physical attendance of any person, due to the public health emergency (COVID-19 pandemic) and per IC 5-14-1.5-3.6 and State of Indiana Executive Order 20-09, Paragraph 4.

#### MINUTES

Councilor Kang moved for acceptance of the minutes of the May 4, 2020, Common Council Meeting. Councilor Thomas seconded the motion, and the motion passed by voice vote.

#### REPORTS OF CITY DEPARTMENTS ON FILE IN THE CLERK'S OFFICE

There were no comments.

#### REPORT OF THE APC REPRESENTATIVES

Councilor Leverenz stated that he has two items from the APC Ordinance Committee which will meet June 2, 2020. The Committee will consider a request from the Tippecanoe School Corporation for a small wind energy farm that they want to put in a residential area for at least one of the schools. That is not allowed under current ordinances. The second item pertains to integrated center signage. The center requesting this is Sagamore Commons. Currently, each business within that center could, by rights, put up their own sign. He stated that he wants to give Sagamore Commons credit that they do not want a forest of signs. We are going to look at what will be the appropriate thing to do for signage for a center like that. He noted that the APC agenda is not available yet.

#### PUBLIC RELATIONS:

##### Council Appointment: West Lafayette Public Library Board of Trustees – Jim Knapp

President Bunder noted that Jim Knapp was put forward by Library Director Nick Schenkel. Mr. Knapp also serves on our Traffic Commission and is the Senior Civil Engineer at Purdue. He will be a good appointment as construction on the library begins.

Councilor DeBoer moved to approve the appointment of Jim Knapp to the West Lafayette Public Library Board of Trustees. Councilor Parker seconded the motion, and the motion passed by voice vote.

**FINANCIAL REPORT**

Controller Gray reported that we are 42% through the year, and our current budget of year-to-date expenditures with encumbrances are at 40%. The expenditures without encumbrances of future spending are at about 35%. It is a good thing to be under budget so far as we are not certain of what the revenue streams will be for the future. The Motor Vehicle Highway (MVH) revenue is down significantly due to the gas tax with people not traveling, so we are keeping tabs on that. Our utility billing revenue has also decreased due to businesses and Purdue not being in operation. Billings were down \$150,000 of revenue in April. We hope that this will pass, and that people will be back in school and utilizing facilities. He stated that this is the beginning of our budget season, and the staff is starting to look at 2021. There is a tentative date of July 7, 2020, for the Council budget review.

**LEGAL REPORT**

This report is on file.

**SPECIAL REPORTS:**

**Joint Board Report**

Councilor DeBoer stated that the next Joint Board meeting is July 21, 2020, and decisions are being made about if it will be in-person or digital.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**Ordinance No. 07-20** An Ordinance Providing For Temporary Loans (Pension Funds) (Submitted by Controller) [No. of Readings 1 of 2]

Councilor DeBoer read Ordinance No. 07-20 by title only.

Councilor DeBoer moved for passage of Ordinance No. 07-20 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Controller Gray stated that this Ordinance is for pension funds. We had temporary loans set up for the beginning of the year. A couple of pensioners passed away, which prompts some payments to the surviving spouse, increasing the cash flow for the first part of the year. We are asking to increase the Temporary Fund by \$50,000 for each of the Police and Fire Pension Funds. We get reimbursed from the State, which generally comes in late June and September.

There was no further discussion.

Clerk Booker called the roll call vote:

<b><u>Councilperson</u></b>	<b><u>Vote</u></b>
Blanco	Aye
Bunder	Aye
DeBoer	Aye
Kang	Aye
Leverenz	Aye
Parker	Aye

COMMON COUNCIL MEETING MINUTES, JUNE 1, 2020, CONTINUED

<b>Councilperson</b>	<b>Vote</b>
Sanders	Aye
Thomas	Aye
Wang	Absent

Clerk Booker stated that the vote was 8 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 07-20 passed on first reading.

Resolution No. 10-20 A Resolution To Establish The COVID Fund (Submitted by Controller) [No. of Readings 1 of 1]

Councilor DeBoer read Resolution No. 10-20 by title only.

Councilor DeBoer moved for passage of Resolution No. 10-20 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Controller Gray explained that the State has asked us to code all our COVID-19 pandemic expenses to a special fund. This Resolution creates that fund so that we can capture, monitor, and track those expenses. We hope to be reimbursed for those expenses as well.

President Bunder asked if this account from which we will pay the businesses who applied for grants and the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Controller Gray responded that this is for the City's expenses, and there are already funds setup for the payments to businesses, which are out of Community Development Block Grant (CDBG) Funds.

President Bunder asked if we know what businesses we have helped. Director of Development Easter responded that she will answer this after Controller Gray is finished.

There was no further discussion.

Clerk Booker called the roll call vote:

<b>Councilperson</b>	<b>Vote</b>
Blanco	Aye
Bunder	Aye
DeBoer	Aye
Kang	Aye
Leverenz	Aye
Parker	Aye
Sanders	Aye
Thomas	Aye
Wang	Absent

Clerk Booker stated that the vote was 8 AYES and 0 NAYS.

President Bunder announced that Resolution No. 10-20 passed on first and only reading.

Director Easter, responding to a question above, stated that the account that Controller Gray had to create is for when we have to purchase items such as extra Personal Protective Equipment (PPE) for the Fire and Police Departments. We have to track those expenses differently. As for

the money from the CDBG accounts, we are sending out award letters tomorrow. We had 132 businesses apply for this round that ended on May 31, 2020. Of those, 30% of the businesses qualify or tentatively qualify, and 47% unfortunately do not qualify. We are still working with the remaining 23% to determine which track program they need to use based on the number of current employees versus previously employees.

President Bunder asked about the non-profits that may receive money from the CARES Act funding. Director Easter responded that we will have a survey go out this week. We had a public-input survey available for the last few weeks to get an idea of the kind of public service needs based on the West Lafayette community members. We are crafting an application process for those public service organizations.

Councilor Parker asked when the businesses can expect their money. Director Easter responded that once we send out award letters, the businesses will need to submit documentation and an agreement. Once that is completed and signed, we can process it pretty quickly.

Resolution No. 11-20 A Resolution To Adjust The Timing Of Deposits During The COVID-19 Pandemic (Submitted by Controller) [No. of Readings 1 of 1]

Councilor DeBoer read Resolution No. 11-20 by title only.

Councilor DeBoer moved for passage of Resolution No. 11-20 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Controller Gray stated that generally all funds received into the City are deposited within 24 hours. However, that has not been possible because of the pandemic and stay-at-home orders. Indiana Executive Order 20-09, issued by Governor Eric Holcomb, indicated that we can deposit funds twice per week. This Resolution is for retroactive Council approval of this action and for the record.

There was no further discussion.

Clerk Booker called the roll call vote:

<b>Councilperson</b>	<b>Vote</b>
Blanco	Aye
Bunder	Aye
DeBoer	Aye
Kang	Aye
Leverenz	Aye
Parker	Aye
Sanders	Aye
Thomas	Aye
Wang	Absent

Clerk Booker stated that the vote was 8 AYES and 0 NAYS.

President Bunder announced that Resolution No. 11-20 passed on first and only reading.

REPORT BY THE MAYOR

Mayor John Dennis stated that it has been an active week ever since the death of George Floyd, not just in our community, but around the country and around the world. Locally, there have been

several supportive factions regarding our marches, and also some that are adversarial. Last night, we had a rather involved engagement where an estimated 1,200 people participated in a peaceful march, which went relatively smoothly. There are a lot of white supremacist and other racist groups that generally try to engage participants to try to get a negative interaction and attention. Although there were some minor attempts during the march, the problems started after the major portion of the march concluded. There was vandalism in the east end of downtown Lafayette and some of the stores towards the east. There were unsuccessful attempts to start fires, windows were broken, and a couple of stores were looted. There are going to be some follow-up marches this week, and try as we may, we cannot filter everybody. He stated that he would never ask anybody to not attend such an important event or not to make some very focused statements about the causative factors of Mr. Floyd's death. It was horrendous, it was sickening, and it should never have happened. However, we live in a society and a community where free speech goes both ways. Sometimes it is not the speeches that are made, but our reactions to them. He asked that anybody who attends these marches, even if not locally, to please be careful, go with a friend, and do your part to express your disgust while making sure that you look after yourselves and each other. When the event concludes, try to leave as efficiently as possible. We had a good show of support by our emergency service personnel. There were no confrontations or baiting. The law enforcement officers from West Lafayette, Tippecanoe County, Lafayette, and the State performed admirably. Again, some of the folks within the adversarial groups do everything within their power to try to generate a reaction on part of representative government or participants in the marches. With the exceptions of very few circumstances, nothing like that happened. Mayor Dennis explained that the situation tonight is very similar. He and Lafayette Mayor Tony Roswarski, with the leadership of the Police agencies participating, are down in a command post. There are cameras throughout the City of Lafayette where they can see most things going on and to direct resources to a situation that they foresee getting a little hot. He stated that as time goes on, the sincere marchers are going on to other events. The only people that continue to participate are those that are generally doing it for the wrong reasons. Hopefully, tonight will go smoothly, and with the significant presence of local law enforcement there will hopefully not be temptations for further carrying on. Hopefully, both sides of the river have a level of awareness of the severity of this situation brought home, and all we can do is hope and pray that nothing bad happens. Mayor Dennis stated that it is rather exhausting to continue to try to maintain some sense of subjectivity about this. He thought that he saw it all as a cop, but there is just still a lot of evil out there. He hopes that, at least here locally, it continues to peter out a little bit, and that we can start the healing process in Greater Lafayette.

Councilor Parker asked how peaceful protestors could be warned that the tear gas is about to fly.

Mayor Dennis responded that usually with the deployment of anything, whether it be tear gas, smoke, or tactical positioning, the intent is to take the aggressors by surprise. Every now and again, you may hear someone on a bullhorn if there is an intersperse of civilians within the targeted area. The best advice he can give to the innocent is that if you see bad things happening, go the other way. That is a good rule of thumb in any kind of group environment where there is so much unpredictability of behavior. There are people who follow these types of events all around the country in order to spread the hate message that their organization proliferates. He stated that in his former life as an officer, he had the dubious honor of having to work with a lot of these groups in different capacities. There is no kindness in their hearts, and anybody that is not one of them is the enemy. The best thing to do is head the other way, and that is the best way to ensure that you will not be affected by any kind of chemicals used to disperse a crowd and protect private property. The other thing is to make the authorities aware of issues you see so they can take appropriate action. Oftentimes, one person doing something wrong is easy to control, but it becomes a challenge to do so peacefully once that person influences others.

Councilor Sanders stated that although it may not be an issue locally, an issue in the United States and around the world is to protect members of the media. He asked what proactive efforts the local law enforcement agencies are making to ensure that the media, who have the right and probably responsibility to cover these terrible acts, are protected.

Mayor Dennis responded that we would never do anything to inhibit the media; we have free press in this country. A lot of times what we do, since we are familiar with the local media, is ask them to be careful. He knows that sounds generic, but it is done with the most serious of intent, and we make them aware of potential hazards. He noted that a lot of our media outlets have drones that can be used in the daylight hours. Our local law enforcement agencies are aware of the media outlets that are present, so an officer may pull them out or help protect them and their equipment.

Councilor Kang asked if the SWAT team was at the protest yesterday, and if it is correct that they would only be deployed if there was a lot of violence occurring.

Mayor Dennis stated that special units are often at the location but not deployed. The logic behind that is that it is alarming to citizens who see those units dressed in an aggressive manner. This has some deterrent effect on those who have a propensity for violence and puts others in fear. Staging areas are often used for more tactically equipped units to stay until needed. The geographic footprint of a march can be extensive while the footprint of a rally is more condensed, so the units would be in a position to respond in an emergency mode quickly. He explained that the units may deploy if there is a situation such as a bomb threat where they need to clear the crowd. When there are extremists involved, there is a lot of extreme behavior. He stated that he thinks that SWAT units have gotten a bad reputation because they look paramilitary, but they are the top dogs at the Police Department, and they are not there to perform extreme acts of violence or to threaten and intimidate. Those units are there to do everything in their power to prevent that from happening; however, those units are usually the first to respond to an event.

Councilor DeBoer stated that he saw on social media that Mayor Dennis and Mayor Roswarski took a knee at the event, and he thought that was a powerful showing from our governments. He asked if Mayor Dennis could give any insight into how a decision is made to use dispersal tactics, such as the tear gas used last night.

Mayor Dennis responded that there is generally a protocol in deploying any kind of tactile weaponry such as tear gas. It is often when there is underlying potential of physical harm to individuals or properties, both public and private. Usually the property qualifier is when it involves a group of people. In last night's circumstances, there was a multi-pronged attempt to break into the courthouse. The officers were basically overwhelmed, so that was the only option they had. They can generally use one of two devices. They can use smoke as a cloaking device, and people may leave due to an assumption that it is tear gas, or they can use the active ingredient. He noted that when everyone is wearing masks, it is somewhat of a protective device for a few minutes, so that was considered. Mayor Dennis stated that another thing in deploying any kind of restraint device or product is that there are a lot of activist groups who are trained to deal with that. In that case, there may be people walking around wearing insulated baking mitts to grab the canisters and throw them back at the agency deploying them, and we did see some of that last night.

## COMMUNICATIONS

► Councilor DeBoer stated that he knows that as a community we were banking on this census occurring and giving us an accurate population count for both financial reasons with funding

allocations and to have a better look at what the City looks like since annexation. He asked what the overall state of the census is right now, with the delays due to COVID.

Mayor Dennis stated that he knows there is a lot of latitude with Purdue. Purdue can submit enrollment numbers and bed counts in the dormitories. When it comes to students who reside in the City, we can often go by rental agreements, knocking on doors, or hope they fill out their census form.

Director Easter added that we recently heard from the Census Bureau that they have started rolling out their field operations in some states. It may happen in Indiana in June or July. However, if it were to wait until September, it would not be bad for us. We are hoping that field operations start in the northern part of the City, and then it takes about one month for those operations to complete.

► Councilor DeBoer stated that we need a way to capture rental information in late summer or early fall. We cannot wait for the Student Rental Report in 14 months in order to find out what is happening live, given the COVID situation and where the housing market is at. He feels legislation may be needed either for funding or to provide authority in order to find some way to capture where the rental market is at in the fall to give us a better idea of the impact of both the University's and individual's choices on where they live then. It is important for us to have that understanding.

► Councilor Sanders stated that he wants to urge the Council to consider extending the possibility of participation remotely through electronic means through the end of the year. He is concerned, and it will facilitate participation. Even if a lot of the strictures are removed, he thinks that for our Council, especially in the interest of Councilor Wang, it would be worth considering continuing this indefinitely.

In response to a question from Councilor DeBoer, Corporation Counsel Burns stated that the Executive Order pertaining to electronic meetings greatly liberalized a part of the law that we have never taken advantage of as a City, and very few people have. The existing law, without any Executive Order, allows a good deal of remote participation, as long as you have some people physically present. He noted that the other governmental organizations that he has been involved with do like using this system as well.

► Councilor Parker stated that this coming weekend is Gun Violence Awareness weekend. Mayor Dennis will be reading a proclamation on Wednesday. and the County Courthouse dome will be turned orange this weekend. Also, there is one slot available tomorrow for the Baring Arms Blood Drive in the mobile unit outside of City Hall.

► Councilor Thomas stated that people criticize him for not talking enough, but his mother taught him that we only have a certain number of breaths in this life, so use them wisely. He stated that he has something to say tonight. Councilor Thomas stated that he is heartbroken and is not ashamed to say that he has shed more tears this week than he had in the last several months. It is incredibly heartbreaking to see what is happening in our country. A Black jogger was chased down and killed in front of our eyes. A white woman in a park was asked to put her dog on leash per the ordinance, and she tried to use her white privilege to accuse a Black man of accosting her. A Black man was killed on video in front of our eyes on a concrete street by a man who had his hand in his pocket as if he were out for an afternoon stroll. Councilor Thomas said to Mayor Dennis that he is proud of him for standing up and speaking out. He is also thankful for Councilors Parker and Kang and Clerk Booker for speaking truth on the video regarding the situation of KKK flyers being placed in yards. We must continue to speak out against all forms of injustice, however we see it. He expressed appreciation to the West Lafayette, Lafayette, Purdue, and Tippecanoe

County Police Departments for being very professional with what is happening. He stated that his heart is broken because of the violence we are seeing. It is wrong, and it hurts our businesses that are already hurting. His heart is broken for the protestors, who are screaming, "Enough is enough," and have been screaming that for decades. When we as a nation must strive to make meaningful change, and not supply lip service to the problem again and again and again. We are hurting as a nation. It is not a Black community problem; it is an American problem. America needs to come together to solve it. We have to have a change of heart and a change of mind to address these issues. He hopes that we can come together as a nation.

► Councilor Kang stated that there are businesses that are being destroyed, such as Best Buy. She noted that she is not currently in West Lafayette; she is back home in Atlanta, which is in flames, and she does not want to see West Lafayette go through that. We need to be supporting the lives that are in danger right now, but also the businesses in any way that we can. If chaos comes into our City, she feels that we should take the right measures to support those businesses that might be destroyed.

► President Bunder noted that tomorrow is Primary Election Day in Indiana.

#### ADJOURNMENT

There being no further business at this time, Councilor DeBoer moved for adjournment, and President Bunder adjourned the meeting the time being 7:26 p.m.