

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
JANUARY 7, 2019

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at the Temporary City Hall – Former Happy Hollow Elementary School on January 7, 2019, at the hour of 6:30 p.m.

President Bunder called the meeting to order and presided.

The Pledge of Allegiance was recited.

Present: Peter Bunder, Nick DeBoer, Steve Dietrich, Jonathan Jones, Gerry Keen, Larry Leverenz, David Sanders, Gerald Thomas, and Norris Wang.

Absent: None

Also present: Mayor John Dennis, Corporation Counsel Eric Burns, Clerk Sana Booker, IT Director Brad Alexander, Street Commissioner Ben Anderson, Director of Development Erik Carlson, Human Resources Director Diane Foster, City Engineer Ed Garrison, City Controller Peter Gray, Interim Police Chief Troy Harris, Fire Chief Tim Heath, WWTU Director David Henderson, Parks Superintendent Kathy Lozano, and Building Commissioner Chad Spitznagle.

MINUTES

Councilor Keen moved for acceptance of the minutes of the November 29, 2018, Pre-Council Meeting, and the December 3, 2018, Common Council Meeting. Councilor DeBoer 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 the annual Student Rental Report is available on the Area Plan Commission (APC) website.

PUBLIC RELATIONS:

Mayoral Appointment: Historic Preservation Commission – Dipanshi Batra

Councilor Keen motioned for approval of the Mayoral Appointment of Dipanshi Batra for the Historic Preservation Commission, and that the vote be by voice vote. The motion was seconded by Councilor DeBoer. The motion passed.

FINANCIAL REPORT

City Controller Gray stated that the City has used 92% of the budget with encumbrances, while we are 100% of the way through the year 2018. There are a few items that will be settled up as they come in, such as bank statements.

Mr. Gray noted that the IRS increased the standard mileage rate for 2019 and it will now be \$0.54.5 per mile.

Councilor Jones commended Controller Gray and the administration for being under budget for the year 2018.

LEGAL REPORT

This report is on file.

Councilor Dietrich asked if the City planned on going to trial for a particular property that was holding out during a City project.

Corporation Counsel Burns responded that the City has everything that they need. If the other party decides that they want to submit some type of evidence of value we would consider it. However, the case is currently sitting idle. The case is bearing no expense to us, and the property is in full use. The other party is the one who is in risk of time, unlike the City.

Councilor Bunder asked Corporation Counsel Burns to clarify for the audience what property is in question. Corporation Counsel Burns further explained that there were eight cases pertaining to the Williams Street and State Street Projects. Seven of the eight cases that were filed in court were able to be resolved. The final case is still continuing to hang on. Under the Indiana State Law the City has the ability to take the property, which we have done several years ago. The property owners have the right to go to a jury trial if they choose to, and the ball is currently in their court. At this moment the City foresees no risk, so we will continue to do nothing with it.

SPECIAL REPORTS:

Joint Board Report

Councilor DeBoer stated that the next Joint Board meeting will be on January 15, 2019, at noon. The meeting will be held in the Council Chambers at what we are considering the Temporary City Hall, which is located at 1200 N. Salisbury Street. The agenda is not available yet.

UNFINISHED BUSINESS:

Ordinance No. 28-18 An Ordinance To Amend Ordinance No. 23-18, To Fix The 2019 Salary Schedule For Appointed Officers, Employees, And Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana (Presented by the Controller)

Councilor Keen read Ordinance No. 28-18 by title only.

Councilor Keen moved for passage of Ordinance No. 28-18 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray stated that this ordinance shows a couple additional errors that need to be corrected. It shows the cost-of-living increase of 2.25%, which matches our budget. The original ordinance that went through was a 2.5% increase. Mr. Gray also noted that there is an amendment for various scrivener's errors. On page three of six the Communications Specialist is a new position, and the salary was incorrectly increased by 2.25%. The salary was adjusted back to the original salary range. The Neighborhood Vitality position had not been adjusted back down to the 2.25% salary range. The Fleet Manager position had the minimum range adjusted, but the maximum range had not adjusted.

Councilor Keen moved to amend Ordinance No. 28-18, and that the vote be by roll call. The motion was seconded by Councilor DeBoer. The motion was adopted.

There was no further discussion.

COMMON COUNCIL MEETING MINUTES, JANUARY 7, 2019, CONTINUED

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 28-18 (Amended) passed on second and final reading.

Ordinance No. 29-18 An Ordinance To Amend Ordinance No. 24-18, To Fix The 2019 Salary Schedule For The Wastewater Treatment Utility As Submitted By The Board Of Public Works And Safety For Approval By The Common Council Of The City Of West Lafayette, Indiana (Presented by the Board of Works)

Councilor Keen read Ordinance No. 29-18 by title only.

Councilor Keen moved for passage of Ordinance No. 29-18 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray stated that this ordinance covers the budget areas for the Wastewater Treatment Plant, which will conform to the 2.25% cost-of-living increase.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 29-18 passed on second and final reading.

COMMON COUNCIL MEETING MINUTES, JANUARY 7, 2019, CONTINUED

Ordinance No. 30-18 An Ordinance To Amend Ordinance No. 25-18, To Set The 2019 Salary Schedule For The Elected Officials Of The City Of West Lafayette, Indiana (Submitted by the Controller)

Councilor Keen read Ordinance No. 30-18 by title only.

Councilor Keen moved for passage of Ordinance No. 30-18 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray stated that this is the salary ordinance for the elected officials, which will match the 2.25% cost-of-living increase.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 30-18 passed on second and final reading.

Ordinance No. 31-18 An Ordinance Providing For Temporary Loans (2019) (Sponsored by Controller)

Councilor Keen read Ordinance No. 31-18 by title only.

Councilor Keen moved for passage of Ordinance No. 31-18 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

City Controller Gray stated that this ordinance is providing for temporary loans for 2019. This is our normal process at the end of the year, and is for the cash flow issues throughout the year as we are waiting for the tax disbursements to come in from the County.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye

COMMON COUNCIL MEETING MINUTES, JANUARY 7, 2019, CONTINUED

Councilperson	Vote
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 31-18 passed on second and final reading.

Ordinance No. 32-18 An Ordinance To Approve Blanket Bond Coverage For 2019 (Prepared by Clerk Sana G. Booker)

Councilor Keen read Ordinance No. 32-18 by title only.

Councilor Keen moved for passage of Ordinance No. 32-18 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Clerk Booker stated that this is the annual bond coverage for employees. A blanket bond is done rather than bonding each position. The amount is up to \$750,000.00, which is what we have done the last few years.

There was no further discussion

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 32-18 passed on second and final reading.

NEW BUSINESS:

Ordinance No. 01-19 (Amended) An Ordinance Regulating Personal Electric Or Motor Powered Vehicles And Other Non-Motorized Transportation Devices (Sponsored by Mayor John R. Dennis)

Councilor Keen read Ordinance No. 01-19 by title only.

Councilor Keen moved for passage of Ordinance No. 01-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Mayor Dennis stated there has been significant changes in the transportation options within our City. One of those options includes scooters, which was introduced to our City by a company called Bird Scooter. During the process of their distribution method, we were made acutely aware by several citizens and several business owners that there was a lack of courtesy given to other property owners. We felt that it was incumbent upon us to draft up legislation that will allow for us to have some control over how these products are disseminated and how they are utilized by both the company and user. He explained that Director Carlson worked diligently in conjunction with the Development Department and the Police Department to put together the beginning draft of legislation that has been brought before the Council this evening. Mayor Dennis stressed the point that when issues come to our City we like to deal with them quickly and are in a position to have that type of legislative agility.

Development Director Carlson expressed his appreciation to the Councilors who submitted their proposed amendments, addendums, and questions over the last few days. The information was then gathered to form a list, which was emailed to all of the Councilors earlier this afternoon.

Corporation Counsel Burns noted that he had some further suggestions on ways to tackle the list. He expressed his enthusiasm at the prospect of putting together this piece of legislation because it is not often that we have opportunity to put together something brand new. The first draft of legislation was based from the City of Indianapolis and other cities. There were five amendments made at Pre-Council, and Corporation Counsel Burns suggested that no more amendments be made this evening. One small change is usually followed by another change later on. He proposed that a work session be scheduled at a later date so that everything could be put on the table at once. We need to be able to gather all of the possible input, put the document together for the Council to review, and make further adjustments. Corporation Counsel Burns noted that this ordinance will have the most drafts of any ordinance that he has worked on as a Corporation City Attorney in numerous years. He stated that he suggests the Council pass this legislation on first reading tonight. The Council can decide if they choose to take action on amendments this evening, but it would be difficult because there would be so many by the end. We then should schedule a public work session within the next ten days, which will enable us to get further into the language and details. Corporation Counsel Burns' office will then work in conjunction with the Department of Development to put together a draft of the legislation to distribute for review prior to the agenda. We should project to pass this on final reading at the February Council meeting. In order to proceed with these suggestions we should begin with the written comments that were submitted by the Councilors. Some of the comments are easy, while others are more policy oriented and would take more explanation.

Councilor Bunder deferred to his fellow Councilors to find out if they were in agreeance with the suggestions that Corporation Counsel Burns provided.

Councilor Dietrich expressed his concerns with the timing for the legislation. He noted that he was not comfortable blankly approving it to leave the title and then changing the language of the entire ordinance. Another concern is other companies who could potentially be circling around the City to do the same thing Bird scooters did before the legislation is complete. He asked if a special Council meeting would need to be held in order to approve the legislation in a work session.

Corporation Counsel Burns responded that we would need to post the meeting. Another way we could do it is to have a work session and then vote it in at the Pre-Council meeting. Then a second reading could be done at the Council meeting. If we call it a special meeting it leaves us the option to vote on it. It will be on the agenda like any other meeting, which would give more opportunity to see what the final first draft looks likes.

Councilor DeBoer noted his agreeance to that idea, and how it would allow the public more time to see changes. The meeting allows the opportunity to vote on any changes and the Councilors will have more time to be able to work on markup prior to presenting.

After further discussion, Corporation Counsel Burns confirmed that one meeting could be held as a special Council meeting that would include a work session.

Councilor Bunder discussed his concerns that even after the work session portion of the meeting the document will still not be in a presentable format for the public for first reading.

Corporation Counsel Burns stated that if it is voted on that evening it will be, to an extent, on the fly. However, most legislation that includes any amendments are always done on the fly.

Councilor DeBoer motioned to table Ordinance No. 01-19 for a work session and Special Meeting held on Monday, January 14, 2019, at 6:00 p.m. Councilor Dietrich seconded the motion. The motioned passed by voice vote.

Councilor Sanders stated that on Page 7 there is a continuation of part (m) number (4) where it states the User is encouraged to wear a helmet. He stated that Bird already requires helmets be worn when operating their scooters. He stated that as loath as he is about using the law to enforce a corporate rule, it would be his general approach, there is no reason why we should not require a helmet for operating the devices.

Councilor Jones responded that the student population by large will not wear helmets while operating the Bird scooters, but is in full favor of encouraging them to be worn. It is a different matter when Bird requires it in their user contract versus us requiring it by law in an ordinance. He further explained that the reason Bird requires a helmet to be worn in their user contract is more than likely for a liability issue for the company in case of an accident.

Councilor Leverenz stated that the state of Indiana is extremely inconsistent. Motorcycles and bicycles do not require helmets.

Councilor Sanders stated that he was unaware if we can require motorcyclist to wear helmets in our jurisdiction, but is it highly unlikely. However, this would be something we would be able to enforce in our City. It would depend on how much we would want to encourage the scooters in our community. If some students were discouraged from riding scooters because of the helmet requirement it would not be detrimental.

Councilor Keen stated that he likes the idea of mirroring State law on motorcycles and bicycles for clarity purposes.

Councilor Jones expressed his concern with the idea that we are to be arbiters of what our residents should and should not be doing when entering into free enterprise with their transportation methods. The helmet requirement could discourage scooter use, which is not necessarily our place to determine if the product of the business should be a success or failure.

Councilor Sanders stated that the safety issue is primary. If it happens to reduce use because people only want to use the products in an unsafe manner then he is okay with that end result. Just because the state has preempted us on certain safety measures to protect the environment, or taken certain measures to regulate voting, it does not mean that when we have the opportunity to intervene we should not take advantage of the situation.

Councilor Dietrich stated that the City's intentions are not in any way an effort to discourage people from using the product after all of the work we are putting into drafting this piece of legislation. This is in an effort to make things palatable, safer, and easier to get along with in working in conjunction with the company. Mr. Dietrich explained how the current verbiage is perfect by using the word encouraged rather than required. This language will allow the company to decide if they want to enforce their requirement that is listed in their user contract.

Councilor Bunder asked what cities have banned the scooters completely, to which Director Carlson responded that there have only been temporary bans. The temporary bans have allowed cities the opportunity and time to put together the necessary legislation.

Councilor DeBoer added that at the beginning of November the City of Chicago has been able to prevent the scooters in their city.

Mayor Dennis stated that other cities have dramatically regulated what is allowed on the scooters, as well as when and where they are allowed to be operated throughout their cities.

Councilor Keen stated that his assumption would be that the enforcement would be through the Police Department, but it is not clearly designated in the language. He also wanted to know where the fees will go that are being collected for the violations. We have done a great job in Section 39.05 to absolve the City from any liability related to the devices, but we also need to give some consideration that would absolve property owners.

Director Carlson responded that there has been State legislatures that have been working on that issue with some proposed legislation, but it is worth us also looking at too.

Councilor Bunder asked why we would have to specify liability if we are defining the scooters as motor vehicles, to which Corporation Counsel Burns responded that there is immediately a preemption issue. If the State legislates in an area like motor vehicles then they are in charge of the entire area. We would not be able to vary from how they have prescribed then. There is potential to have a lot of usage problems by referring to the scooters as motor vehicles.

Councilor Dietrich asked if a property owner would carry liability if two people had a bicycle accident in front of a house on the sidewalk, to which Corporation Counsel Burns responded no. Sidewalks are a public right-of-way, which means a property owner does not have any control or liability for the activities that are going on there. The only liability the property owner has is to fix the sidewalk and maintain the upkeep of it in front of their property.

Councilor Dietrich asked Corporation Counsel Burns to re-iterate the comment that he made about the liability for a business that was made at Pre-Council.

Corporation Counsel Burns explained that his first thought was that if you are a property owner and you have somebody else's property on your porch you, can remove it. You have to responsibly remove the property and safeguard it. A private property owner does not want the hassle of having to store the property though. We can avoid that hassle by making this ordinance prohibit any storage or placing any of the devices on private property without permission. Thereby, it allows us to get a blanket statement from a property owner. This will allow us to know which property owners want the scooters on their property and which ones do not. It takes the burden off of the City to provide right-of-way for the storage areas.

Councilor DeBoer expressed his appreciation to Mayor Dennis, Director Carlson, and the entire team for putting together this first draft of legislation. The vast majority of his concerns were

addressed before this first draft was illustrated. There will be more things to discuss at the work session. Some of those topics will include how these regulations will be created and then imposed. The City has not necessarily done anything like this before and given authority to an individual to propose regulations, determine the boundaries, and handling posting and all community notifications. Mr. DeBoer requested guidance on how we give the administrator the authority of this program and how it will be executed.

Director Carlson responded that the Administrative Officer, as decreed by the Mayor of West Lafayette, would get all new regulations approved by the Board of Works. That is one topic that will be written more clearly in the next draft.

Corporation Counsel Burns added that the language will be revised in the legislation to clarify the public input component to it. By doing this, it will have a public body that is giving a stamp of approval for finalization.

Counselor Bunder invited the public to speak about Ordinance No. 01-19.

Patrick Haigemaire (375 Brown Street) asked if someone who owns a pedal bike would have to get a permit every year like the scooter company requirements will now, to which Corporation Counsel Burns responded no. There will be specific provisions that are put in the next drafted legislation. Individually owned scooters will have to follow rules but they will not have to be registered.

Melissa Walpshaw (1001 Sunset Court) stated that the American Council of the Blind helped pass legislation for electric cars to make a whining noise so that people could hear them. She asked if there could be a provision for the scooters as well because you cannot hear them until they are almost on you. She stated that she was almost hit by one of the scooters while walking down the street.

Councilor Bunder expressed appreciation to Ms. Walpshaw for bringing this topic to their attention because they had not thought of it yet.

Michael Lockwood (1001 Ravina Road) stated that he was concerned about the parking of the scooters. He stated that maintenance at this home is something that they take great pride in, and has previously been before this body for the Beautification Award. He asked for further clarification on how the parking is being legislated so they will not be parked on sidewalks.

Corporation Counsel Burns responded that the Engineering Department has identified several proposed spots. Those proposed spots would be designed and marked. Some will be on sidewalks as long as it does not interfere with the ADA passage.

City Engineer Garrison added that they have most recently looked into areas that the scooters are being used and operated. They are looking at existing locations where there are wide sidewalks, areas that are not heavily traveled, and concrete locations that will not cause a burden. As the program advances, the goal will be to use some of the income to publically finance better locations. There are not currently spots that have been pre-developed for this condition. We will have to work with what the City currently has and improve as time passes.

Councilor DeBoer expressed his concern about the potential with people getting off of the scooters in undesirable places after the legislation is passed. We need to make sure that anytime the scooters are dropped off they are put in a specific location and the Police Department has the

ability to remove them when necessary. The nature of people getting on and off the scooters quickly will not allow us to track the individual unless we go through the database.

Councilor Dietrich stated that the clock is on the company. If the scooter is improperly placed for two hours then the company is subject to be fined.

Councilor Leverenz stated that in the database they have a record of who rents the scooters. If certain individuals continue to cost the company money because they are parking them in an unsafe manner they would have the option to stop renting scooters to them.

Councilor Bunder stated that the people who are responsible for charging the scooters will be eager to make their money by locating the scooters, charging them, and redistributing them at prime locations.

Mr. Lockwood asked if home owners would be consulted prior to designated scooter parking spots being allowed in front of their residences. He noted that originally the "scooter wranglers" were the ones who were placing these items in front of his residence.

Mayor Dennis stated that prior to Bird leaving, if the scooters were inappropriately placed, wrecker services were called to tow the devices. Then Bird was responsible to pay the fine and to get them out of impound.

Zachary Baiel (124 Connelly Street) stated that he has also had the scooters parked in front of his home. In the ordinance there is no direct access for citizens as opposed to burdening the City government even more with their business. He explained how he would hate to see the Police Department spending countless hours to corral and impound the scooters when they could be spending their time doing other things. He encouraged mandating a mechanism for the individual citizens to be able to report this back to the company so that way we would not have to involve City services. If there was ever a time for a 311 service in West Lafayette this may be that time. Mr. Baiel noted that he is in agreeance with the previous comments about business owners and private property owners being able to communicate with the Engineering Department about where the nest points will be located. Another thing that was not listed in the language of this legislation is the visual pollution from the later models of the scooters. The scooters have a tremendous amount of bright LEDs that change color constantly. People complain about street lights, but if you get a cluster of these scooters it can be extremely distracting. Another point he brought up was the language that defines the vehicles by saying non-motorized transportation device. He asked for further clarification and what that will include.

Corporation Counsel Burns responded that it will include bicycles, and they will be included because if the next device happens to be a new type of bicycle that will be managed like a Bird scooter this piece of legislation will apply. The intention is not to have any individual restrictions at all for anyone using bicycles or anything else. They just need to follow the rules of the road.

Mr. Baiel stated that the educational events are not defined, but they seem to be a tremendously important component to this legislation. There are six mandated educational events each year that they are in operation in this City.

Councilor Sanders brought up the point that Mr. Baiel was discussing citizen action and individual action. He asked for further clarification on if he was suggesting that we include language that the company must provide a telephone number and/or web interface so that people are able to report issues, to which Mr. Baiel responded yes. He noted that he appreciated how the City would

be working to go after the data from the company. This makes it so that the citizens do not have to bother the Engineering Department and Police Department.

Councilor Dietrich noted that Page 3 requires a customer service telephone number.

Mr. Baiel asked if the intent is to direct all citizen traffic to that phone number, to which Mr. Dietrich responded that it is a customer service number that is being made available and he is unaware of the full intentions of it. However, we are requiring that the number be established. Originally, it was designed more for scooter help. Once it is established though, we have the ability to dictate how it is maintained and used.

Mr. Baiel added that we should be able to expand it to more than just a phone number. We are leading the way for other municipalities and should make our legislation highly-effective.

Councilor Keen motioned to table Ordinance No. 01-19 to a time certain of January 14, 2019, at 6:00 p.m. Councilor DeBoer seconded the motion, and the motion passed by voice vote.

Corporation Counsel Burns stated that if anyone else would like to submit further suggestions, please submit them in written form.

There was no further discussion.

Resolution No. 02-19 A Resolution Requesting The Transfer Of Funds (Mayor and City Clerk)
(Prepared by the City Controller)

Councilor Keen read Resolution No. 02-19 by title only.

Councilor Keen moved for passage of Resolution No. 02-19 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

City Controller Gray stated that this resolution is to move funds from one major category to another in the General Fund. The difference in this transfer is that this is a ratification going back to December 2018. The Mayor's Department will be moving \$150.00 from Services to Personnel, and the Clerk's Department will be moving \$170.00 from Services to Personnel. This has to deal with the medical expenses that are collected ahead of time. The budget that we had in 2018 did not quite cover the medical expenses that need to be submitted in 2019.

There was no further discussion.

Clerk Booker called the roll call vote:

<u>Councilperson</u>	<u>Vote</u>
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Resolution No. 02-19 passed on first and only reading.

REPORT BY THE MAYOR

Mayor Dennis announced that Police Chief Jason Dombkowski has submitted his letter for retirement with a last day on Friday, January 25, 2019. Chief Dombkowski has done a fantastic job not only as Police Chief but serving this community. He will be greatly missed.

Councilor DeBoer asked what type of process we have internally for the future of the leadership in Police Department, to which Mayor Dennis responded that it is a Mayoral appointment. There will be an announcement made within the next couple of weeks.

COMMUNICATIONS

► Councilor Dietrich asked for Corporation Counsel Burns to share the data that has been gathered in regards to City Court.

Corporation Counsel Burns stated that he will make sure the information gets distributed to all of the Council members. He noted that it is statistical data for the last several years, and it is no surprise that the numbers have dropped dramatically. A conversation is projected to take place between Mayor John Dennis, Judge Lori Stein-Sabol, and himself to discuss all options for the future of the Court. Judge Sabol thought there would be adjustment needed to make things fair to citizens who wanted to continue with Court. One of the options would be to do away with the Court, while another option is to adjust how often court is convened. It is anticipated that there is a possibility of numbers increasing. We have thousands of parking tickets that are ultimately enforced in City Court, but do not need Court to get paid. There are numerous tickets that do not get paid because the individual lives out of town. He stated that it is unusual for a City of our size to have a City Court and it is of great value. The candidate filing period begins this week and ends in February. The State Statue divides municipal courts into two – those established before 1976 and those established after 1976. Courts that are established after 1976 are handled heavily by State regulations. Due to the age of our court being prior to the 1796 date, our Council is in complete control.

In response to questions asked by Councilor Dietrich, Corporation Counsel Burns stated that it is a four-year term. We would not want to try to terminate the Court in the middle of a term. Ideally, something would have been done prior to this date.

Councilor Dietrich assured Corporation Counsel Burns that there is no vendetta against having City Court. The situation comes down to a dollar and cents issue. He noted that the provided numbers reflect an interesting analysis.

In response to a question asked by Councilor Dietrich, Corporation Counsel Burns stated that how we handle Court will be up to the Mayor at this point. In his opinion, City Court is a neat thing to have in this City right now. He will be present at the meeting to give advice, but will not be making the decision.

Mayor Dennis added that for a City this size it is rare to have a City Court. It is a neat tool to have, and if it goes away, it will not come back.

Councilor Dietrich questioned that if City Court is extremely unique why other cities do not utilize it. Also, he stated that he would be interested in hearing other ways that we could be using this

resource to benefit the City other than just for parking tickets. Mr. Dietrich expressed that he was not opposed to having court, but wanted to make sure it is beneficial for the City.

Corporation Counsel Burns stated that we have an Ordinance Violation Bureau, which is nothing more than a legal mechanism for people that have received a ticket for various minor infractions. They can pay it lawfully to the City or they can deny it, which theoretically end up in City Court. However, those numbers are low. A lot of tickets are not pursued because the people live out of state. There was some energy when we had a Clerk-Treasurer of using a collection agency, but that was unsuccessful. A court does not have the ability to collect the money from out of state, but does have the ability to make a judgement.

Councilor Wang explained that getting a judgement is a last resort. When a judgement gets issued it is reported to the credit bureaus.

Corporation Counsel Burns agreed that this is an option that we should at least be looking into. In addition, the City Court could be used for that purpose. Tickets that have not made an inch of progress since the tickets have been written, and when the people are gone now, may need to have a judgement made against them.

Councilor Wang noted that there could be a lien placed against a person, and with the Bureau of Motor of Vehicles.

► Councilor DeBoer requested the tables be placed in a square for the Special Council Meeting next week, to which Mayor Dennis confirmed that this could be arranged.

CITIZEN COMMENTS

► Zachary Baiel (124 Connelly Street) invited everyone to attend the New Chauncey Soup and Dance on Friday, January 25, 2019. The event is scheduled to be held at the Temporary City Hall – Former Happy Hollow Elementary School from 6:00 p.m. to 8:00 p.m. He continued to remind the City about transparency. He noted that he is impressed that the City requested to have API access to the general scooter feed specification format. If citizens had access to the West Lafayette City Government through an API they could then do their own analysis and could have endless possibilities. Once again, Mr. Baiel requested the Tyler Transparency Portal that is available for the system that is used to manage all of the finances within the City. He explained that former Clerk-Treasure Judy Rhodes told them over five years ago when we were transitioning into the new system that it would allow the representatives, Department Heads, and Employees to get a large sloth of information about their budgets in real time. The last point he brought up was in regards to an education component for Ordinance No. 01-19. Bicycles are pushed on heavily in the community of Lafayette. There is increased ridership throughout the City. West Lafayette could collaborate with other organizations to get the word out and communicate with the community this Spring, which would be extremely beneficial.

► John Whelan (517 Emilie Drive) stated that he is in attendance this evening for what was known as the Morton Pottery Studio, which has now moved to the Temporary City Hall – Former Happy Hollow Elementary School for the next couple of years. Mr. Whelan has been a student at the pottery studio for the last 12-15 years. Their pottery instructor, Gail Johnston, has brought it to their class' attention that when the City offices move to their permeant location the pottery class will be cancelled. The studio is not planned to be at the new modified City Hall building, or the new Recreation Center. He noted that this is one of the greatest programs he has ever been associated with in the thirty years that he has been a resident of this community. The class has been a fun experience, a great way to meet other people, and great way to pick up a new hobby. We need to look at the decision making process and consider the arts programs.

► Mayor Dennis stated that the pottery program has currently been set up in the east wing of the Temporary City Hall – Former Happy Hollow Elementary School. The kiln is scheduled to be delivered this week. The Recreation Center is undetermined at this time, and we have not settled on a final design for the Recreation Center. Programing will be a key component of the design process because we need to make sure it is self-sufficient. When there is more information and a better idea of where we are going we will make sure that this body and the public are aware.

► Gail Johnston (694 Sugar Hill Drive) provided information about the pottery studio in hopes the Councilors may have some influence on whether the pottery program gets cancelled or not. Ms. Johnston has been working at the pottery studio for twenty-five years, and has taught over 1,000 students. Many of the students have grown up and went to college with art degrees. Her students range from the ages of 4 years old to 90 years old. The pottery class contributes to the community in various ways. Each potter will contribute an estimated \$800.00 worth of pottery to the Battered Women's Shelter and the Clay Bowl Fundraiser. Ms. Johnston would like to continue to stay in the loop, but was told not to think of it as being part of West Lafayette anymore. She noted that if she would have to teach somewhere else it would more than likely have to be in Lafayette.

► Sharon Waxkish (324 Jefferson Drive) stated that she would like to reiterate everything that Ms. Johnston and Mr. Wheltan previously discussed. They are confused on if the pottery program will continue or be cancelled. She stated as someone who is new to the Country, please imagine that you have come from a far-off land with a British accent and you have flown to this wonderful community called West Lafayette. You know absolutely no one except your husband and you would like to create something in life that shows that you have a place to belong. She explained that art for her is one of those incredible creative experiences of being able to express that you belong somewhere. She then has the ability to give her art pieces to other people and friends back in the UK. If our City Council has any way to be able to intervene to make sure they have a place to maintain a place to do art and be creative, it is extremely important. This studio has allowed Ms. Waxkish to make friends in this Country.

► Councilor Sanders stated that he has been an advocate for pottery studios in West Lafayette for quite some time. Two of his dear friends were heavily involved with the ceramic studio.

► Melissa Wobshall (1001 Sunset Court) stated that when she signed up for her first pottery class she was extremely nervous on if she would be allowed to take it or not. She was aware that there could be some liability issues and accessibility issues. The City, Ms. Johnston, and others worked diligently to ensure that she was able to take the class. She expressed her appreciation for the advocacy it has taken to get her into the class. It is disappointing to hear that the class could potentially be cancelled in two years, but will continue to advocate for the continuation of the program.

► Patricia Kulgen (3469 Tunbridge Way) stated that nine years ago when she moved to West Lafayette her first introduction to the community, outside of her job, was the Morton Pottery Studio. The studio is the first place that she was able to create bonds with the community.

► Councilor Bunder, on behalf of his fellow Councilors, stated that they enjoy the citizens coming to talk during Council meeting. West Lafayette is proud to be the last open-mic in Tippecanoe County for City Government. The Councilors will continue to pay close attention to the design of the new City Hall and Recreation Center.

ADJOURNMENT

There being no further business at this time, Councilor DeBoer moved for adjournment, and President Bunder adjourned the meeting the time being 8:01 p.m.