

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
JUNE 3, 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 June 3, 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, Larry Leverenz, Gerald Thomas, and Norris Wang.

Absent: Gerry Keen and David Sanders

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, Facilities Director Tim Clark, Director of Rental Housing Inspections Dale Dixon, Deputy Director of Development Erin Easter, City Controller Peter Gray, Fire Chief Tim Heath, Parks Superintendent Kathy Lozano, Assistant City Engineer Marcus Smith, and Building Commissioner Chad Spitznagle.

Councilor Bunder requested the Council's consent to add a report for the project updates of the Wellness Center and City Hall under Public Relations. He noted that Larry Oates, President of the Redevelopment Commission, would be presenting the report for both projects. There was no objections from the Council.

MINUTES

Councilor DeBoer moved for acceptance of the minutes of the May 2, 2019, Pre-Council Meeting, and the May 6, 2019, Common Council Meeting. Councilor Dietrich 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 encouraged everyone to look at the agendas over the next few months, as there will be new items happening in the community. The Ordinance Committee will begin a discussion on solar panel fields, as well as upcoming rezones throughout the City.

PUBLIC RELATIONS:

Larry Oates, Redevelopment Commission President, noted that the financial consultant for both the City and Redevelopment Commission, Jim Treat, was in attendance at the previous Council meeting and indicated that we have been able to sell our bonds at a favorable rate. We will break ground on both projects this summer, with a timeframe of July or early August. There is work going on behind the scenes, and plans are currently being drawn. The first portion of bid packets for the City Hall project went out today. We recently received and opened the first round of bid

packets for the Wellness Center. The City was highly satisfied with the submitted projected amounts of those bids.

Mr. Oates moved on to discuss the slide show presentation. The first slide illustrated the exterior design of the Wellness Center. It will be located in Cumberland Park, off of Kalberer Road. This was done through all of the focus groups and the study ahead of time. The intent was to ensure that the existing building melded with the environment, but also was an iconic structure. The entryway will have a big glass atrium as you walk into the building. The atrium will go all the way through the building. Citizens will be able to stand at the front door, look through the swimming area, and out into the woods and pond area at the end of the building. The aquatic facility will have four lanes of lap swimming. This area will have a depth of 9' 6" to allow us to do lifesaving classes within the facility. There will be a vortex in the back area, which is similar to a lazy river. The area will be a round basin with vortexes that will start the water spinning. It will have the capability to go both ways, depending on which way the jets are turned on. This area is for people who are wanting to walk against the resistance for exercise or rehabilitation. There will also be a zero-entry portion of the aquatic facility. There will be walls in certain places that will help to ensure different safety measures of the depth changes. Additionally, there are three ADA access points to the pool. One will be a ramp in the zero entry. The next one will be a set of stairs that will walk down into the seating area just left of the vortex. The third will be a lift on the side of the pool. The City has hired an ADA consultant to look at all of our plans on both projects to make sure that we are meeting the Americans with Disabilities Act Guidelines from the beginning. The building will be sited in the area of where the Parks barn is currently, with the natatorium facing the pond area. Moving on to the inside of the building, the first floor will have three gymnasiums. He explained that one will be known as a MAC Court, and will have a multi-purpose surface. It will also be available to rent, such as for a reception or a dance. He noted that on the second floor it has the ability to be doored off, which allows it to be a private space. The other two gymnasiums will be hard wood courts, and will be marked and set to be able to do a myriad of activities. Mr. Oates pointed out that the blue area past the gymnasiums are the locker rooms, and the light blue area is the aquatics center at the far end. On the right side at the top, the yellow area illustrates three community rooms. These community rooms are actually one large room that will have wall separators. There will be a small kitchen next to the room where a caterer could put dishes while serving a party. The restrooms will be accessible from the inside and outside of the building. There will be a control desk inside the building across from the restrooms that will help to ensure the safety of everyone walking around the building. The group fitness room is next to the restrooms, and the building office space was in the green area of the picture. There will be an indoor playground, intended to help in the winter months. The child watch area will also be included in the indoor playground area. Off of the aquatics area there will be a party room. On the second floor there is a running track that will go around all three gymnasiums. In addition, there is a cut-off after the MAC gymnasium. When those doors are closed the running track will still be able to be used around the main gymnasium. On the opposite side of the second floor plan, it illustrates a fitness area and group fitness rooms. To ensure that the building has a sleek design, all of the mechanicals will sit on the roof of the first floor and under the roof of the second floor. This will also help the sound absorption for the neighborhoods.

Councilor Thomas asked if the gymnasiums were high school regulation sized, to which Mr. Oates responded yes. The gymnasiums are designed to be flexible and include fabric dividers. They could be rented out for various high school tournaments if applicable.

Councilor Wang asked if there would be a close-up security camera system, to which Mr. Oates responded absolutely.

Moving the presentation along to the next project, Mr. Oates explained that the next slide represents what City Hall will look like from Chauncey Avenue. There will not be a lot of change, and that is the whole purpose. The idea is to keep the historic structure of the Morton Community Center, while converting the inside to a more modern facility. There will be ADA compliant entry ways that will lead to the front doors. On the back side of the building, a structure will be added on to be used as the main entrance. He noted that both the front and back entrances will be accessible during the day to be used. He noted that a new lobby will be built on to where the existing gymnasium is currently located. He explained that on the left side of the picture there are two large rooms, which will be used for City and Parks Department purposes. They are projecting that they will be used for dance classes. The rounded room has a capacity of at least 70 people. It will be set up for small commissions and as an education type room. All of the rooms are open to the public to be rented out, but we have the security of a reception desk in the middle of the lobby. The security reception desk is next to the west entryway, which will be the desk that people go to if they need access to the City Offices or have a bill to pay. Further along the bottom of the illustration was office space for the City. North of the stairway is a group activity center. The area will also include a kitchenette and a couple restroom areas. The gymnasium will be the Council Chambers for larger meetings. We are currently in a design phase for the stage itself, but we believe that the stage will be dropped to ground level. Mr. Oates explained that the remaining space on the first floor will be storage and restroom areas. Moving on to the second floor, he stated that the gymnasium goes all of the way up to the second floor. However, there will be a new conference room that will be where the balcony currently is located in the gymnasium. The entire second floor will be for City offices. The bottom right hand corner illustrates where the Mayor's Office is located, and the top right hand corner is where the Clerk's Office will be. In order to transcribe minutes, the Clerk Staff will have an area that will be sound proof. Next to the gymnasium is additional office space, with the restroom area for the second floor next to it. The northeast corner is where IT will be. They will have a workshop and be able to house all of the servers in a secure area. Past the north stairway there are a couple of group conference rooms. The remainder of the floor will include office space for the City. He noted that there is an internal stairway just diagonal from the Mayor's Office for easy access to the first floor. There is also a skylight that drops from the ceiling, through the floor, and all of the way to the bottom floor. It will have a piece of glass over the top, which will block out any noise from the first floor to ensure that business does not get disturbed on the second floor. The next slide gives an idea of what the building is projected to look like when coming in from the new entryway at the back of the building. The next slide is what it will look like when looking down the hallway, with the room on the left side. The last picture illustrates what the new conference room, which will be built in the balcony, will look like when looking out over the Council Chambers.

Councilor Wang asked if there would be an elevator, to which Mr. Oates responded yes. We will be using the existing elevator shaft, but it will be completely renovated.

Mr. Oates concluded by stating that groundbreaking will be in the near future. The finances are all set-up, and we are ready to go.

FINANCIAL REPORT

City Controller Gray stated that we are 42% way of the way through the year. Our overall expenses with encumbrances is at 43%, but the expenses are at 38%. We are tracking along with our budget, and are in good shape like we have been in the past.

LEGAL REPORT

This report is on file.

SPECIAL REPORTS:

Joint Board Report

Councilor DeBoer stated that the next Joint Board meeting is scheduled for July 23, 2019, at noon in Council Chambers.

UNFINISHED BUSINESS:

Ordinance No. 09-19 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (UZO Amendment #96) (Submitted by Area Plan Commission) [Continued from May 6, 2019, Meeting]

Councilor DeBoer read Ordinance No. 09-19 by title only.

Councilor DeBoer moved for passage of Ordinance No. 09-19 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Councilor Leverenz stated that this is in response to a company who wants to put in a large wind farm in the southwest corner of the county. The majority of those citizens are opposed to it. Due to population changes in the county, especially the increase of population, the ordinance committee at Area Plan Commission (APC) proposed we do not allow large windfarms within the county as a method of growth to occur. The APC then approved the ordinance, and it now comes to the Council for approval.

Council Bunder asked Councilor Leverenz to explain how things from the APC end up before the City Council. Council Leverenz stated that there are five entities that make up the APC, representing the cities and the county. Every ordinance that APC passes then has to come before each entity within the county. The ordinance receives a recommendation from the APC to those entities.

Councilor Bunder asked if there is any place in the City that a wind farm could be built, to which Mayor Dennis responded that there are two types of windmills that people will see in this community. One is the one that is visible from about 50 miles away. It is the large multi-story windmill that is in a lot of the rural areas in Tippecanoe County and surrounding counties. The other one is similar to the one that is at the bus company. It is smaller, but the dynamics are basically the same. The ordinance would allow those type of windmills to be within City limits. However, the large ones that are generally out in the middle of nowhere would be prohibited in Tippecanoe County if this is passed.

Councilor Leverenz stated that this company is looking at putting windmills approaching 600 feet. The ordinance is not disallowing any small individual windmills or wind turbines, but rather addressing the large wind farms.

Mayor Dennis stated that the discomfort is that nobody wants to say no to windmills. There is a practical application towards specifically in what is in the urban geographic footprint of the City of West Lafayette. If there was existing land, and it was approved through the process that we have, windmills would still be permissible here, just not the giant ones.

Councilor Dietrich noted his confusion with the language stating that the micro-wind systems can be no more than 15 feet at the highest point of the roof. He explained that the windmill at the bus station is higher than 15 feet. Mayor Dennis explained that the windmill at the bus station was used as a reference point for an example of size. The roof should be the roof of structure that it is being built next to.

Councilor Dietrich asked if a vote against this will then free up windmills in West Lafayette, to which Councilor Bunder responded that to his understanding, because of the airport it would be extremely difficult to imagine.

Councilor Dietrich asked Counsel Burns if the County had tried something similar to this within the last five years and had then been overturned, to which Counsel Burns responded not to his knowledge. There was some judicial issues with a gravel pit case, but it was not with wind farms.

Councilor Jones asked Councilor Leverenz for his recommendation on this ordinance. He noted that he personally did not want to vote against wind farms or renewable energy. He asked for more context to the nuance. He noted that this is definitely an issue that the framing of it is important.

Councilor Leverenz responded that the big discussion and one of the main elements was the population density in the county. The ordinance committee took this on back in the fall. They heard from the company who was proposing the wind farm and the citizens in the proposed farm area. The population density numbers were different for this county compared to other counties in the State who have large wind farms. These windfarms have various setbacks and distances from dwellings that must be maintained. When looking at the numbers it always came back to the limiting the ability of growth and development. There was also discussion on the environmental impact, as well as the aesthetics.

Councilor DeBoer acknowledged the good points made by Councilor Leverenz. A main point is that we need to separate the City and County. The City has nothing to gain and everything to lose by including this in our City Code. We do not want the headlines to read, "City of Purdue University Bans Wind Energy." There is an upside of a public relations issues. There is no upside of us adopting this ordinance to our City Code.

Councilor Wang stated that this ordinance will go in front of five entities. He asked if one entity would fail the ordinance would it defeat the purpose for the entire county, to which Counsel Burns responded no. It would only fail the ordinance within the jurisdiction of that particular entity.

Councilor Jones noted that he feels there is a significant amount of nuance to this that he does not appreciate, in terms of neighboring properties. He stated that he does not want to vote against wind farms and encouraged the consideration of tabling this item.

Counsel Burns confirmed that there is a time limit with our connection to APC, and we have already tabled once.

Councilor Bunder informed his fellow Councilors that he did not agree with the proposed ordinance in front of them. There were many concerned citizens who wanted the Council to ban scooters when the legislation was before them. There were others who wanted to use them as transportation. Instead we crafted the scooter ordinance, which was passed by the current body. He stated if someone was representing farmers who could look across to the Benton County fields and see the wind farms knowing they could not make that kind of money because the County has made it that way, they may become extremely annoyed. It could even become a source of anger for someone, especially if the next President suddenly decides there is subsidies again for renewable and sustainable energy. Therefore, this is not a good ordinance.

Thomas Kesler (479 Maple Street) stated that several years ago he attended a meeting in the County building. The two things he recalled about the meeting was that it was packed, and there

was a couple from southern Tippecanoe County who bought into the area to get a rural lifestyle. They emphasized how they did not want that rural lifestyle changed into an industrial zone.

Zachary Baiel (124 Connolly Street) asked for confirmation that if this ordinance is tabled again then we automatically adopt it because the staff recommended approval, to which Councilor Bunder responded yes. Mr. Baiel stated that it appears that not all of the knowledge is being given to the Council, so he would encourage that the Council vote no for this ordinance.

Annabel Prokopy (116 Arrowhead Drive) noted her passion for the planet. They recently had a local student-led climate strike, which took place on May 24, 2019. The strike stood with the global Fridays for future movement, which is lead by Greta Tomburg who is a 16 year old Swedish activist. She explained they are seeking change in their powerful lawmakers and politicians who are currently opposed to or in denial to take action against environmental policies that are not just to the environment. She noted that the Councilors are obviously open to renewable energy, and if they vote the wind ordinance they are unwilling to vote for it.

Abby Lee (3475 Turnbridge Way) stated that 11 days ago they held a strike. They held a strike to show their local lawmakers that the youth of West Lafayette does not support a future of pollution for themselves or their future children. They held a strike to unite their community, while standing up to become empowered to work towards preventing climate change. Even though it is important to come together as a community, it is also important to take action individually. She noted that they are currently in the process of planning their projects for next year, such as a community trash pick-up. They also have plans to petition the State House in hopes to eliminate the use of Styrofoam trays at school, and educating the elementary grade kids about the topic of climate activism. Their next strike is scheduled for September 20, 2019, which is the day of the next major global strike.

Ethan Bledsoe (613 Kent Avenue) stated that the ages of the people at the strike ranged from upcoming sophomores in high school to a Political Science student at Purdue. The speeches included information on how adults and students can collaborate, become a smarter consumer, how corporations hold responsibility for climate change, how there can be change on the political spectrum, information on carbon taxes, and more. The wide ranges of speeches presented different aspects of the climate crisis that we are facing and what we can do to resolve it. He discussed the hard work that everyone involved was able to contribute, not only during the strike, but also in preparation for the strike to raise awareness.

Emo Chavey (3367 Boone Street) stated that the Intergovernmental Panel on Climate Change (IPCC) last year released a report that we only have 12 years left to act before we face a catastrophic climate change crisis. Climate Change will be irreversible by 2030. It is killing our oceans, the Great Barrier Reef, and 1 million species face extinction. We will lose our agriculture, crop fields, and food. Climate Change can be responsible for a refugee crisis. A national organization on migration has estimated that up to 200 million people could be displaced from Climate Change by the year 2050. Around 50% of all carbon emissions are admitted by the richest 10% of the world's population, yet it will be the poorest who suffer the most. Unless elected officials and other policy makers intervene, people of color and low-income families will suffer. It is important to be on the right side of history as we move forward and take drastic action against climate change.

Zane Shalabee (1112 Creighton Road) reported that there has been some negative feedback during their progress of holding a strike. However, the amount of positive feedback has outweighed the negative. There were over 100 people who attended the strike to show their

support. Their goal is to continue to work hard, while having fun, to make a difference in this City and around the world for a healthy and greener planet.

Councilor Thomas applauded the passion from the high school students in attendance this evening. He recognized Kylie Wright, who has been taking the photographs for the group this evening. He noted that there are adults who do not demonstrate as much passion as the students here this evening.

Councilor Jones echoed Councilor Thomas' comments. As the youngest member of the City Council, it is great to see other young individuals getting involved with the political process. He encouraged them to never underestimate the political impact they can all have on others.

Mayor Dennis reported that he was at the strike. The strike was held in a parking lot, and surrounded by lots of traffic. The students presented their case as if it was something they had been doing all of their lives. Mayor Dennis noted that the audience was definitely moved by their presence.

Councilor Jones reminded the students that when they take a stand to remember that they are opening themselves up to be criticized. He encouraged them to take the criticism in stride, but to not let it discourage them.

There was no further discussion.

Clerk Booker called the roll call vote:

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

Clerk Booker stated that the vote was 0 AYES and 7 NAYS.

President Bunder announced that Ordinance No. 09-19 failed.

Ordinance No. 10-19 An Ordinance Requesting An Additional Appropriation For The Community Crossings Grant Fund (Submitted by City Controller)

Councilor DeBoer read Ordinance No. 10-19 by title only.

Councilor DeBoer moved for passage of Ordinance No. 10-19 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

City Controller Gray explained that this ordinance will allow us to appropriate money from the Community Crossing Grant, in the amount of \$425,315.00. This is grant money that the City will be receiving, and now needs to be appropriated to be able to use it. This does not change the amount of any of the City budgets.

COMMON COUNCIL MEETING MINUTES, JUNE 3, 2019, CONTINUED

Councilor Bunder asked what the money will be used for, to which Assistant City Engineer Smith responded that there will be two separate projects that will be 50% funded through the Community Crossings Grant from the State. The first project is in the Barberry Heights neighborhood, which will conclude the other half of the streets that were not completed in the Community Crossings Project last year. The second project is in the Chauncey area, and will include Chauncey Avenue, Harrison Street, Marsteller Street, Vine Street, and Meridian Street. There will be sidewalk and curb replacement, as well as new asphalt surfaces for all of the aforementioned streets.

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	Absent
Leverenz	Aye
Sanders	Absent
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 7 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 10-19 passed on second and final reading.

Ordinance No. 11-19 An Ordinance Of The City Of West Lafayette Authorizing Appropriation Concerning The U.S. 231 Annexation Area Newman Road Underpass Project (Submitted by City Controller) [PUBLIC HEARING]

Councilor DeBoer read Ordinance No. 11-19 by title only.

Councilor DeBoer moved for passage of Ordinance No. 11-19 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

City Controller Gray stated that this project is with the Joint Management Team, Purdue University, and Purdue Research Foundation (PRF). The project is to widen the Newman Road underpass beneath the railroad bridge, which will allow more traffic to go through. It will also open the space up for the aerospace district. PRF will be funding \$2.5 million, and if funds are available they may be reimbursed by Redevelopment Commission (RDC) to PRF. However, \$10 million will be funded through INDOT by a Federal exchange grant to the City.

Councilor DeBoer moved to open a public hearing on Ordinance No. 11-19. The motion was seconded by Councilor Dietrich, and the motion was passed by voice vote.

There were no comments.

Councilor DeBoer moved to close a public hearing on Ordinance No. 11-19. The motion was seconded by Councilor Dietrich, and the motion passed by voice vote.

There was no further discussion.

Clerk Booker called the roll call vote:

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

Clerk Booker stated that the vote was 7 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 11-19 passed on second and final reading.

Ordinance No. 12-19 An Ordinance Regulating Pedal Carriages (Submitted by the Department of Development)

Councilor DeBoer read Ordinance No. 12-19 by title only.

Councilor DeBoer moved for passage of Ordinance No. 12-19 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

Deputy Director of Development Easter, in reference to the proposed amended version of Ordinance No. 12-19, which is attached to the agenda, includes the changes that were submitted by the body over the last month. She began by stating that the first amendments were in regards to the number of pedal carriages proposed to be operated, as well as the hours of operation, routes, pick-up and drop-off locations, which will all be at the discretion of the Administrative Officer (AO). Registration requirements will also be administered by the AO. The next change has to do with inspection and re-inspection. This will give the City the authority to inspect the carriages to ensure they are in compliance with what we are asking for within the language of the ordinance. She noted that there are a few minor changes further down in the language that deal with the beverages and non-glassware.

Councilor Thomas informed the body that Councilor Sanders had provided a letter in his absence, which he then discussed the contents of with his fellow Councilors. Councilor Sanders discussed within his text that the majority of the issues have been addressed in the proposed amended version. It still seems that the pedal carriages are allowed to serve food. The text in Section Nine (n) is insufficient to regulate this matter. Also, no change seems to be made and introduced about the issue about passengers being able to smoke, which might expose the operator to smoke. Ms. Easter responded that, from a staff perspective, they will not have kitchen facilities on board. Therefore, they will not be able to prepare or serve food. It would be up to the discretion of the operator if they choose to permit passengers to bring food on board. This would be at the discretion of the company itself, with the current language. In regards to the issue of smoking, she explained that we would like to recommend that it is included in the language. City staff is not favorable of recommending that smoking be permitted on the carriages because there is an opportunity for minor aged passengers to be able to ride. Those passengers would not be able to participate in the consuming of alcohol, but they would be able to participate in riding since it is an entertainment feature.

Councilor Thomas asked if the smoking would include both passengers and the operator, to which Ms. Easter responded yes.

Counsel Burns recommended an amendment that would handle the smoking issue. He stated that in Section 38.368 (f) the existing language be deleted, and replaced with smoking is not allowed on pedal carriages.

Councilor Dietrich moved to amend Ordinance No. 12-19 for Section 38.368 (f), and that the vote be by voice call. The motion was seconded by Councilor Wang.

Councilor DeBoer suggested that the amendment be changed to read that smoking is prohibited on pedal carriages, to which all Councilors agreed.

The motion was adopted.

Counsel Burns brought up Councilor Sanders' point in regards to food, and he noted that it is adequately covered in the currently language of the legislation.

Councilor Dietrich discussed an amendment at Section 38.367 (f) so that the language reads, "Pedal carriages are subject to inspection by the Administration Officer. If the pedal carriage is found to be out of compliance, the carriage must be taken out of service, and it is subject to re-inspection and a re-inspection fee of \$100.00."

Councilor Dietrich moved to amend Ordinance No. 12-19 for Section 38.367 (f), and that the vote be by roll call. The motion was seconded by Councilor DeBoer. The motion was adopted.

Councilor DeBoer stated that the language is prohibiting hard alcohol, but allows beer, wine, hard cider, and malt beverages. The language is only specifying that malt beverages need to be below 6% alcohol, but not the others. He reported that we are requiring the use of non-glass containers, and brought up his concerns on how the law enforcement would know the difference. He questioned if the language needed to be changed because it does not seem to be something that is enforceable.

Counsel Burns clarified for the Councilors that we are at a final reading. The ordinance was passed on first reading in May. We are now working on the second and final reading.

In response to Councilor DeBoer's comments, Ms. Easter stated that the intent was to prohibit hard alcohol by recognizing that wine can get to 15.5%, and others can get to 9%. However, the alcohol content is less than that of hard alcohol.

Councilor DeBoer asked if there was a better way to prohibit hard alcohol than by volume, to which Counsel Burns responded that while alcohol volume is the traditional way, he understood the point being made. The language of this piece of legislation is similar to one from Indianapolis.

Patrick Hagmaier (375 Brown Street, and owner of The Pint, 111 South River Road), spoke from the audience about types of distillery.

In response to a question asked by Councilor Jones, Counsel Burns stated that in his opinion the language is odd. It will either be used or not at all. There is a possibility that there is not a lot of interest. Due to the interest that was shown, that is the reason it is currently in front of the Council today. If it is going to be used it will take refinement over time. If there are enforcement issues, they may come back to the Council at a later date.

Councilor DeBoer asked if we could just prohibit malt-based beverages, to which Counsel Burns stated that we would not be accomplishing the goal.

Mr. Hagmaier informed the Council that the way this is done by the Alcohol and Tobacco Commission (ATC) is everything that is not classified as beer and wine is spirits. The word spirits eliminates all of the distilled items that would be considered hard alcohol. You would be removing everything except beer and wine options.

Councilor DeBoer discussed an amendment in Section 38.368 (l) to read, "Neither the owner nor operator of a pedal carriage may provide alcoholic beverages to passengers. Passengers may provide their own alcoholic beverages, excluding spirits."

Council DeBoer moved to amend Ordinance No. 12-19 Section 38-368 (l), and that the vote be by voice vote. The motion was seconded by Councilor Dietrich. The motion was adopted.

Councilor Wang asked if safety belts should be required on the pedal carriages, to which Ms. Easter responded that was up to the Council. She noted that typically the pedal carriages do not have those type of restraints because they are viewed as a device similar to a bicycle.

Thomas Kesler (479 Maple Street) stated that he recently learned that Amsterdam has banned these devices. Minneapolis had a collision between a vehicle and pedal carriage, which resulted in a death. In another incident, a crowd ran after a pedal carriage yelling at the passengers. He noted that he hopes the slope on Maple Street is too steep for the carriages.

Mr. Hagmaier asked if by prohibiting smoking would be for all types of smoking or just one specific type, to which Councilor DeBoer responded that smoking is defined in the City Code. Counsel Burns added that smoking by definition as a combustion of tobacco in any form but not necessarily e-cigarettes.

Zachary Baiel (124 Connolly Street) questioned why the City was not asking for any information from the pedal carriage companies. He noted that he is aware they will not be as heavily app-driven, but there should be data. He expressed his appreciation to Councilor DeBoer for bringing up the alcohol content discrepancy within the language. He discussed the benefits of having some sort of food on the pedal carriages. In conclusion, Mr. Baiel stated that he would like to see the definition of an inspection and what it will consist of in the language of the legislation.

Councilor Dietrich responded that Section 38.367 discusses all of the elements and leaves it up to the AO.

There was no further discussion.

Clerk Booker called the roll call vote as amended, and in the final, amended, form as linked to the agenda:

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

Councilperson	Vote
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 7 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 12-19 passed on second and final reading.

Ordinance No. 13-19 An Ordinance Protecting Bicycle Riders (Submitted by the Engineering Department) [Continued from May 6, 2019, meeting]

Councilor DeBoer read Ordinance No. 13-19 by title only.

Councilor DeBoer moved for passage of Ordinance No. 13-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

Assistant City Engineer Smith stated that there have been four changes since this ordinance was tabled at the last Council meeting. There was an addition to the careless driver law, which states that if you hit a cyclist you will fall under the category of a reckless driver. The second change was there will be no parking in bicycle lanes. Another change is discussing dooring, which is defined as if you open a door into the path of a bicyclist you will be at fault. The last section addresses where it is lawful for bicyclist to ride.

Councilor Wang questioned if we are criminalizing accidental conduct by asserting a fine. That is why we have a civil court, to which Counsel Burns agreed that it is regulating conduct that could be regulated in a civil court with a tort claim. This is not an unusual feature of our City Code. A citizen would also have the option to go to a civil court after a ticket is issued. That would shift the burden of proof, which would make it easier for a person who has been harmed to go to civil court. The only prohibition that the Council has on its conduct is that it cannot duplicate a criminal violation. This gives a person two different avenues for a person who has been harmed. A City ticket that has been written, or to go to Civil Court.

Councilor Dietrich noted his agreeance with Councilor Wang. He explained that for himself, it takes a long time for him to unload and load into a vehicle. The fact that he would be held accountable if he would interfere the movement of traffic, pedestrians, or bicycles does not seem correct.

Councilor DeBoer asked what is not already legal under State law that we are trying to rectify.

Councilor Bunder stated that there was obviously some type of determination from Bicycle Lafayette or another group that this would be a good idea. He asked if anyone from the audience could speak on behalf of the ordinance as a public statement. In regards to the value of the ordinance, Mr. Smith stated that this is an issue that comes up in the community for many cyclists, and is a dangerous crash when it occurs. This is a step towards getting people to think about the situation.

Councilor Wang discussed how after people park their vehicles and exit it, they could be hit by another vehicle by accident, regardless if they look or not.

Mayor Dennis explained that the intent of the ordinance is to prohibit malicious behavior by people inflicting any kind of deliberate damage on bicyclists. He noted that he was approached after an event last month, Bike to Work Day, by numerous local cyclists, who wanted to raise awareness

to this cause. Councilor Dietrich responded by stating that the malicious intent of understanding is missing from the ordinance.

Councilor Wang brought up another point of view that a bicyclist may be operating on a sidewalk where pedestrians are walking. They may try to squeeze through a space and accidentally knock down a pedestrian. Mayor Dennis noted that he has seen that same situation happen with runners. They have cut it too close and ended up knocking others down by accident.

Councilor Bunder noted that the Engineering Department is the sponsor of the ordinance. In order to find other cyclists to discuss the benefits of the ordinance, he suggested that the legislation be tabled. Mr. Smith responded that the Department had no issues with the suggestion. However, he noted that the ordinance has went before the Traffic Commission and the West Lafayette Bike and Pedestrian Committee, who both approved the ordinance with high praise.

Upon further discussion, Mayor Dennis confirmed that the intent is that ordinance should be tabled to insert the corrective verbiage about malicious acts.

Councilor DeBoer motioned to table Ordinance No. 13-19 to a time certain of July 1, 2019. Councilor Dietrich seconded the motion, and the motion passed by voice vote.

There was no further discussion.

NEW BUSINESS:

Ordinance No. 14-19 An Ordinance Recodifying Article V Rental Housing Inspection And Certification Of The West Lafayette City Code (Sponsored by Mayor Dennis)

President DeBoer read Ordinance No. 14-19 by title only.

Councilor DeBoer moved for passage of Ordinance No. 14-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

Counsel Burns stated that it is not common that the Supreme Court takes action that affects municipalities, but this is a case where the Indiana Supreme Court did take that action. By condensing the impact of this change we had already been largely in compliance with what turned out to be an action by the Supreme Court that had to do with another town. We have had an inspection program for many years in the City of West Lafayette, and the program will continue. The Supreme Court has not touched that in any significant way. There will not be any changes to the inspections themselves. There is one important change with the current Code, which we are currently in the process of changing. Our code sets up a licensing system, and the Supreme Court has now stated that the licensing is not the way it needs to go. People need to be able to rent their premises, and the City cannot have a prior restraint by licensing or not licensing. The licensing is no longer in effect, and it is a mere registration. The difference is a licensing presupposes that you have to have it or not, and now you just have to register with the City that you will have a rental house. The City will be able to charge \$5.00 for the registration. Counsel Burns noted that there are some things that have been deleted within the ordinance, but they do not touch the strength of our inspection program.

Councilor DeBoer asked what the recourse is if someone is not registered, to which Counsel Burns explained that the first page of the ordinance has the table, which lists the fees and fines. Then the actual recodification was put together as an exhibit.

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Building Commissioner Spitznagle stated that the key changes on the recodification are to remove the certification items and get it into the registration. Those items will have a little impact on revenue. The fee schedule that was approved last summer, which came into effect on June 1, 2019, are consistent with the changes that were made on the exhibit. The only changes that were made on the fee schedule was the initial certification fee.

Mayor Dennis stated that the original concern was that we would lose our inspection program. That will not happen with the verbiage changes that have been made.

Councilor DeBoer expressed his appreciation to everyone involved in finding a solution and for soothing the initial worry of losing the program.

Councilor Dietrich emphasized how much he appreciated that we were ahead of the whole process by recognizing changes last year. It will also reinforce what we are trying to do with the City Court. City Court will not only be a much stronger player in operations with traffic, but an integral of what the City does and operates. Councilor Wang announced that it is a good tool to add to the City Court.

Zachary Baiel (124 Connolly Street) asked if any forecasts have been done to compare anticipated revenue for the new fine and fee structure that the public may view on the website, to which Councilor Dietrich responded that according to the meeting he was involved in, those numbers have not been published because they would be mere guesses. The nearest guess would be comparable to where we were last year. The funds would come out of two different pots. There would be no reason to publish anything because it is all speculative at this point.

Mr. Baiel asked what the percentage swing was between previous years, to which Councilor Dietrich responded a 15% decrease at most. Mr. Baiel stated that there should be past stats of how many times those violations have occurred.

Councilor Bunder reminded everyone this time is meant to be comments on the ordinance, and not meant to be an exchange between members of the audience and City Council members and City staff.

There was no further discussion.

Clerk Booker called the roll call vote:

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

Clerk Booker stated that the vote was 7 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 14-19 passed on first reading.

Ordinance No. 15-19 An Ordinance Of The Common Council Of The City Of West Lafayette, Indiana To Provide Conduit Financing For Friendship House, LLC (Sponsored by Mayor Dennis)

Councilor DeBoer read Ordinance No. 15-19 by title only.

Counsel Burns stated that the ordinance was filed a week late, and asked the Council to entertain a motion to suspend to be heard on first reading. A suspension is required if filed late. The voice vote must be unanimous.

Councilor DeBoer moved to suspend the rules to hear Ordinance No. 15-19 on first reading, and that the vote be by voice vote. The motion was seconded by Councilor Dietrich. The motion passed.

Tyler Kalachnik (Bond Counsel, ICE Miller) noted that Page 8 of the handouts, which were previously distributed, illustrates a well-rounded representation of conduit financing. Friendship House cannot go out to issue tax exempt bonds on its own. Only local municipal issuers such as counties, cities, towns, and states are able to issue them. What has been requested is that the tax-exempt status of the City be lent to Friendship House. Tax-exempt bonds in the market for the holders of those bonds do not pay income-tax on the interest, which allows for borrowing at a lower rate. The conduit nature is described as the City is not liable for any payment on the bonds, and is solely payable from the project. The borrower is on the hook for all of the indemnification and convenience. In November, the Council authorized an inducement resolution. The purpose of the resolution was to be able to permit any reimbursements that might be paid out bond proceeds for expenditures that are being made at this time. It also permitted the borrower to apply to the Indiana Housing and Community Development Authority (IHCDA), which is the body that will issue approval for bond volume. There is a limited amount of bond volume available for this type of bond in every state each year, as well as tax credits that will be sold to provide equity for the project. Since that time, IHCDA has been out to the property, reviewed the application, and is expected to award at the June. First Merchants Bank has been involved and is the contemplated purchaser of the bonds, with a targeted mid-July closing. The project is an upgrade of existing units, activity center, 24 new units, and the connection of two buildings. The location of the project is at 1010 Cumberland Road. Friendship House serves low-income seniors, and is a HUD subsidized project.

Councilor Wang asked if there is still a waiting list for the property, to which Mr. Kalachnik responded that he believed that to be correct. The property is currently fully occupied.

Counsel Burns requested that Mr. Kalachnik discuss the Economic Development Commission (EDC) action.

Mr. Kalachnik stated that EDC met earlier today. The required State law public hearing was held and advertised back in November. In order for the ordinance to come before the Council today, under statute law, the EDC had to pass their Resolution prior.

Councilor Dietrich asked what it meant to recapitalize a bond, to which Mr. Kalachnik responded that they are recapitalizing the property in effect that is what happens when you have tax credits, because the ownership structure changes and equity is brought in from selling the tax credits. This is how tax credit equity is able to be produced, and ultimately leads to the lower amount of debt.

Councilor Dietrich asked if it is as simple as refinancing a bond, to which Mr. Kalachnik responded no. There is no existing bond on the property. An investor is being brought in to help produce the equity.

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	Absent
Leverenz	Aye
Sanders	Absent
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 7 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 15-19 passed on first reading.

REPORT BY THE MAYOR

Mayor Dennis reported that Jan Myers passed away last month. Many people knew her through their jobs or from attending Council meetings on a regular basis. Mayor Dennis stated that Ms. Myers was a good friend of his, who provided a lot of direct guidance for some of the things that we do around the City. She was also a fighter, and fought to participate in as many things as possible. Her self-proclaimed name was “round-foot,” but if you had ever been on the wrong side of her you would know that she could have a sharp-edge. Her passion was unlike anyone you have ever met. She cared greatly for this community, and she could upside you to the point where she was raging. When she was finished she would let you know it because she wanted this to be a better place. She suffered greatly with her ailment, but it never slowed her down. She would frequently attend Council meetings and would always have a positive attitude. Mayor Dennis reiterated that Ms. Myers was an amazing person and friend, who will be missed greatly.

Councilor Bunder added that Ms. Myers ability to hold the City accountable for ADA issues, and her repeated perseverance was appreciated. She was the type of citizen that many of us would like to have more of in a community.

COMMUNICATIONS

► Councilor DeBoer reported that Tippecanoe County saw a 15.1% increase in average weekly wages in the fourth quarter of last year, and was the highest in the Country. The increase was also coupled with a 2.5% decrease of employment rate. It never got really high with the depths of the recession, mostly because of how many government services and jobs there are in the area. This is a testament of the leadership in this City and the City of Lafayette.

► Councilor Wang recognized the tragic incident at Virginia Beach last week. There was a lot of heroic employees who were killed and wounded. He expressed appreciation towards all of the West Lafayette’s City employees for their services, and dealings with difficult constituents.

CITIZEN COMMENTS

► Thomas Kesler (479 Maple Street) stated that there is a correction to the minutes on Page 13. The correct name of the key note speaker is “Pogue” not “Poe.” Next he recalled having some difficulty with the acoustics in the meeting room at Morton. He noted his appreciation for the sound quality of the current location, and hopes that the acoustics will be improved after moving back to the renovated City Hall. There is a metal disk stuck in the ground at Grant Street and Lutz Avenue. It is unknown at this time what the disk is, but does not want anyone to trip over it. He stated that he hiked three alleys today to look at the trash situation. Two of the alleys were in good shape. However, the third alley was a mess. Concrete collection has continued, and he has begun to visit blocks that he has not visited in recent years. There are piles of concrete in two backyards. One of them is off of Vine Street, and the other is on East Oak Street. A few years ago he found someone had poured concrete onto the landscaping stones at the base of the south wall of the West Lafayette Public Library parking garage, which he had removed. Unfortunately, it has happened again.

► Zachary Baiel (124 Connolly Street) recalled that Jan Myers will be remembered as an amazing and effective ADA activist in the Greater Lafayette community. June is National LGBTQ+ Pride Month. Later this month it will be fifty years since the stonewall riots of June 1969. A variety of events will take place across the country, including Indiana. The celebration usually spans from June through August. Tippecanoe County’s pride celebration will be Saturday, August 17, 2019. He encouraged anyone who has not looked at their property tax assessment to do so because land use values have gone up. After speaking with the Assessor’s Office, there have been some simple mathematical errors on some resident’s property. Mr. Baiel encouraged anyone who has not made an appeal to do so. Looking at Ordinance No. 13-19, Section 38.314, there is a lot of confusing language in terms as what the cyclist should do. He noted his preference of Indiana Code that states cyclists should presume they are an automobile by following the rules of the road. If a cyclist is not able to be an automobile the cyclist should be treated accordingly. Mr. Baiel encouraged the Engineering Department to strike the current language since Indiana Code satisfies more than an adequate amount. It is exciting to hear about the new Wellness and Aquatic facility. He asked if there was any fee structure attached, or an annual upkeep cost. In order to avoid the previous State Street Request for Proposals (RFP) process that the Joint Board handled, even though there was a non-collusion clause in the bids, it is encouraged that whoever handles the incoming RFP bids are able to be proactively given to the public. This will allow the public to be able to see what will happen, what it will cost in certain areas, and widely celebrated. He commended the Parks Department for addressing the tree that fell down in Lincoln Park. The park is a highly used pocket park in his neighborhood. Lastly, with the emphasis of the aquatics portion at the new Wellness Center, the public has an interest in the future of the current municipal pool.

ADJOURNMENT

There being no further business at this time, Councilor DeBoer moved for adjournment, and President Bunder adjourned the meeting the time being 8:36 p.m.