

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES
JANUARY 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 January 7, 2019, at the hour of 4:30 p.m.

President Bunder called the meeting to order and presided.

Present: Peter Bunder, Nick DeBoer, Steve Dietrich, Larry Leverenz, Gerald Thomas, and Norris Wang.

Absent: Jonathan Jones, 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, Human Resources Director Diane Foster, 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.

Councilor Bunder, on behalf of the West Lafayette City Council, took a moment to express appreciation for Brad Alexander, Tim Clark, and the other City employees who have worked diligently over the past few weeks to get everyone moved to the new location.

REPORT OF APC REPRESENTATIVES

Councilor Leverenz stated that the 2018 update to the Student Rental Report has been released and is available on the APC website.

SPECIAL REPORTS:

Joint Board Report

Councilor DeBoer stated that the next Joint Board meeting will be on January 15, 2019, in the Council Chambers at noon.

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)

President Bunder read Ordinance No. 28-18 by title only.

Controller Gray stated that this ordinance has been amended since the last Council meeting. There were a couple additional errors that needed to be corrected. 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.

There was no further discussion.

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)

President Bunder read Ordinance No. 29-18 by title only.

There was no discussion.

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)

President Bunder read Ordinance No. 30-18 by title only.

There was no discussion.

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

President Bunder read Ordinance No. 31-18 by title only.

There was no discussion

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

President Bunder read Ordinance No. 32-18 by title only.

There was no discussion

NEW BUSINESS:

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

President Bunder read Ordinance No. 01-19 by title only.

Mayor Dennis explained that the purpose of this ordinance is to help regulate the current situation and what could potentially occur in the future. One of the issues to consider is making sure there is financial remuneration for businesses who choose to do a similar type operation within the City. Restrictive regulations are in place for how the scooters can be operated, where they can be placed, and where they can be dropped off. Again, the intent is to try to make sure we have some form of blanket coverage to protect the residential areas from having the scooters dropped off randomly. The language will also include information for the involvement of the people who charge the scooters. This particular ordinance is similar one in Indianapolis.

Director of Development Carlson stated that one thing the legislation explains is that there would be a requirement for the scooters to be parked in designated spaces by both the people who set them out and those riding them. He informed everyone that the Engineering Department has already begun working on putting together maps of the various possibilities. These maps are not included in the document because they are not part of the ordinance, which states the parking spaces would be designated by the Engineering Department. Part of the funding that the City

would receive would go to pay for things such as painting the areas where the scooters would be allowed to go. Owners of multi-family housing buildings have indicated that that would have an interest in including spaces for scooters on their properties. Due to the interest we decided to talk to a possible planned developer about the idea of spaces for a scooter share program, which has been done in the past for the bike share program, to get an idea of the different possibilities.

Councilor Bunder asked if the administrative officer will always be the City Engineer, to which Director Carlson responded no. It is under the designation of the Mayor and is currently being run through the Development Department.

Mayor Dennis added that the presumption is that there will be more similar types of businesses that will come to the area. Establishing some protocols now will only benefit the City in the long run.

Director Carlson noted that this has been something that has been in the works for a number of months. It was through the collaboration of not only other cities who have put some in place, but working directly with our colleagues at Purdue University and the City of Lafayette to make sure we have unification in our regulations.

Councilor Bunder asked if there was a sense of urgency to pass this ordinance in one reading, or would we be able to do the normal two readings, to which Mayor Dennis said we will be able to do two readings.

Councilor DeBoer expressed his appreciation towards the hard work that was put into this ordinance. He questioned what the best course of action would be for the changes they are looking to be made within the document, and what the best way to collaborate around the document will be.

Corporation Counsel Burns stated that he had four scrivener's errors to correct. As far as other additions, corrections, and amendments they should be in a written form. This would allow us the ability to go through them and respond to them one by one. He suggested that the Councilors should focus more on the concept rather than the specific language, unless they had a good suggestion.

Mayor Dennis asked if Mr. Burns would like the information by Monday, to which he responded that he would take anything available. Mr. Burns stated that this is a substantive ordinance and we have very rarely passed legislation on two readings at one meeting that is of great substance when it is not on a time constraint.

Councilor Leverenz expressed his concerns about the legislation not addressing the individual owner.

Director Carlson stated that one of the things he wanted to make sure was that the legislation covered both the instances of whether it was a shared service or a personal device. In general we are discussing the mobility systems, which are the scooter shares, but the way the legislation is written it still ensures that all scooters should not be ridden on the sidewalks whether it is a rental or personal device.

In response to a question asked by Councilor Dietrich, Director Carlson explained that the scooters will have the same rules as bicycles unless otherwise posted. Councilor Dietrich responded that we need to define further language then, because there are parts of the City where

we encourage bike trails, especially when we are trying to make sure the scooters are traveling from Purdue to the City of Lafayette.

Corporation Counsel Burns agreed that the legislation could use some additional definition. In general we need to think of the scooters as a bicycle because the regulations are better understood. Any time a traffic regulation would apply to a bicycle, it would apply to these mobility devices. The mobility devices will be allowed to go everywhere a bicycle is allowed to go, unless posted. One idea for postings would be to say no electronic devices on the trails. However, this will exclude all ADA accessibility devices from any of the regulations described in the language of the legislation.

Councilor Dietrich asked if there is any way to protect our merchants and businesses if a scooter causes a problem on their property, to which Mr. Burns responded that would be a separate body of law. If a private property owner has a scooter on their property, the law allows them to take the scooter and do what they want as long as they protect it. You may not destroy it because the property owner takes on the liability of it. Since the scooters were distributed throughout West Lafayette, the Police Department has went to great lengths to pick up numerous scooters, document their locations, and store them safely. The City is much more protected than the private property owners. Mr. Burns noted that there were also a lot of the scooters that the wrecker companies picked up around the City and were treated as a motor vehicle.

In response to questions asked by Councilor Dietrich, Mr. Burns explained that Jim's Garage will always be the outlet valve when we have so many scooters that we are unable to get to them. Once we have fines and storage fees in place, we will begin picking the scooters up.

Mayor Dennis mentioned that one of the unique things about the Bird scooters is that they all have GPS locators on them.

Councilor Dietrich asked if we are within our rights to require the company to provide the information of who was on what scooter at a particular time, to which Mr. Burns responded yes, we could subpoena those records.

Mr. Carlson informed the body that the legislation is currently written to say that if there is a repeatedly negligent user that is leaving their scooter at incorrect places the City has the ability to require the company to take action on the user. This does not necessarily require them to tell us the identity of the person, but they will need to suspend or cancel the subscription for the operator. However, there would be no use for the banned user information and we would not require it.

Councilor Dietrich stated that under D on page 10 it states "Provided the Operator collects such data," and questioned if we should actually collect that information.

Mr. Burns discussed the possibility of multiple providers in town. The more barriers created for entry for the providers, the less likely it is for other interested providers to want to look into our City.

Director Carlson added that the legislation includes information about parking needs, which includes options for low-income users. What we have heard from these companies is that they are a final-mile provider. They are needing them to get from a bus stop and then to work. What we are looking at with the data is for collection of seeing transportation patterns in the City. This will help us to determine where we can put new bike trails. In the long run, we are looking for a municipal smart city planning purpose.

Mayor Dennis added that when we are talking about other competing companies, they will come to cities where there was nothing in place. They are able to litter the streets with as many products as they want, gather as much money and data as possible, and then move on.

Councilor Bunder brought up that the City needs to decide how many companies they want, and how it relates to the University.

Mayor Dennis responded that we are working with Purdue with the understanding that no matter what we do now it will have an influence on what happens in the future. There is not a lot of difference between being at Purdue and being in West Lafayette. The presumption is that one provider would work out best.

Councilor Dietrich continued the discussion by stating that we need to determine if this is something that will be dictated by the number of units or will be more about having multiple vendors. As long as the vendors abide by our City rules, the competition could be a good thing. As an example we could have three companies with 200 scooters instead of one company with 600 scooters.

Councilor Dietrich asked if Purdue would be allowed to add a licensing fee, to which Mr. Burns responded that they have not opined on it. Under the annexation agreement they are able to pick and choose what power we have over them as a State institution.

Director Carlson added that the companies would need to keep in mind that Purdue has a sovereignty that is different from ours.

Councilor Dietrich asked if this system would be like cabs, by needing a license to operate them, and will we know if a Lafayette scooter comes over and infiltrates us, to which Director Carlson responded that the scooters should be able to be utilized in all areas. The scooters should be able to go 15 miles on a single charge. The goal is to have the initiation fee in both cities and pay a scooter that would be able to be in either city.

Councilor Dietrich noted that he was not as concerned about cutting the scooters off between the two entities as he was about being able to identify the scooters and numbers. Director Carlson responded that more than likely it will be one vendor, which will have the ability to be interchangeable between all three entities.

Councilor Bunder asked if business owners will be able to recruit spots from the vendor for their private property, to which Director Carlson responded if it was on their private property they are allowed. If the spaces would be in front of their business and on public property they would need to get approval from the Engineering Department.

Councilor Dietrich questioned how the scooters would be taken care of prior to special events since they will not be allowed to be used during those events, to which Councilor DeBoer responded that there are kill switches when it is raining out or other weather related issues. Therefore, it is under the presumption that the remote systems would be implemented during these events too.

Corporation Counsel stated that there are four scrivener's errors, which he would like to enter in as amendments. The first amendment is on page 9 under Section 39.06, where it reads "shall be parked shall be parked." It should read "shall be parked." The next amendment is on page 11 under Section 39.09 (a) in the box that has the amount of the fee. We need to add the word "day per" so it will read \$15,000.00 annually and \$1.00 per day per Mobility Device operating within

the permit's Mobility System. The third amendment on page 11 under Section 39.06 (a) right below that amendment and it should add the word "storage" after the word "day." It will read \$100.00 plus \$10.00 per day storage. The final amendment is on page 12 under Section 39.09 (b) to add to the table under Description "Any other violation of this chapter." There will not be a section, and the Fine should be \$100.00.

Councilor Leverenz added an additional amendment from page one Section 1 on the fourth line, "Clerk of the City may make or cause," not caused. This will be amendment number five.

Councilor DeBoer motioned that we adopt the aforementioned amendments. Councilor Leverenz seconded the motion. The motion was adopted by voice vote.

There was no further discussion

Resolution No. 01-19 A Resolution Urging The Reduction Or Elimination Of The Use Of Plastic Straws, Stirrers, Utensils, Dinnerware, And Containers (Submitted by Councilor David Sanders)

President Bunder read Resolution No. 01-19 by title only.

Councilor Bunder stated that it is his understanding that Councilor Sanders would like to table this legislation until a time certain. Clerk Booker added that Councilor Sanders emailed the Clerk's Office to confirm that he would like the legislation tabled to a time certain, being the February 4, 2019, Council meeting.

Councilor DeBoer motioned to table Resolution No. 01-19 to a time certain, being the February 4, 2019, Council meeting. Councilor Thomas second the motion. The motion was adopted by voice vote.

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)

President Bunder read Resolution No. 02-19 by title only.

Controller Gray stated that this

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

ADJOURNMENT

There being no further business at this time, Councilor DeBoer moved for adjournment. President Bunder adjourned the meeting, the time being 5:20 p.m.