

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
PRE-COUNCIL MINUTES  
JANUARY 31, 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 31, 2019, at the hour of 4:30 p.m.

President Bunder called the meeting to order and presided.

Present: Peter Bunder, Steve Dietrich, David Sanders, Gerald Thomas, and Norris Wang.

Absent: Nick DeBoer, Jonathan Jones, Gerry Keen, and Larry Leverenz

Also present: Assistant City Attorney Elliot McKinnis, Clerk Sana Booker, IT Director Brad Alexander, Director of Development Erik Carlson, Facilities Director Tim Clark, Human Resources Director Diane Foster, City Engineer Ed Garrison, City Controller Peter Gray, Interim Police Chief Troy Harris, Fire Chief Tim Heath, Parks Superintendent Kathy Lozano, and Building Commissioner Chad Spitznagle.

UNFINISHED 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) [Continued From The January 14, 2019 Special Council Meeting]

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

Development Director Carlson explained that the track changes version of this ordinance has been uploaded to the agenda. This version includes a number of changes to the language, such as the changing the verbiage from mobility device to small vehicle. This is the same type of language that Cincinnati has used, and will help avoid any confusion with mobility devices that are utilized by a disabled person.

Councilor Bunder asked if we were in a rush to do two readings, to which Director Carlson responded that decision would be left to the Council.

Councilor Bunder asked if the City has any anticipation that scooters would be re-distributed throughout the City after the snow melts, to which Director Carlson responded that it would be at their own risk with the way the current winter season has gone thus far.

Director Carlson stated that other scooter companies have contacted the City about this particular piece of legislation. There is at least one scooter company that is projected to be in attendance at the Council meeting on Monday to share their concerns. However, the City does not necessarily share those same concerns. In a conversation with Corporation Counsel Burns, it was discussed that a redline version and a memo of the outstanding issues would be provided by this evening. There was only one item that was not addressed in the memo, which was the question of whether to require no collection of data. He stated that this should be a discussion that the Council should have and determine the outcome.

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) [Continued From The January 3, 2019 Pre-Council Meeting]

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

Councilor Sanders stated that the practical implications are that we are urging people to reduce the use of plastic items by focusing on straws and stirrers as an immediate interest. The resolution does take into account the needs of disabled persons. The most important practical implication is that the City will be committing itself to eliminating these to the extent possible.

Councilor Wang stated that, to his understanding, there is no penalty provisions if violated, to which Councilor Sanders confirmed. He explained that this is a resolution rather than an ordinance, so it is providing people with guidelines. At some point we may want to go back and consider an ordinance if this is not being accomplished voluntarily. He noted that the Go Greener Commission has endorsed this resolution. After discussions with various people in the community and City administration, it was decided that this route was the best course of action for the time being.

Councilor Wang asked if the 180 days implementation would suffice for a waiting period. There are other companies and businesses that contract out for years. Companies do not want to get stuck paying for something out of their pocket and then get stuck with the contract. Councilor Sanders stated that after discussion with local vendors, six months seemed to be a reasonable time frame to make these changes. He stated that he received an email the other day from one of the major fast food providers to have a discussion, but they did not have any particular objections.

There was no further discussion

NEW BUSINESS:

Ordinance No. 02-19 To Amend Certain Portions Of The Unified Subdivision Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (USO Amendment No. 11) (Farmstead Parcelization) (Submitted by Area Plan Commission)

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

Building Commissioner Spitznagle stated that this ordinance does not affect us. It is just an Area Plan Commission (APC) change that we can adopt to join or decline.

There was no further discussion.

Ordinance No. 03-19 An Ordinance Recodifying, Adopting And Enacting A New Code For The City Of West Lafayette (Sponsored by Mayor John R. Dennis)

President Bunder read Ordinance No. 03-19 by title only.

Assistant City Attorney McKinnis stated that we are officially at the finish line for the Recodification Project. He explained that this changes the format of the code, which entails new numbers, titles, and new organizations to the chapters. One of the purposes of the recodification project was to eliminate inconsistencies that were internally, as well as with the inconsistencies that dealt with State and Federal law. There was also an attempt made to improve the readability of the Code. There was effort taken to avoid substantive changes to the Code.

Councilor Dietrich brought up that there were meetings awhile back that began to discuss the recodification of our City Code. From his understanding there were two piles of issues. One pile included issues that were not projected to be controversial and could just be cleaned up. The other pile was projected to have discussion at Council. He asked if we still have a pile of discussion topics that are related to the codes, to which Mr. McKinnis responded that there were two work sessions in the first half of 2018. The City had hired Municode to do the recodification, and they had provided us with drafts of the recodified Code. There was a list of items that people had asked to be changed. However, during the work sessions and other discussions, it was portrayed that there needs to be more opportunity for debate to consider those things. Those items have been left out of this recodified version.

Councilor Dietrich then asked if it would be up to the Council to bring those items up individually as new revisions, to which Mr. McKinnis responded that what is on the agenda is for the Council to approve or not approve as the final code as it exists. This Code does not include those controversial items with any changes.

Mr. McKinnis confirmed for Councilor Dietrich that the Council would need to recognize desired changes and take them on one at a time. He noted that he has kept a running list of those items that continued during this recodification process.

Councilor Bunder suggested that if someone had an issue at the beginning of this process they should research the document to see if any changes were addressed to that issue.

There was no further discussion.

Ordinance No. 04-19 An Ordinance To Establish The Cumulative Capital Development Fund And Readopt West Lafayette City Code Provisions Concerning The Fund (Submitted by City Controller)

President Bunder read Ordinance No. 04-19 by title only.

City Controller Gray explained that this is the annual ordinance that establishes the CCD percentage for next year.

There was no further discussion.

### COMMUNICATIONS

► Councilor Dietrich stated that at the City Council meeting on Monday he will bring up the City Court issue, as well as discuss the email that Corporation Counsel Eric Burns sent out. We have been provided with some numbers and information, but further discussion should be made.

Councilor Bunder stated that at some point we will have to follow Corporation Counsel Burns' legal advice or close the Court, but Monday is not that night.

Councilor Dietrich expressed the importance of the body needing to discuss the information that Corporation Counsel Burns has presented.

Councilor Bunder stated that it is perceived that it would not be a Council administrative action that the Council needs to take action on at this time.

Councilor Wang stated that in order to get rid of Court, the Council will have vote it out to be decided. If we want to keep the Court or amend it the Council has that authority.

Councilor Bunder stated that it is not just a question of changing how we might collect the fines, which appears to be administrative, the Council will have to debate the action in some way.

Councilor Dietrich stated that after receiving the information from Corporation Counsel Burns, it appears that how the Court operates is an administrative task.

► Kathy Lozano stated that it has come to her attention that some citizens in the City of West Lafayette have been expressing concerns about the future of the pottery studio, which is currently housed at the Temporary City Hall – Former Happy Hollow Elementary School in room 119. It was a great undertaking to relocate all of the equipment, which the Parks Department happily took on to ensure the continuity of the current program. Ms. Lozano assured the Council and citizens of West Lafayette that the Parks and Recreation Department is committed to providing access to the arts for all individuals. The community space at the new City Hall is being designed to accommodate a variety of activities. There have not been any final decisions made about specific program space in the newly renovated building. She further assured everyone that we see pottery in some form to be included in the arts programming for the future.

Councilor Sanders asked why the program is projected to have the potential to be included in the new City Hall instead of the Recreation Center, to which Ms. Lozano responded that the Recreation Center is more for the active sports and health-related activities. The humanities and arts are more directed towards the community space at the new City Hall.

► Councilor Bunder stated that he goes to many meetings and one of them is for the Metropolitan Planning Organization. He stated that it was announced at a recent meeting that the roundabout at River Road and Tapawingo Drive has been deemed the worst intersection in West Lafayette because of the number of crashes that have taken place within 100 feet of the intersection.

City Engineer Garrison stated that they are continuing to look into the exact numbers and concerns. We have done this study on all of our new roundabouts. When the roundabout at Yeager Road and Northwestern Avenue first went in there was a high number of crashes. Over the course of the next several years that number went down dramatically. This is a two-lane roundabout and many people around here have never seen one before. He noted none of the accidents that have taken place at the roundabout at River Road and Tapawingo Drive have had any serious injuries. From a safety point of view, there has been accidents that are non-injury related. The roundabout has helped with the traffic flow too. We will continue to investigate it, but this is expected for the first year of a roundabout.

#### ADJOURNMENT

There being no further business at this time, Councilor Dietrich moved for adjournment. President Bunder adjourned the meeting, the time being 4:59 p.m.