

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
SEPTEMBER 10, 2018

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on September 10, 2018, 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, Assistant City Attorney Elliot McKinnis, 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 DeBoer moved for acceptance of the minutes of the August 2, 2018, Pre-Council Meeting, and the August 6, 2018, Common Council Meeting. Councilor Leverenz 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Councilor Leverenz stated that the rezone for the property on the corner of Salisbury Street and Kent Avenue has been withdrawn from this month's APC agenda. He stated that there is a rezone on the agenda that has been submitted by Purdue Research Foundation (PRF) for 2.95 acres, which is the property located at the northwest corner of McClure Avenue and Yeager Road. This site will be changed from zone OR to zone R4W.

In reference to the rezone that Councilor Leverenz mentioned had been withdrawn, Councilor Dietrich asked if it is off the table for one year. Councilor Leverenz responded this was their last time they were allowed to table the item. The petitioner will need to begin the process over from the beginning now.

PUBLIC RELATIONS:

a. Recognition for Police K-9, Remco

Interim Police Chief Harris announced that due to unexpected medical conditions, the Department lost K-9 Remco in July 2018. The Department recognized Officer Adam Miller and his family by presenting them with a plaque, in honor of Remco's work and dedication to the community. Officer Miller was Remco's partner for the past four years.

b. Mayoral Appointment: Historical Preservation Commission – Jonathan Dean

Councilor DeBoer motioned to approve the Mayoral Appointment of Jonathan Dean for the Historical Preservation Commission, and that the vote be by voice vote. The motion was seconded by Councilor Leverenz. The motion passed.

FINANCIAL REPORT

City Controller Gray stated that the City has used 65% of the budget with encumbrances, while being 66% of the way through the year. The City has used 60% of the budget for actual expenditures.

LEGAL REPORT

This report is on file.

SPECIAL REPORTS:

Joint Board Report

Councilor DeBoer announced that the next Joint Board meeting will be held on Tuesday, October 16, 2018, at noon in the Multi-Purpose Room at Morton Community Center. He noted that the agenda will be available at the beginning of next month.

UNFINISHED BUSINESS:

Ordinance No. 21-18 An Ordinance Setting The 2019 City Budget And Setting The 2019 Tax Levy On Property And Tax Rate (Submitted by Controller)

Councilor DeBoer read Ordinance No. 21-18 by title only.

Councilor DeBoer moved for passage of Ordinance No. 21-18 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

City Controller Gray stated that the changes to the 2019 City Budget, which were mentioned at the first reading, have now been updated. He explained that Redevelopment Commission (RDC) will be funding the \$600,000.00 for the Cherry Lane extension. Due to the City having the extension doubly-covered in the budget, these funds have now been removed from the Motor Vehicle Highway (MVH) budget. Since the medical insurance increase is now 16% instead of the originally budgeted 10%, the cost-of-living increase has been reduced to 2.25%. The two new positions, which were budgeted for the upcoming year, have now been eliminated. These changes allow the City to be under the published budget. The total amount to be budgeted for the year is \$24,972,877.00.

President Bunder asked Controller Gray to further explain why a City that looks so prosperous would need to reduce the budget. Controller Gray explained that the maximum levy dollar amount that can be received from the property tax is set by the State, which depends on the growth rate of the State and is an estimated 3%. Even though our expenses have gone up with the expansion of the City, the maximum budget dollars are only up 3%. President Bunder asked if this was the circuit breaker, to which Controller Gray responded the circuit breaker feeds into it. The circuit breaker is dependent on the residences and the businesses who have maximum taxes they can pay. Even if the calculation of the tax rate is above that amount they only have to pay up to 1% of the amount. He explained that last year we had to pay \$900,000.00 out of our maximum levy because of the circuit breaker. This amount is projected to be \$1.1 million this year, and the Department of Local Government Finance (DLGF) has projected \$1.6 million for 2019. President Bunder asked if the City will ever be able to get ahead of this with the new growth within the City, to which Controller Gray responded that it depends on fiscal responsibility. He noted that the City has done a great job and does not foresee any issues in the future.

Councilor Dietrich added that we are rich in so many other ways.

President Bunder asked when the City would be able to add additional employees, to which Controller Gray responded that it will depend on if the City will be able to refine operations, reduce money spent on other areas, and still provide the services that are needed. He assured the Council that the City would like to be able to look into completing tasks in various areas, while being proactive. One of the things the City is looking into is combining some of the inspectors into being able to do additional areas. We would like each Department to be able to provide more services and look into more ways of doing the same thing with our current resources.

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. 21-18 passed on second and final reading.

NEW BUSINESS: None

Ordinance No. 22-18 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (Fowler Avenue Apartments) (Submitted by the Area Plan Commission)

Councilor DeBoer read Ordinance No. 22-18 by title only.

Councilor DeBoer moved for passage of Ordinance No. 22-18 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Leverenz.

Dan Teder (Reiling Teder & Schrier, LLC), representing the petitioner, noted that the petitioner's representative, architect, and engineer were all present to answer questions from the Council. The property is on the northeast corner of Fowler Avenue and Chauncey Avenue, which is east of Morris Rentals' planned development that was rezoned two years ago. He stated that they are wanting to rezone this site to PDRS. He noted that the site includes two lots. The first lot will consist of four converted student houses with 22 beds. The houses will be raised to be priced with a four-story apartment building that will include 53 units, 65 bedrooms, and 35 basement parking spaces. The second lot, which is to the northeast, is a gravel parking lot that will be paved for additional parking spaces. Mr. Teder stated that the parking ratio is 0.75 per unit, and 0.62 per bedroom. In addition, there will be 40 bicycle spaces included in the basement. This project meets all requirements for the New Chauncey Neighborhood Plan. He discussed other various details for the structure of the building, while explaining the benefits to the neighborhood.

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 10, 2018, CONTINUED

In response to a question asked by Councilor DeBoer, Mr. Teder confirmed that these are currently single-family homes.

Kurt Wahl, Wahl Architecture, clarified for Councilor DeBoer the reasoning for the decision on the color schemes that were chosen for the building.

President Bunder complimented the development company for honoring the New Chauncey Land Use Plan.

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. 22-18 passed on first and only reading.

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

Councilor DeBoer read Ordinance No. 23-18 by title only.

Councilor DeBoer moved for passage of Ordinance No. 23-18 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

City Controller Gray explained that this ordinance is one of the three salary ordinances for 2019, which correspond with the 2019 City Budget. In order to make the budgets easier to read, the formats are different compared to previous years.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Absent

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 10, 2018, CONTINUED

Councilperson	Vote
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. 23-18 passed on first reading.

Ordinance No. 24-18 An Ordinance To Set 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 Public Works)

Councilor DeBoer read Ordinance No. 24-18 by title only.

Councilor DeBoer moved for passage of Ordinance No. 24-18 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

City Controller Gray explained that this ordinance is one of the three salary ordinances for 2019, which correspond with the 2019 City Budget. In order to make the budgets easier to read, the formats are different compared to previous years.

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. 24-18 passed on first reading.

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

Councilor DeBoer read Ordinance No. 25-18 by title only.

Councilor DeBoer moved for passage of Ordinance No. 25-18 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 10, 2018, CONTINUED

City Controller Gray explained that this ordinance is one of the three salary ordinances for 2019, which correspond with the 2019 City Budget. In order to make the budgets easier to read, the formats are different compared to previous years.

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. 25-18 passed on first reading.

REPORT BY THE MAYOR

Mayor John Dennis stated that the City is looking into renovating City Hall and building a recreation center. He explained that the City has a committee who are currently in the process of conducting interviews for the candidates who are applying. These positions include an Architecture and Engineering, Owner's Representative, and Construction Manager as Constructor. The committee has completed three days of interviews so far, and have one more day to complete. Mayor Dennis confirmed that once they have completed the interview process, they will present the information to Council. It will be incredibly impressive once the City has selected a team for the both of the facilities. Mayor Dennis noted that going over budget is not an option for these projects, so we are looking at each company's budgets carefully. The designs will have to represent the uniqueness of the community. Also, each business will need to meet specific requirements that we feel are important to our community, such as diversity and minority owned.

President Bunder asked when the transition from Morton to Happy Hollow School is projected to happen, to which Mayor Dennis responded at the end of December.

Mayor Dennis confirmed for Councilor Dietrich that the school corporation will be transitioning to the new school after Fall Break.

Mayor Dennis noted the space at Happy Hollow School will be efficient and beneficial for the City employees. There be more space and will allow the Departments to be in the same building again.

COMMUNICATIONS

► Councilor DeBoer brought up the topic of the recent mobilized scooters, which have been brought to campus. There seem to have been conflicting reports on what the proper guidelines and regulations are with the scooters.

Director of Development Carlson stated that there was zero communication in advance about the deployment of the scooters from Bird Scooters. Purdue University, the City of West Lafayette, and the City of Lafayette had been working together since this summer to put together a united front with rules and regulations for the scooters. Director Carlson noted we began a similar situation with Zagster Bicycles two years ago. This program has deemed to be extremely successful.

Interim Police Chief Harris stated that he was able to engage in some constructive communication with Bird Scooters this past weekend. It was explained to Bird that our position was not that we just did not want them in town, but our position was that we did not want them in town because they are blocking our residents from the resources they need to get to. They have become a trip hazard. Residents need to abide by ADA regulations, and these are prohibitive. The Department has explained to Bird that if the scooters are blocking public right-of-ways, or if they are a trip hazard they will be removed. Chief Harris has instructed his officers to pull a case number, and document every scooter. He explained that by continuing to keep this paper trail it will not appear that the Department has just removed them for no reason. Chief Harris stated that he personally likes the concept of the scooters, and the student population will accept them with open arms. However, this program needs to be done the correct way and with communication.

Chief Harris confirmed for Councilor DeBoer that the policy for the Police Department is to only remove the ones that are in the public right-of-ways.

Councilor DeBoer asked what type of rules and regulations should be expected as we move this program forward, to which Director Carlson responded that we know under City law residents are not allowed to ride a bicycle on the sidewalk. We will need to work with whatever vendor that has these type of programs on their apps and who will list out the rules and regulations in the City of West Lafayette. It is also known that if you are riding something on the street after nightfall it requires lights. If the scooters do not have these capabilities then they need to cease operations at dusk each evening. The City is willing to work with these scooter companies, but we need to make sure that everyone is on the same page first.

Councilor DeBoer asked if the Council could anticipate legislation at next month's meeting for this program, to which Director Carlson responded that he is uncertain at this time.

Councilor DeBoer asked if the scooters would fall under any other current laws and ordinances for public right-of-ways and ADA compliances or if this is new legislation altogether, to which Assistant City Attorney McKinnis responded that there are State statutes and ordinances on mopeds, bicycles, and other devices. However, these types of devices were not in mind when those legislations were written. There needs to be a compressive look of what rules need to be in place for these types of devices. The City does have a community care-taking function, and no matter what the type of course of action that needs to be done to remove obstructions and hazards, the City has the ability to do so.

Director of Development Carlson noted that Indianapolis created their own definition for shared mobility device, and we have that draft language. The original definitions assumed ownership of the operator, and these are different times now. We have a shared economy now and need to be able to adjust to the changing times.

Councilor Dietrich added that we need to be watchful of the shared ownership versus the operation. As an example, he stated that if someone owns their scooter, then they should abide by the same policy of not riding their scooter on the sidewalk as someone who is renting their own.

Mayor Dennis stated that college campuses across the country are being targeted for these type of transportation options. The law that they generally apply to is the same as a bicycle. A motorized two-wheel conveyance does create challenges when obeying traffic laws. If you get stopped, is it a ticketed offense, and then what court does it go to? These scooters came to our community on a truck who had stacks of them. They set them on the sidewalk, and then put a website on them. The way we are trying to approach the situation now is by trying to find a process and protocol. We are researching other cities and college towns around the country who have had these same type of experiences.

Councilor DeBoer asked if the operation of these scooters should be anticipated within the community for the next month, to which Mayor Dennis confirmed as long as they are done properly.

Councilor Leverenz asked what would be considered appropriately parked on the sidewalk, to which Interim Chief Harris responded that his officers are using common sense. They want to ensure that someone could pass by in both directions at the same time. Someone in a wheelchair should be able to pass by, and it should not be a trip hazard.

Councilor Wang announced that he recently saw the scooters for the first time. He is concerned about the speed and mass number of these scooters throughout the City. He asked if the company has informed us of how many have been brought here, to which Interim Chief Harris said no. There are more today than there were last week. They have not been very forthcoming with information. We will continue to treat them as a bicycle for now.

Councilor DeBoer explained the process of the scooter rentals through the app on a mobile device. He estimated that there are 300-500 scooters throughout campus right now.

Councilor Wang asked how the scooters were charged, to which Interim Chief Harris stated that they hire people within our community that are called nesters. The nesters will collect a large amount of the scooters, take them home to charge, and then redistribute them around campus.

► Councilor Dietrich stated that the public has asked for an update on what is happening on Howard Avenue and Brown Street. There are big mud tracks to it two out of three days, and nobody is able to make the turn if another car is coming the other direction. He asked if there is a plan to correct this area, to which City Engineer Garrison responded that there will be minor reworking of it around the corner going into the dead end of Brown Street. It has been designed to allow two average sized vehicles to make that movement without any issues. The large rut is from a delivery truck that has not been making proper movements, which will be corrected through a centralized loading zone on Roebuck Drive.

Councilor Dietrich asked if the plan is to reduce the northern nub, to which City Engineer Garrison responded they will widen it back out as you come back around. Mr. Garrison explained that there was a lot of confusion from the traveling public who still thought Brown Street was open to the River Road and State Street intersection. A lot of this is to redefine the intersection in order to allow someone traveling on Brown Street or from Howard Avenue to realize that the turning movement is the main movement to get out to Howard Avenue. A three-way stop was installed for two reasons. This would help with the level of comfort for the turning movement, and to allow for pedestrian access.

Councilor DeBoer suggested that more signage be installed for pedestrian crossways, to which Mr. Garrison responded he would look into the suggestion. He explained that they will continue to study the intersection to make timing adjustments to Howard Avenue at River Road.

► Councilor Dietrich stated that there is a pedestrian triangle on State Street and the new road, which has not been named yet. He requested clarification on the correct process for the intersection. Mr. Garrison noted that the area Councilor Dietrich is referring to is the MacArthur extension. During the design phase of State Street everything was being designed for a further intersection. The current system is referred to as a Hawk System and is typically done with smaller arms. They will be working on additional signage in that area to help identify how the Hawk System works.

► Councilor Dietrich welcome Jan Myers back.

CITIZEN COMMENTS

► Jan Myers (1909 Indian Trail Drive), discussed that sidewalks are to be the width of at least two wheelchairs, or a wheelchair and a baby stroller. This makes it so that they are able to pass each other in the opposite direction. That total width should be four to five feet, dependent on City Code. She requested that she be provided with information of who to contact if there was a scooter on the sidewalk obstructing her path. She acknowledged that she had the capability of moving them with her wheelchair, but was unsure if she was allowed to. She noted that with the scooter situation it can suggest if we are welcoming these type of circumstances to happen. Ms. Myers recommended that we consider when we have had a friend or family member with a broken leg and have had to consider if the areas are accessible for them.

In response, Interim Police Chief Harris stated that Ms. Myers is free to move anything that is obstructing her travels. If there is a time that someone needs something removed they may call the Police Department at 775-5200.

► Thomas Kesler (479 Maple Street), reminded the City that there is still a trash problem. There is a property near his home that has had trash on the ground for weeks. Even after the trash is being removed from the alley, more will appear a couple days later. Concrete collection has continued for Mr. Kesler. He was on a block recently where he removed chunks of cinder blocks a few years ago, and found more on this trip as well. There were three bicycles on the sidewalk of Maple Street one day this summer, which two were laying on the ground and one was upright. Another day he saw a scooter laying across the sidewalk. He expressed how grateful he is to hear there is a plan now.

ADJOURNMENT

There being no further business at this time, Councilor DeBoer moved for adjournment, and President Bunder adjourned the meeting the time being 7:25 p.m.