

BOARD OF PUBLIC WORKS AND SAFETY
MINUTES
July 16, 2019

Regular Session:

The Board of Public Works and Safety met in regular session on Tuesday, July 16, 2019 at 9:00 a.m. in the Common Council Chambers. Members present were: Gary Henriott, Cindy Murray, Ron Shriner, Amy Moulton and Norm Childress.

Ed Chosnek, City Attorney, was also present.

President Henriott called the meeting to order.

The Pledge of Allegiance was given to the flag of our Country.

MINUTES

Mrs. Moulton moved for approval of the minutes from the July 2, 2019 regular meeting. Mrs. Murray seconded. Passed.

BID OPENING

Beck Lane Concrete and Resurfacing Project (Re-Bid)

This being the time set to open bids for the Beck Lane Concrete and Resurfacing Project (Re-Bid) and the following bids were received and opened:

Milestone Contractors, LP
Lafayette, Indiana

Base Bid: \$794,539.00
Alternate #1: \$96,022.21
Alternate #2: \$131,111.76

Rieth-Riley Construction
Lafayette, Indiana

Base Bid: \$663,360.00
Alternate #1: \$136,546.68
Alternate #2: \$181,441.53

Mrs. Murray moved to take the bids under advisement for further review. Mr. Childress seconded. Passed.

Underwood Street Concrete Replacement Project

This being the time set to open bids for the Underwood Street Concrete Replacement Project and the following bids were received and opened:

Dixon Construction
Lafayette, Indiana

Base Bid: \$252,432.00

Case Construction
Edinburgh, Indiana

Base Bid: \$335,502.00

Heartland Excavating
Lafayette, Indiana

Base Bid: \$246,262.90

Rieth-Riley Construction
Lafayette, Indiana

Base Bid: \$497,831.00

Mr. Shriner moved to take the bids under advisement for further review. Mr. Childress seconded. Passed.

Service Area 21 Water & Sewer Extension Phase I

This being the time set to open bids for the Service Area 21 Water & Sewer Extension Phase I and the following bids was received and opened:

Atlas Excavating, Inc.
West Lafayette, Indiana

Base Bid: \$4,303,943.00

Mrs. Murray moved to take the bids under advisement for further review. Mr. Shriner seconded. Passed.

BIDS UNDER ADVISEMENT

Williams Street Sewer Project

President Henriott stated that this item will remain under advisement.

NEW BUSINESS

Lafayette Housing Authority

Amendment #1-CDBG Agreement between the City of Lafayette and Tippecanoe County Council on Aging, Inc. SHARP Program Year 2018

Valerie Oakley, Project Manager, presented to the Board and recommended approval of an Amendment #1 for the CDBG Agreement between the City of Lafayette and Tippecanoe County Council on Aging, Inc. SHARP Program Year 2018. This amendment extends the completion date to utilize 2018 funding for the program from July 15, 2019 to September 30, 2019. Mrs. Moulton moved for approval. Mrs. Murray seconded. Passed.

Amendment #1-Agreement between Lafayette Housing Consortium and Faith Community Development Corp. for 2016 Project #2-Vinton

Mrs. Oakley presented to the Board and recommended approval of Amendment #1 for Agreement between Lafayette Housing Consortium and Faith Community Development Corp. for 2016 Project #2 Vinton. This

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amendment extends the completion date from June 30, 2019 to November 30, 2019 for final paperwork and payment after the closing. Mr. Childress moved for approval. Mr. Shriner seconded. Passed.

Release of Mortgage-462 N. Salisbury Street, West Lafayette

Mrs. Oakley presented to the Board and recommended approval of a Release of Mortgage 462 Salisbury Street West Lafayette. The homeowner has satisfied the 15 year period of affordability. Mrs. Murray moved for approval. Mrs. Moulton seconded. Passed.

Release of Mortgage-1501 Larue Street

Mrs. Oakley presented to the Board and recommended approval of a Release of Mortgage for 1501 Larue Street. The homeowner has paid off the down payment loan. Mr. Childress moved for approval. Mrs. Moulton seconded. Passed.

Release of Covenant for Deed Restrictions-1501 Larue Street

Mrs. Oakley presented to the Board and recommended approval of a Release of Covenant for Deed Restrictions for 1501 Larue Street. Mr. Shriner moved for approval. Mrs. Murray seconded. Passed.

CLAIMS

Tim Clary, Controller, presented for Board approval, Claims in the amount of \$5,340,431.01. President Henriott asked if there were any further questions and there were none. Mrs. Moulton moved for approval. Mr. Childress seconded. Passed.

Mr. Clary announced that he has handed out the Comprehensive Financial Annual Report for the Controller's Office to the Board Members. Mr. Clary thanked the Board of Works, Common Council, Mayor Roswarski and all the Department Heads for a successful audit with the State Board of Accounts.

MISCELLANEOUS

Banner Request-Hunger Hike

President Henriott presented to the Board and recommended approval of a Banner Request for Hunger Hike to be hung on Columbia Street from September 10-17, 2019. Mrs. Murray moved for approval. Mrs. Moulton seconded. Passed.

Parking Request-Lafayette Theater Concert

President Henriott presented to the Board and recommended approval of a Parking Request for the Lafayette Theater concert for July 19, 2019 from 1:00pm to 1:00am. The requested parking removal is from Main Street to the alley on the east side of 6th Street. Mrs. Moulton moved for approval. Mr. Shriner seconded. Passed.

Parking Request-Lafayette Theater Benefit

President Henriott presented to the Board and recommended approval of a Parking Request for the Lafayette Theater benefit on August 9, 2019 from 7:00am to 2:00am. The requested parking removal is from Main Street to Ferry Street on the east side of 6th Street. Mr. Childress moved for approval. Mrs. Murray seconded. Passed.

Mayor Roswarski thanked Cindy Murray for the wonderful leadership with the Star & Stripes July 4th Community Event. The event was amazing and went really well. Mayor Roswarski thanked Angie Andrew, Lafayette Renew, for her leadership with Riverfest Event. The event was very successful this year.

Mr. Childress made some positive comments regarding the Stars & Stripes 4th of July Event this year.

Time: 9:14 a.m.

President Henriott stated that the Board will reconvene in five (5) minutes for the Animal Control Appeal Hearing.

**BOARD OF PUBLIC WORKS AND SAFETY
ANIMAL APPEAL MINUTES
July 16, 2019**

Appeal Hearing:

The Board of Public Works and Safety met on Tuesday, July 16, 2019 at 9:20 a.m. in the Common Council Chambers. Members present were: Gary Henriott, Cindy Murray, Ron Shriner, Amy Moulton and Norm Childress.

Ed Chosnek, City Attorney, was also present.

President Henriott called the meeting to order.

Animal Control Appeal Hearing-A'Deshola Doyal

Mr. Chosnek gave brief description of the procedure for this hearing. Mr. Chosnek stated that the Board has received copies of incident reports by both LPD and Animal Control Officer (ACO)'s concerning the first incident that will be described as Bite #1 on March 1, 2019, the second incident was Bite #2 on a victims face on April 27, 2019, the third incident was on June 13, 2019 where the Akita named Brutus was left unattended on a balcony barking with a ticket being issued on that day, and the fourth incident was Bite #3 on June 22, 2019 where Brutus bit two other dogs. Mr. Chosnek stated that all of the incidents, reports and communications where with the dog owner Timisha Ramsey. The Dangerous/Nuisance Animal Agreement (NAA) was executed by Ms. Ramsey on March 1, 2019. Mr. Chosnek stated that the signed agreement indicated the basis for the dog being removed.

Mr. Chosnek asked the Board to adopt all four (4) reports as part of the record and making the determination on this appeal. Mr. Childress moved to adopt the reports. Mrs. Murray seconded. Passed.

Mr. Chosnek asked if Timisha Ramsey is present. Audio inaudible. Her sister Lakesha stated that she was here for the appeal on Ms. Ramsey's behalf because she was currently at work. Mr. Chosnek stated that from a legal standpoint every contact that the ACO's had with Brutus and each of the incidents, not one time was A'Deshola Doyal mentioned as being as owner of the dog. Therefore because Ms. Ramsey was deemed the owner of Brutus by signing the NAA, she is the only one that can present evidence on the appeal of the seizure of Brutus. Mr.

Chosnek invited the family of Ms. Ramsey to come speak to the Board about the incidents that took place. But from a legal standpoint, Mr. Chosnek recommends to the Board that the appeal will be denied because the owner of the dog did not file the appeal, was not present to the hearing today nor is there any evidence that Ms. Doyal is an owner of the dog. President Henriott reiterated that the owner of the dog has to be the one to make the appeal and as it is presented to the Board, Ms. Ramsey is the owner of the dog.

ACO Kenzie Lucas stated that she has dealt with Ms. Ramsey with every encounter with Brutus. ACO Lucas stated that Ms. Doyal was only present during the time Brutus was removed from the home on June 22, 2019. However, any formal communication about Brutus was done through Ms. Ramsey only. Discussion ensued regarding the input of the people in the audience. Audio inaudible.

Lakela Bowers, 5613 Simmul Lane Indianapolis, Indiana 46221, stated that she is here representing her sister, Ms. Ramsey and niece Ms. Doyal. Ms. Bowers stated that Ms. Ramsey is emotionally overwhelmed by the whole situation with Brutus and didn't want to lose the dog. Ms. Bowers stated that a dog was bit at the hotel but didn't know what dog it was. Ms. Bowers stated that Ms. Ramsey has another dog named Buttercup that is a 7 pound Malorkie, which in fact was the dog that got bit that day. Ms. Bowers stated that Brutus bit one of the other dogs to protect Buttercup after it got bit.

A'Deshola Doyal, 1857 Shoshone Drive Apt #31, Lafayette Indiana, stated that she has pictures of Buttercup after she was bit. Ms. Doyal stated that Ms. Ramsey contacted ACO Lucas along with ACO Klumpe regarding what happened with Brutus defending Buttercup. Ms. Doyal stated that Ms. Ramsey asked the ACO's for the report of when Buttercup got bit along with the NAA agreement, but stated that she never received either.

Ms. Doyal stated that Bite #2 on April 27, 2019 with Jasmine Allen was Ms. Allen's fault entirely because Ms. Allen was drunk and fell on Brutus causing him to bit her in the face. Ms. Doyal stated that she and Ms. Ramsey were under the impression that after Bite #2 they would have to give Brutus up to the ACO's. Ms. Doyal stated that the ACO on scene stated that because Brutus was in his own home they would not be removing the dog at this time. Ms. Bowers stated that she brought with her a witness of the Bite #3 incident on June 22, 2019. Ms. Doyal stated that the barking incident on the balcony happened at her home and that she was unaware that you could not leave a dog unattended on a balcony.

Anthony James Holdbrook Jr., 1857 Shoshone Drive Apt #34 Lafayette, Indiana was sworn in by Mr. Chosnek for his testimony of the Bite #3 incident. Mr. Holdbrook Jr. stated that while he was on his balcony he witnessed the two dogs' attack the other dog but the lady ran away because the dog jumped the chain. Mr. Holdbrook Jr. stated that the lady with the two dogs came back and started hitting Brutus.

Alexis Hall, 12831 Alberdeen Northeast Street, stated that she was visiting Ms. Doyal when Bite #2 on April 27, 2019 occurred. Ms. Hall stated that Jasmine Allen was intoxicated before she came over to Ms. Doyal apartment. Ms. Hall stated that Brutus is not a vicious dog because he even smelled two men that were in the apartment that same day and didn't seemed bothered by them being there. Ms. Hall stated Ms. Allen kept telling Brutus to move out of the way to which she fell on Brutus and the dog bit her in the face.

ACO Jenna Manuel stated that she reached out to the Almost Home Humane Society (AHHS) to get an update on Brutus. As of this morning the staff have not been able to handle the dog at all. When the staff walk by the kennel to clean it, they have to move Brutus to a different part of the kennel because he growled, barked and tried to bite one of the staff members along with acting aggressive. Brutus has been at AHHS a couple of weeks.

ACO Lucas stated that she was involved with three of the incidents and confirmed that all of the reports are true, correct and accurate. ACO Lucas stated that there was a recorded statement by Ms. Ramsey on her body camera that has Ms. Ramsey made reference that she didn't want the dog anymore.

Mr. Chosnek stated that from a legal standpoint Ms. Ramsey was the owner, signed the NAA stating she was the owner therefore Ms. Ramsey was the one that was required to appeal. The fact that Ms. Ramsey's daughter Ms. Doyal filed the appeal would have potentially been acceptable if Ms. Ramsey would have appeared at the today's hearing and adopt that statement. But Ms. Ramsey's failure to appear today is a default and the appeal has to be legally denied. Discussion ensued.

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President Henriott stated that this is a public safety concern and when you have an animal that is difficult to control and do harm to other animals and people, it is a problem. President Henriott stated that this about an animal that is aggressive in our community. Mr. Chosnek gave a brief description of what would be the next step for Brutus at the AHHS.

Time: 9:49 a.m.

BOARD OF PUBLIC WORKS AND SAFETY

Gary Henriott s/s

President

ATTEST: Mindy Miller s/s

Mindy Miller, 1st Deputy Clerk

Minutes written by Mindy Miller, 1st Deputy Clerk

*A digital audio recording of this meeting is available in the Lafayette City Clerk's Office or online at <http://www.lafayette.in.gov/agendacenter>.

**A list of all permits issued for the preceding week is available at <http://www.lafayette.in.gov/DocumentCenter/Index/375>