

BOARD OF PUBLIC WORKS AND SAFETY
MINUTES
March 27, 2018

Regular Session:

The Board of Public Works and Safety met in regular session on Tuesday, March 27, 2018 at 9:00 a.m. in the Common Council Chambers. Members present were: Gary Henriott, Cindy Murray, Norm Childress, Dawn Ross and Ron Shriner.

Jacque Chosnek, 1st Deputy 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. Murray moved for approval of the minutes from the March 20, 2018 regular meeting. Mrs. Ross seconded. Passed.

NEW BUSINESS

Engineering

Agreement with American Structurepoint-Fire Station #5 Humidity Investigation

Bob Foley, Engineering, presented to the Board and recommended approval of an Agreement with American Structurepoint for the Fire Station #5 Humidity Investigation located at the corner of Creasy Lane and Union Street. The agreement is in the amount of \$43,350.00. Mr. Childress moved for approval. Mrs. Ross seconded. Passed.

Legal Counsel

Resolution 01-2018 A Resolution of the Board of Public Works and Safety of the City of Lafayette Indiana Adopting the Second Amended and Restated Agreement and Declaration of Trust of the AIM Medical Trust

Mrs. Chosnek presented to the Board and recommended approval of Resolution 01-2018 A Resolution of the Board of Public Works and Safety of the City of Lafayette Indiana Adopting the Second Amended and Restated Agreement and Declaration of Trust of the AIM Medical Trust. Mrs. Chosnek stated that there are four (4) main changes to the agreement. The first change is the name of the trust from IACT Medical to AIM Medical Trust. The second change is that any new municipality that joins the Trust must participate for at least 5 years before they would be entitled to any distribution upon dissolution of the Trust. The third change is the size of the Board of Trustees has expanded from 12 members to 18 members. The fourth and final change is the amendment expands the definition of 'Permissible Investments'. Mayor Roswarski made a few comments about the changes to the agreement. Mrs. Murray moved for approval. Mr. Shriner seconded. Passed. President Henriott abstained.

Purchasing

Declaration of Surplus Property-Information Technology

Dave Payne, Purchasing Manager, presented to the Board and recommended approval of a Declaration of Surplus Property for Information Technology. Mr. Payne stated that the extensive list of desktop PCs will be donated and used for educational purposes. Mrs. Ross moved for approval. Mr. Shriner seconded. Passed.

Declaration of Worthless Property-Police Department

Mr. Payne presented to the Board and recommended approval of a Declaration of Worthless Property for the Police Department that include three (3) laptop computers that have been replaced and will be recycled. Mr. Childress moved for approval. Mr. Shriner seconded. Passed.

Lafayette Housing Authority

Amendment #1-Agreement Between Lafayette Housing Consortium and New Chauncey Housing, Inc 2015 Project #2-Lincoln

Valerie Oakley, Project Manager, presented to the Board and recommended approval of Amendment #1 for Agreement between the Lafayette Housing Consortium and New Chauncey Housing, Inc for Project #2-Lincoln. The amendment extends the ending date of the agreement to April 13, 2018 to allow for processing the final paperwork. Mr. Childress moved for approval. Mrs. Murray seconded. Passed.

Carbin Development-Loan Assumption and Consent to Transfer

Mrs. Oakley presented to the Board and recommended approval of the Carbin Development Loan Assumption and Consent to Transfer. The transfer will be from South Street LLC to Carbin Development LLC. Carbin Development LLC has agreed to continue compliance with the HOME requirements of the properties for the remainder of the period of affordability. Mrs. Ross moved for approval. Mr. Childress seconded. Passed.

Carbin Development Debt Subordination Agreement

Mrs. Oakley, presented to the Board and recommended approval of the Carbin Development Debt Subordination Agreement for PEFCU as the lender and Carbin Development LLC as the buyer. Mrs. Murray moved for approval. Mrs. Ross seconded. Passed.

Release of Covenant for Deed Restrictions-12 S. 9th Street and north parcel of 19 S. 8th Street

Mrs. Oakley presented to the Board and recommended approval of a Release of Covenant for Deed Restrictions for 12 S. 9th Street and north parcel of 19 S. 8th Street. The recorded Document No. is 201010013542. Mr. Shriner moved for approval. Mrs. Ross seconded. Passed.

Release of Covenant for Deed Restrictions-801 & 805 South Street

Mrs. Oakley presented to the Board and recommended approval of a Release of Covenant for Deed Restrictions for 801 & 805 South Street. The recorded Document No. is 201010013544. Mr. Shriner moved for approval. Mrs. Murray seconded. Passed.

Parks Department

Contract with Schmidt Associates for Design Services for Columbian Park

Claudine Laufman, Parks Superintendent, presented to the Board and recommended approval of a Contract with Schmidt Associates for Design Services for Columbian Park in the amount of \$209,900.00. Mr. Childress moved for approval. Mrs. Ross seconded. Passed.

CLAIMS

Mike Jones, Controller, presented for Board approval, Claims in the amount of \$652,962.36. President Henriott asked if there were any further questions and there were none. Mrs. Murray moved for approval. Mr. Childress seconded. Passed.

MISCELLANEOUS

Special event Request-Living Way of the Cross

President Henriott presented to the Board and recommended approval of a Special Event Request for Living Way of the Cross to be held on March 30, 2018 from 10:30am-11:30am on North Street between 8th and 9th Streets. Mr. Childress moved for approval. Mr. Shriner seconded. Passed.

Taxi Cab Permits

Police Chief, Patrick Flannelly, presented to the Board and recommended approval of Taxi Cab permit for Cory Richardson. Mr. Childress moved for approval. Mr. Shriner seconded. Passed.

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

**BOARD OF PUBLIC WORKS AND SAFETY
APPEAL MINUTES
March 27, 2018**

Appeal Hearing:

The Board of Public Works and Safety met on Tuesday, March 27, 2018 at 9:15 a.m. in the Common Council Chambers. Members present were: Gary Henriott, Cindy Murray, Ron Shriner, Dawn Ross and Norm Childress.

Jacque Chosnek, 1st Deputy City Attorney, was also present.

President Henriott called the meeting to order.

Animal Control Appeal for Andre Maxey

Mrs. Chosnek stated that this is an Animal Control Appeal Hearing for two (2) pit-bull mixes that are owned by Andre Maxey. The Board has been provided with incident reports dated March 16, 2018 which include narratives from the responding Police Officer and Animal Control Officer (ACO). The Board has also been provided with photographs and a copy of the appeal letter from Mr. Maxey. Mrs. Chosnek stated that the incident described in the report involves the 2 pit-bulls who appeared to have been off leash and were involved in an attack with a smaller dog that was being walked by Martina Gonzalez-Nava that resulted in the death of Mrs. Gonzalez's dog.

Josh Klumpe, ACO, stated that he was dispatched to a call on March 16, 2018 where two dogs attacked a smaller dog resulting in the death of the smaller dog. Mr. Klumpe stated that as of right now the Almost Home Humane Society (AHHS) has had no behavioral issues with either pit-bull and are human-friendly. Mr. Klumpe stated that Mr. Maxey has been more than cordial and has called several times throughout the time that AHHS has had the dogs. Mr. Klumpe stated that LPD arrived on scene before he did and Mr. Klumpe was there to remove the pit-bulls and the deceased dog. Mr. Klumpe stated that the pit-bulls were staying at a friend's house at 1531 N. 12th Street but Mr. Maxey is perceived to live on Burroughs Street. Mr. Klumpe does not know where the dogs resided at the time of the attack. Mr. Childress asked if this attack is an isolated incident. Mr. Klumpe stated that ACOs have been called to Mr. Maxey home on Burroughs Street in the past for the dogs being off leash several times. Mr. Klumpe stated that the ACOs being called to Mr. Maxey's home was complaint driven by neighbors. The dogs are not altered and there are 3 children in the home on N. 12th Street. Mr. Klumpe stated that there was blood on both pit-bulls at the time he arrived on scene to take them to AHHS. Mr. Klumpe stated that both dogs are friendly and are seemingly easy to handle but they killed a dog.

Mr. Maxey stated that he is extremely sorry and remorseful that this happened. Mr. Maxey explained that a rabbit was running and the dogs started chasing it and started attacking Mrs. Gonzalez's dog. Mr. Maxey stated that both pit-bulls are friendly, smart and obedient dogs that he loves. Mr. Maxey stated that he is in the process of moving and that is why the dogs were at his friend's house. The dogs are confined to a screened in back porch area.

Mr. Shriner stated that the Board and the ACOs concern going forward is if they didn't take an action with these 2 dogs, the next time it happens questions would arise as to why they didn't do anything about this the first time. The next time could be an attack on a person. Mr. Maxey stated that he would put a muzzle on them every time that went out.

Mr. Childress asked if the dogs would be eligible for adoption in the future. Mr. Klumpe stated that the AHHS would need to do extensive temperament testing and have a behaviorist observe both dogs. An unnamed lady in the audience spoke up and stated that they would take the dogs out of the city today if they were released back to the owner. Mr. Klumpe stated that if the dogs were released back to Mr. Maxey they would have to enter into a Dangerous Animal Agreement first. Discussion ensued. Mr. Shriner moved to deny the appeal and not return the dogs to Mr. Maxey. Mrs. Ross seconded. Appeal Denied.

Time: 9:12 a.m.

BOARD OF PUBLIC WORKS AND SAFETY

Gary Henriott s/s

President

ATTEST: Mindy Miller s/s

Board of Public Works and Safety

March 27, 2018

Page 5

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>