

CITY OF LAWRENCE
Common Council
November 17, 2021
Regular Meeting

MEMBERS PRESENT: Lisa Chavis, William Tyrrell Giles Deborah Whitfield, Shawn Denney, Rick Wells, and Maria Rusomaroff

MEMBERS BY ZOOM: Sherron Freeman and Tom Shevlot

MEMBERS ABSENT: Lauren Russel

ALSO BY ZOOM: None

ALSO PRESENT: Clerk Kathleen Walton, Joe Calderon (Barnes & Thornburg, LLP), Dr. Shawn Smith (MSDLT Superintendent), Wendy Muston (MSDLT), Rodger Smith (MSDLT), and Attorney Kristina Wheeler (Bose McKinney & Evans LLP)

STAFF PRESENT: Police Chief Hofmann, Deputy Chief of Staff Korn, Utility Superintendent Salsbery, Deputy Utility Superintendent Wanner, Director of Engineering Srikanth Venugopalan, Executive Assistant Rafala, and Park Superintendent Martin

STAFF BY ZOOM: None

Council President Lisa Chavis called the meeting to order at 6:30 p.m. and announced a quorum was present.

COMMENTS OF COUNCIL MEMBERS: Councilor Rusomaroff began by thanking the Street Department for their efforts in filling potholes within her district. Looking to the future, she reminded everyone that Congresswoman Victoria Spartz is hosting two “listening sessions” this Saturday, November 20, 2021, at 10am in the Public Assembly Room and later at 1pm in Sheraton, Indiana. Councilor Freeman reported that a homeless person was camped out between the Walmart store and Goodwill on Pendleton Pike. She thanked LPD’s Captain Cantrell for “being on top of it”. She also noted that there is panhandling at the stop light at the corner of Pendleton Pike and Sunnyside Road. She expressed hope that code enforcement will look into the situation and take appropriate action. She went on to say that a former councilor has contacted Utility Superintendent Salsbery about weeds along the median and sewers on Pendleton Pike. Finally, she reported that repairs along 56th Street will cost around \$4 million dollars. She asked about how much of the gasoline tax does the City of Lawrence receive. She learned this information during a Zoom meeting with Dan Parker and Tim Joyce last Wednesday regarding the conditions on 56th Street. Councilor Wells noted that a story has appeared in the media that a car repair shop is operating in a residential area within his district. Various individuals have called and complained. This information has been passed along to the Administration. He also informed the council that food vendor trucks have been operating along Pendleton Pike between Franklin Road and Post Road. There appear to be 6-9 vendors operating there who are not licensed. He concluded by asking that the information be passed to those who can take action.

APPROVAL OF VOUCHERS 11-17-21: Councilor Denney discussed public safety and park equipment vouchers. Following discussion, Councilor Denney moved to approve Payroll Claims for \$978,629.32 [October 31, 2021, payroll] and Invoices [for vendors] as presented today [for

\$389,666.53], except the two invoices for Taft Stettinius & Hollister in the amounts of \$3,000 and \$39,122.50 and the invoice for Charles C. Brandt Construction in the amount of \$3,872.00. Councilor Rusomaroff seconded the motion. By a roll call vote, the motion to approve the vouchers except the vouchers for Taft Stettinius & Hollister and Charles C. Brandt Construction carried by the following vote of the Council: Seven (7) aye votes and one (1) nay vote (Councilor Shevlot).

UNFINISHED BUSINESS: Proposal No. 10, 2021, amending the Lawrence Municipal Code regarding requirements for City towing providers, was read only by title by Clerk Walton. Councilor Chavis assigned Proposal No. 10, 2021 to the Code Committee.

Councilor Chavis tabled the consideration of the council appointment to the Lawrence Plan Commission.

Resolution No. 17, 2021, approving the sale of real property located at 7750 Oaklandon Road, was read only by title by Clerk Walton. Councilor Denney said the Administration, Budget, and Finance Committee met tonight and recommended a do-pass for Resolution No. 17, 2021. Utility Superintendent Salsbery discussed the zoning of the property and responded to questions from the council. Following discussion, Councilor Shevlot moved to adopt Resolution No. 17, 2021. The motion was seconded by Councilor Denney. By a roll call vote, the motion carried: Seven (7) aye votes and one (1) nay vote (Councilor Rusomaroff).

Proposal No. 16, 2021, to transfer unused and unencumbered funds to the City Rainy Day Fund pursuant to Indiana Code 36-1-8.5-1, was read only by title by Clerk Walton. Councilor Denney said the Administration, Budget, and Finance Committee met tonight and recommended a do-pass for Proposal No. 16, 2021. Councilor Denney moved to adopt Proposal No. 16, 2021. The motion was seconded by Councilor Wells. By a roll call vote, the motion carried unanimously.

Resolution No. 19, 2021, approving the issuance of storm water revenue bonds of the City of Lawrence Storm Water Management District and matters thereto, was read only by title by Clerk Walton. Councilor Shevlot moved to adopt Resolution No. 19, 2021. The motion was seconded by Councilor Chavis. Councilor Denney said the Administration, Budget, and Finance Committee met tonight and recommended a do-pass by a 3-1 vote. Attorney Brian Bosma gave an overview of the Stormwater Management District Board and the issuance of the bonds. Mr. Bosma responded to questions from the Council. Following discussion, by a roll call vote, the motion to adopt Resolution No. 19, 2021 failed: Three (3) aye votes (Councilors Chavis, Rusomaroff and Shevlot) and five (5) nay votes (Councilors Denney, Freeman, Giles, Wells and Whitfield).

NEW BUSINESS: Consideration of veto by Mayor of Ordinance No. 12, 2021. Councilor Denney moved to override the veto. Councilor Giles seconded the motion. By a roll call vote, the motion to override the veto carried: Seven (7) aye votes and one (1) nay vote (Councilor Shevlot).

Consideration of veto by Mayor of Resolution No. 18, 2021. Councilor Whitfield moved to override the veto. Councilor Rusomaroff seconded the motion. By a roll call vote, the motion to override the veto carried unanimously.

Approval of a contract with Taft for Minority/Diversity Representation. Councilor Chavis assigned the contract to the Administration, Budget, and Finance Committee.

Approval of a contact with Taft for legal representation. Councilor Chavis assigned the contract to the Administration, Budget, and Finance Committee.

REZONING HEARING – 2021-ZON-01 - 7302 East 56th Street, Lawrence, IN, Metropolitan School District of Lawrence Township, by Joseph Calderon, rezoning of approximately 20.38 acres from the D-2 (Residential) zoning district to the SU-2 (Special Use) zoning district for school use, including new athletic fields

Joseph Calderon, representing the petitioner, began his presentation by providing members of the Common Council with 2 handouts. The first was a summary of the petition and the details of the proposal. The second was a list of commitments. Mr. Calderon noted that the property is currently zoned D-2. They are seeking a rezoning of 20.83 acres to SU-2 District. He discussed the SU-2 uses. The plan for the property is to relocate and facilitate athletic fields. The staff report and recommendation says the rezoning meets the requirements to support the rezoning ordinance standards and comprehensive plan.

Dr. Shawn Smith, MSDLT Superintendent, Wendy Muston, VP MSDLT school board, and Joe Wiltrout, President/CEO of Crossroads of America Council, BSA, spoke in favor of the petition.

Following the presentation, remonstrators and others were given the opportunity for comments and questions. The following remonstrators spoke:

- Charles Knapp, 5728 Wallingwood Drive, sent an objection letter
- Daniel Rapp, 5718 Wallingwood Drive, sent an objection letter
- Tracy Ashcraft, 5880 Boy Scout Road
- Scott Courtney, 5936 Boy Scout Road
- Linia Cricelli, 11519 Half Mile Drive
- Michael Mayer, 5975 Boy Scout Road
- Diane McKee, 5924 Boy Scout Road

City Planning and Staff comments – DPW Executive Assistant Renea Rafala discussed the staff report provided by Matthew O'Rourke from American Structurepoint. The petition meets the requirements for rezoning for a SU-2 and is consistent with the comprehensive plan. The petitioner will need to submit a heritage tree study and DPW will review drainage issues and building codes. Ms. Rafala responded to questions from the Council.

In rebuttal, Mr. Calderon, and Rodger Smith, MSDLT, addressed questions from remonstrators regarding access to the property and lighting issues. The school wants to be a good neighbor. They responded to questions from the Council.

In rebuttal, the following remonstrators spoke:

- Tracy Ashcraft, 5880 Boy Scout Road
- Michael Mayer, 5975 Boy Scout Road

After the presentations, Attorney Kris Wheeler recommended the Council consider continuing the petition to December 6, 2021, to address issues and meet with neighbors. After that discussion, Councilor Rusomaroff moved to continue the rezoning petition hearing to December 6, 2021, at 6:30pm; Councilor Wells seconded the motion. By a roll call vote, the motion carried: Six (6) aye votes and one (1) nay vote (Councilor Denney).

ADMINISTRATION COMMENTS:

ADJOURNMENT: There being no further business to come before the Council, the meeting was adjourned at 8:55 p.m., by the unanimous vote of the Council.

Lisa Chavis, President

Kathleen A. Walton, Clerk

These minutes are not intended to be verbatim. They are a summary of discussions held, except for the motions. An audiotape is made which provides a detailed record.