

CITY OF LAWRENCE
Common Council
December 5, 2022
Regular Meeting

MEMBERS PRESENT: Lisa Chavis, Shawn Denney, Tom Shevlot, Lauren Russel (left the meeting at 7:20pm and then joined by Zoom), Sherron Freeman, Deborah Whitfield, Maria Rusomaroff, William Tyrrell Giles, and Rick Wells

MEMBERS BY ZOOM: None

MEMBERS ABSENT: None

ALSO BY ZOOM: None

ALSO PRESENT: Clerk Kathleen Walton, and Attorney Kristina Wheeler (Bose McKinney & Evans LLP)

STAFF PRESENT: Deputy Police Chief Bigsbee, Park Superintendent Martin, Executive Assistant Rafala, and Utility Superintendent Salsbery

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 Freeman asked if DPW is sending to Indianapolis permits issued by the City of Lawrence for new construction and additions on a quarterly basis to avoid missing tax dollars. She also reported that mortgage deductions forms are no longer going to be used. She also reported that other excluded cities derive some 68% of their revenue from property taxes. Is that number also true for the City of Lawrence. More specifically, where do we get funding for local police and fire services. She wants to be sure that the City of Lawrence receives its appropriate share. Councilor Rusomaroff renewed her request for the administration to provide an inventory of city park facilities available for use by disabled people. She is seeking to review our current inventory and compare it to other communities. Councilor Wells pointed out that because of the change in status for the Sterrett Center, there are now three buildings that can be rented for use in the city parks system. He went on to thank Utility Superintendent Salsbery for the construction of new sewers in his district.

APPROVAL OF MINUTES: Councilor Wells moved to approve the minutes of the regular meetings on September 6, 2022, September 21, 2022, October 3, 2022, October 19, 2022, November 7, 2022, November 16, 2022, and special meeting on December 1, 2022. Councilor Rusomaroff seconded the motion. By a show of hands, the motion carried unanimously.

APPROVAL OF VOUCHERS 12-5-22: Councilor Denney moved to approve Payroll Claims for \$918,501.42 [November 15, 2022, payroll], and Invoices [for vendors] as presented today [for \$686,056.58]. Councilor Chavis seconded the motion. By a show of hands, the motion carried unanimously.

REPORTS OF COMMITTEES: Councilor Denney said the Administration, Budget, and Finance Committee met and discussed, Proposal No. 31, 2022. They recommended a do-pass for Proposal

No. 31, 2022. Councilor Chavis said the Committee of the Whole met and discussed Proposal No. 24, 2022 and Proposal No. 32, 2022. They did not recommend Proposal No. 24, 2022 out of committee. They recommended a do-pass for Proposal No. 32, 2022. Councilor Freeman said the Code Committee will meet on December 21, 2022, to discuss Proposal No. 30, 2022.

UNFINISHED BUSINESS: Proposal No. 24, 2022, establishing compensation for elected officials for the year 2023, was read only by title by Clerk Walton. Councilor Denney moved to accept Proposal No. 24, 2022 in place of the original proposal. The motion to accept amended Proposal No. 24, 2022 was seconded by Councilor Rusomaroff. Councilor Russel requested a roll call vote. By a roll call vote, the motion carried by the following vote of the Council: Seven (7) aye votes and two (2) nay votes (Councilors Shevlot and Russel). Councilor Rusomaroff moved to adopt Amended Proposal No. 24, 2022. The motion was seconded by Councilor Giles. By a show of hands, the motion carried by the following vote of the Council: Seven (7) aye votes and two (2) nay votes (Councilors Shevlot and Russel).

Proposal No. 30, 2022, amending the Lawrence Municipal Code to establish an all-way stop intersection at Barksdale Way and Milroy Road, was read only by title by Clerk Walton. Councilor Chavis assigned Proposal No. 30, 2022 to the Code Committee.

Proposal No. 31, 2022, repealing Title 1, Article 1, Chapter 3, Section 2 of the Municipal Code of the City of Lawrence, Indiana regarding governmental structure and administration, was read only by title by Clerk Walton. Councilor Denney moved to adopt Proposal No. 31, 2022. The motion was seconded by Councilor Rusomaroff. By a show of hands, the motion carried by the following vote of the Council: Seven (7) aye votes and two (2) nay votes (Councilors Shevlot and Russel).

Proposal No. 32, 2022, repealing Amended Ordinance No. 28, 2022 authorizing the issuance of General Obligation Notes, was read by title by Clerk Walton. Councilor Denney moved to adopt Proposal No. 32, 2022. The motion was seconded by Councilor Whitfield. By a show of hands, the motion carried by the following vote of the Council: Seven (7) aye votes and two (2) nay votes (Councilors Shevlot and Russel).

NEW BUSINESS: Councilor Denney moved to accept the amended 2023 meeting schedule, July 5 changed to July 10, for the Common Council. The motion was seconded by Councilor Rusomaroff and carried unanimously.

Rezoning Petition – 2022-ZON-01 – 5760 Wallingwood Drive, Lawrence, IN, by Todd Relue, rezone a portion of the property located at 5760 Wallingwood Drive from the current underlying zoning of Dwelling Agricultural District (D-A) to the Dwelling District Three (D-3) residential zoning district

Todd Relue, representing the petitioner, said the petition seeks to apply the same zoning category to two adjoining residential properties. Right now, one property is zoned D-A for agriculture density. The other property, just to the northeast, is currently zoned D-3 for density. The effect of this rezoning would be to eliminate the distinction in density and zone both D-3. The intent of the petition is to gain rezoning now in case of future development. There currently is no proposed plan for redevelopment of the properties. Any future construction will include only single family

dwelling and will unify zoning in the area. He also presented a list of conditions in support of the petition. These are contained in the staff report from American Structurepoint. This was followed by a discussion on the proposed conditions. He made the point that any changes caused by future development would require zoning variances. Those would go through the Board of Zoning Appeals. Mr. Relue concluded his presentation by requesting Common Council approval of the petition.

QUESTIONS AND COMMENTS FROM COUNCIL: Mr. Relue responded to questions from the Council.

Following the presentation, remonstrators and others were given the opportunity for comments and questions. There included:

- J. D. Maser, 6203 Carrington Drive
- Elizabeth Maser, 6203 Carrington Drive
- Dianne McKee, 5924 Boy Scout Road
- Dan Rapp, 5718 Wallingwood Drive (Councilor Chavis read his objection letter)
- Margo Larew, 5709 Wallingwood Drive
- Andrea Ostrander, 5738 Wallingwood Drive
- Karen Kraner, 5796 Wallingwood Drive
- James Ertmer, 5770 Wallingwood Drive
- Tracy Ashcraft, 5770 Boy Scout Road
- Scott Courtney, 5936 Boy Scout Road

Executive Assistant Renea Rafala, reported to the Council that the city had worked with American Structurepoint in the preparation of the staff report. Highlights include:

- D-3 allows 2.6 units per acre to a maximum of 14 homes
- Any future development will require two entrances to the subdivision

The staff report presents no reason to deny the petition. But it does impose further conditions to those discussed earlier:

- A tree conservation plan
- A traffic study
- Establish a buffer between the property and Lawrence Central High School
- Any future changes to this rezoning must be framed as zoning variances and must go before the Board of Zoning Appeals for approval

Executive Assistant Rafala responded to questions from the Council.

At 7:20pm Councilor Russel left the meeting and rejoined shortly afterwards through a Zoom connection. Her departure necessitated a shift from votes by show of hands to votes by roll call.

In rebuttal, Mr. Relue made the following points:

- A D-A zoning category provides for single family dwellings in an environmentally sound environment. This condition is shown in the overlay provided in the property conditions.
- The staff report already addresses tree and water management issues.
- Access issues are not significant at this stage of the process.
- D-3 zoning calls for 2.6 units per acre.

- Emphasized there are currently no plans in place for future development.
- This petition will protect residents in the area and serves as a first step in defining limits to future development. The petition is consistent with housing densities and development on Wallingwood Drive.

In response, Susan Ertmer, 5770 Wallingwood Drive, presented her remonstrator comments.

There being no further presentation or discussion, the petition was voted upon by a roll call vote and resulted in the following vote of the Council: Nine (9) votes to deny. Petition 2022-ZON-01 was denied.

There followed a 5 minute recess.

At the discretion of the Council President, President Chavis added new elements to amend the agenda:

Councilor Giles moved to nominate Councilor Denney to the Audit Committee pursuant to Resolution No. 17, 2022 which was adopted on December 1, 2022. Councilor Rusomaroff seconded the motion. By a roll call vote, the motion carried by the following vote of the Council: Seven (7) aye votes and two (2) nay votes (Councilors Shevlot and Russel).

Councilor Giles moved to encumber funds in the amount of \$125,000 from the council's 2022 service budget to pay the independent auditor pursuant to Resolution No. 17, 2022 which was adopted December 1, 2022. Councilor Whitfield seconded the motion. By a roll call vote, the motion carried by the following vote of the Council: Seven (7) aye votes and two (2) nay votes (Councilors Shevlot and Russel).

Councilor Denney moved to approve an engagement letter from Bose McKinney & Evans LLP to provide legal counsel regarding 2022 budget investigation and possible litigation. Councilor Giles seconded the motion. By a roll call vote, the motion carried by the following vote of the Council: Seven (7) aye votes and two (2) nay votes (Councilors Shevlot and Russel).

Councilor Denney moved to encumber funds in the amount of \$50,000 to pay Bose McKinney & Evans LLP a retainer under the terms of the engagement letter. Councilor Rusomaroff seconded the motion. By a roll call vote, the motion carried by the following vote of the Council: Seven (7) aye votes and two (2) nay votes (Councilors Shevlot and Russel).

ADMINISTRATION COMMENTS: None

CITIZENS COMMENTS: None

ADJOURNMENT: There being no further business to come before the Council, the meeting was adjourned at 7:55 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.