

Tippecanoe County Board of Commissioners

Meeting Minutes

Monday, May 1, 2023

10:00 am

Tippecanoe Room, Tippecanoe County Office Building
20 N 3rd Street, Lafayette, Indiana

Commissioners present: President Tracy A. Brown, Vice President Thomas P. Murtaugh, and Member David S. Byers.

Also present: Attorney Doug Masson, Auditor Jennifer Weston, and Recording Secretary Samantha Perez.

Absent: Commissioners' Assistant Paula Bennett.

I. PLEDGE OF ALLEGIANCE – President Brown called the meeting to order and led the Pledge of Allegiance.

II. APPROVAL OF MINUTES from Monday, April 17, 2023.

- Commissioner Murtaugh moved to approve the minutes as presented, second by Commissioner Byers. Motion carried.

III. PRESENTATION OF ACCOUNTS PAYABLE

The claims from April 19, 2023, through May 1, 2023, were recommended for approval without exception.

- Commissioner Byers moved to recommend and approve the Accounts Payable as presented, second by Commissioner Murtaugh. Motion carried.

IV. PRESENTATION OF PAYROLL

The payroll from April 14, 2023, and April 28, 2023, was recommended for approval without exception.

- Commissioner Byers moved to recommend and approve the payroll as presented, second by Commissioner Murtaugh. Motion carried.

V. RECCOMENDATION OF ACCEPTANCE OF BIDS – Commissioner Murtaugh presented:

Commissioner Murtaugh stated the bids recommended by Tecton for the Animal Shelter Project.

Recommended Bids Phase 2:

- Bid Package 2A Aluminum Doors, Frames and Storefront: Indiana Glass and Glazing - \$137,500
- Bid Package 2B Heating, Ventilation, Air Conditioning (HVAC): Fluid Technologies - \$568,000
- Commissioner Murtaugh moved to accept the bids as presented for the Animal Shelter, second by Commissioner Byers. Motion carried.

VI. AREA PLAN COMMISSION – Executive Director David Hittle presented:

A. ORDINANCE 2023-09-CM, Z-2885 - Shane Albregts; requesting rezone of 1.5 residential lots.

Executive Director Hittle advised this was unanimously approved through the Area Plan Commission on April 19, 2023. The petitioner, who shares ownership of the property with Chris Tabor, is requesting a rezone of one and a half residential lots located at the southwest corner of Church and Forests Streets, specifically 6825 Church Street in unincorporated town of Stockwell. The owners would like to build a second house on the partial lot to the west of the existing house on the corner. This request also follows the objectives of the Stockwell Land Use Plan.

- Commissioner Byers moved to consider ORDINANCE 2023-09-CM, second by Commissioner Murtaugh.

Shane Albregts, *petitioner*, stated he is here for any questions the Commissioners have. Commissioner Murtaugh added when he was growing up his aunt and uncle lived there and is excited for the work that will be done to improve the lots.

President Brown asked if there was any public comment, and then called for the vote:

- Auditor Weston recorded the vote:

Commissioner Murtaugh	Y
Commissioner Byers	Y
Commissioner Brown	Y

Ordinance 2023-09-CM passed with a vote of 3-0.

B. ORDINANCE 2023-10-CM, Z-2886 - Tomish Developers, LLC; requesting rezone of 4.256 acres.

Executive Director Hittle advised this was unanimously approved through the Area Plan Commission on April 19, 2023. The petitioner, with the consent of the property owner, Anthony R. Fleet, and represented by attorney Kevin Riley, is requesting a rezone of 4.256 acres from NB to R3 for a proposed 144-unit market-rate apartment complex (to be combined with the adjacent R3-zoned land to the south) The property is located at the southeast corner of US Highway 231 S Veterans Memorial Pkwy, bordered to the southeast by Elliott Ditch.

- Commissioner Byers moved to consider ORDINANCE 2023-10-CM, second by Commissioner Murtaugh.

Kevin Riley, *Reiling, Teder, Schrier Law Firm* representing the petitioner, added this is for a multi-family, market rate development with unanimous approval from the Area plan Commission and is seeking approval from the Commissioners.

President Brown asked if there was any public comment, and then called for the vote:

- Auditor Weston recorded the vote:

Commissioner Murtaugh	Y
Commissioner Byers	Y
Commissioner Brown	Y

- Ordinance 2023-10-CM passed with a vote of 3

C. ORDINANCE 2023-11-CM, Z-2888 - Trinitas Development, LLC; requesting rezone of 22.785 acres.

- Commissioner Murtaugh moved to consider ORDINANCE 2023-11-CM, second by Commissioner Byers.

Attorney Ryan Munden, on behalf of the petitioner, requested this ordinance be continued until the May 15, 2023 Commissioner Meeting.

- Commissioner Murtaugh moved to continue this ordinance at the May 15, 2023 meeting, second by Commissioner Byers. Motion carried.

D. **ORDINANCE 2023-12-CM**, Z-2889 - Archview Properties, LLC; requesting rezone of 26.581 acres.

Executive Director Hittle advised the petitioner is requesting a rezone of 26.581 acres for a proposed multi-family development located between CR 50 W and CR 100 W Yeager Road, south of Hawthorn Ridge and just north of the West Lafayette city limits. He added the APC staff has concerns due to the 1981 Land Use Plan has not been updated yet, making this major development premature.

- Commissioner Byers moved to consider ORDINANCE 2023-12-CM, second by Commissioner Murtaugh.

Attorney Munden, on behalf of the petitioner, provided the Commissioners with preliminary site plans if approval is granted. It is conceptual at this time but is considered a luxury property by providing high-end finishes and high-end amenities. Mr. Munden acknowledges The Plan is not complete but due to the great need for housing in our community believes this development will fulfill that need.

President Brown asked if there was any public comment, and then called for the vote:

- Auditor Weston recorded the vote:

Commissioner Murtaugh	Y
Commissioner Byers	Y
Commissioner Brown	Y

Ordinance 2023-12-CM passed with a vote of 3-0.

E. **ORDINANCE 2023-13-CM**, Z-2890 - Buckingham Properties, LLC; requesting rezone of 22.108 acres.

Executive Director Hittle advised this was approved through the Area Plan Commission and voted 13 yes – 3 no on April 19, 2023. The petitioner is requesting a rezone of 22.108 acres for a proposed multi-family development located east of Hadley Moors subdivision, on the west side of the future realigned Yeager Road, north of West Lafayette's city limits.

- Commissioner Byers moved to consider ORDINANCE 2023-13-CM, second by Commissioner Murtaugh.

Attorney Munden, on behalf of the petitioner, provided concept designs for this project. This project will not be marketed to students. The developer has also successfully completed previous projects here in Tippecanoe County.

Kent Parkinson, 5516 W 1200 S Brookston IN, stated he represents the Parkinson Family Trust that owns the property. He is in favor for this development due to the location being relatively close to Purdue. This development will attract high-end professionals to the area and will positively impact the community.

Commissioner Murtaugh added this is a great project and is appreciative of the work being done with the Comprehensive Plan but there is a significant housing shortage in Tippecanoe County. This type of housing is needed, and it would be detrimental to the community to pause this development until the Comprehensive Plan is completed.

President Brown asked if there was any public comment, and then called for the vote:

- Auditor Weston recorded the vote:

Commissioner Murtaugh Y
Commissioner Byers Y
Commissioner Brown Y
Ordinance 2023-13-CM passed with a vote of 3-0.

VII. HIGHWAY – Assistant Executive Director Mike Spencer presented and recommended:

Maintenance Summer Hours

A. Highway Maintenance Division Summer Hours Schedule: May 22, 2023 - September 7, 2023; working four, ten-hour days.

- Commissioner Murtaugh moved to approve the summer schedule as presented, second by Commissioner Byers. Motion carried.

Highway Utility Agreement

A. Reimbursable Relocation for Tipmont REMC, 450 E 500 S Project in the amount of \$123,434.34 for the relocation of a utility structure.

- Commissioner Byers moved to approve the utility agreement as presented, second by Commissioner Murtaugh. Motion carried.

Permit to Close or Block Road

A. 500 E, Race for Hope 5K / 10K Run – June 3, 2023

- Commissioner Murtaugh moved to approve the permit to close as presented, second by Commissioner Byers. Motion carried.

VIII. ANIMAL SHELTER – Commissioner Murtaugh presented and recommended:

Construction Contracts

A. Huston Electric

- Electrical - \$557,931

- Commissioner Murtaugh moved to approve the contract as presented, second by Commissioner Byers. Motion carried.

B. New Concepts, Inc.

- Floor Coverings - \$224,625

- Commissioner Murtaugh moved to approve the contract as presented, second by Commissioner Byers. Motion carried.

C. TDH Contractors, LLC

- Site Work - \$599,978

- Commissioner Murtaugh moved to approve the contract as presented, second by Commissioner Byers. Motion carried.

D. Winco Construction Company

- Concrete - \$428,218

- Commissioner Murtaugh moved to approve the contract as presented, second by Commissioner Byers. Motion carried.

IX. PUBLIC DEFENDER – Chief Public Defender Amy Hutchinson presented and recommended:

A. One full-time Deputy Public Defender split into two regular part-time Public Defenders.

- Commissioner Murtaugh moved to covert the second Deputy Public Defender position to two regular part time positions as presented, second by Commissioner Byers. Motion carried.

X. GRANTS – Grant Facilitator Sharon Hutchison presented and recommended:

Permission to Apply for Grants:

A. For Community Corrections and the Sheriff Departments, from the Patrick Leahy Bulletproof Vest Partnership, requesting funds to cover a portion of needed vests.

- Commissioner Byers moved to approve applying for the grant as presented, second by Commissioner Murtaugh. Motion carried.

XI. UNFINISHED/NEW BUISNESS

- None

XII. REPORTS ON FILE

- Clerk March 2023 Report
- Treasurer March 2023 Report
- Weights and Measures March 16th – April 15th, 2023, Report

XIII. PUBLIC COMMENT

- Steven Riggs, 2051 East 430 S Lafayette, shared on March 31, 2023, his house was broken into and a safe was stolen. Mr. Riggs expressed concerns about the Sheriff's Department's investigation of the matter and that the identity of a potential suspect creates a conflict for the Sheriff's Department.
- Paul Griswold, 2340 Sagamore Pkwy #404, stated he is trying to get the Ordinance changed to be more tough on dangerous dogs. He has sent multiple police reports to the Commissioners for their review of different encounters with danger dogs in the community. Mr. Griswold shared multiple stories of interactions with a dangerous Pitbull in the mobile home park where he lives. He was told by animal control the dog would be investigated. He is concerned no action as been taken and that the Ordinance is not clear on how to handle these incidents. President Brown stated the review process is currently underway to make sure the ordinances are better aligned with each other due to there being three local ordinances that address animals. President Brown asked Mr. Griswold to provide the police reports and mobile home park rules to the Commissioner's office for further review. He also stated he cannot comment on behalf of the Animal Control Officer, but to have patience as he is one person for all of Tippecanoe County and as the county has grown there is currently a need for more personnel in that specific area. He thanked Mr. Griswold for bringing this to the Commissioner's attention. Mr. Griswold asked if he could be informed when the Ordinance is updated, and Commissioner Murtaugh added when any revisions to the Ordinance will be held in a public meeting.

Commissioner Byers moved to adjourn. President Brown adjourned the meeting.

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

Tracy A. Brown, President

Thomas P. Murtaugh, Vice-President

David S. Byers, Member

ATTEST:

Jennifer Weston, Auditor 05/15/2023

Minutes prepared by Samantha Perez, Recording Secretary