Tippecanoe County Board of Commissioners
Meeting
Monday, August 7, 2017
10:00 am
Tippecanoe Room, Tippecanoe County Office Building
20 N 3rd Street, Lafayette, Indiana

The Tippecanoe County Commissioners met on Monday, August 7, 2017 at 10:00 a.m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President Tracy A. Brown, Vice President Thomas P. Murtaugh, and Member David S. Byers. Also present were: Attorney Doug Masson, Auditor Robert Plantenga, Commissioners' Assistant Paula Bennett, and Recording Secretary Caitlin Thomas.

PLEDGE OF ALLEGIANCE

President Brown called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

Monday, July 17, 2017

- Commissioner Murtaugh moved to approve the minutes from the July 17, 2017 meeting as presented, second by Commissioner Byers. Motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS AND PAYROLL- PAULA BENNETT

Commissioners' Assistant Paula Bennett recommended the claims from July 17, 2017 through August 7, 2017, including payroll from July 28, 2017 be approved without exception.

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

PROPOSED POLICY FOR DISPLAYS AND EVENTS AT THE TIPPECANOE COUNTY COURTHOUSE

Attorney Masson said the first draft of this policy was revised due to public comments. Viewpoint neutrality was clarified to reflect that neutrality applies to the Commissioners' regulations and not the groups themselves. In Section 5, the language was changed to make it clear that an application shall not be declined based on the expressed content of the event. The requirement for insurance is waived if the event is 50 people or less. The fee requirement in Section 6F was removed. He stated these are events for third parties. The purpose of the policy is to permit expressive activity in a way that does not disrupt the judicial function of the courthouse, regulates activity in a viewpoint manner, and protects the county from liability rising out of those third party events. Displays have to be attended so the public is aware they are

associated with a third party and not the county. There will be an application process and it provides that a member of the board shall review and approve the application. The group will have to agree to defend and indim to find the county harmless against any liability arising out of the event, obtain insurance if over 50 attendees, clean up after the event, and make sure the event is conducted in a manner that is not a nuisance to outside property owners. Nuisance is defined per the state's definition.

Commissioner Byer asked about the use of sidewalk chalk and if similar remnants of events should be cleaned up. Attorney Masson confirmed that should be cleaned up. Paula asked if they could limit the use of candles. Commissioner Brown said there would be a list of "do's and don'ts" that would be a part of the application, rather than the policy.

President Brown opened the floor to public comment. No public comment. President Brown said he would suggest putting this on an agenda a year from now to review how it has worked this year.

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

AREA PLAN- SALLIE FAHEY

Ordinance 2017-13-CM: Z-2695--Tippecanoe Memory Gardens, Inc. (R1 to I2) Petitioner is requesting rezoning of 4.077 acres (Tippecanoe Memory Gardens Minor Subdivision, Lot 1) in order to build a proposed crematory on property located near the northeast corner of the existing cemetery property, approximately 1000' north of Kalberer Road, and 750' east of Morehouse, Wabash 1 (NW) 23-5

Commissioner Murtaugh moved to hear Ordinance 2017-13-CM, second by Commissioner Byers.

Dan Teder with Reiling, Teder, and Schrier said there was unanimous approval for this rezone from the Area Plan Board. This is a 4 acre tract surrounded by a 50+acre cemetery. The petitioner would like to build a building on the west side for a crematory and chapel that would have no more than two full time employees. Emission reports show lower output than other uses. He said they have talked to multiple owners of similar facilities and they have had no complaints from their neighbors as to odors, smoke, or noise. They talked to Simplicity here in Lafayette and they have had no complaints either. He said they had stood in the parking lot of Kirby Risk and could not detect any noise or smell.

Commissioner Byers asked about the structures they will build on the property. Mr. Teder said this will be one building with crematorium, community room, chapel, sales room, and ample parking. Commissioner Byers asked if the Kalberer location would be moved as well. Mr. Teder said that is the funeral home and is zoned GB. They discussed putting a crematorium there but there were more neighbors. With the help of Area Plan, this was determined to be the best location.

President Brown opened the floor to public comment. No public comment.

Auditor Plantenga recorded the vote.

Brown – Aye
Murtaugh - Aye
Byers - Aye

Passed 3-0

Ordinance 2017-14-CM: UZO Amendment #88 – Transient Rentals Based on decisions reached at the May 3rd Ordinance Committee meeting, this revised amendment would add regulations regarding transient rental accommodations to Chapters 1, 3, 4, and 5

Commissioner Byers moved to hear Ordinance 2017-14-CM, second by Commissioner Murtaugh.

Director Fahey stated this is an amendment regarding short term rentals or Air BnB's and other similar companies. This ordinance is the result of much discussion at the ordinance Committee. It went to area plan commission in January and tabled based on public input and consideration that the state legislature would change their legislation. They have revised it with more public input and this is the result of a long and citizen intense process. The ordinance establishes three different types of rentals. The first is a transient guest room where the owner lives in the home and can rent up to two bedrooms up to 30 days. The owner must be on the premises the entire time. The second is a transient guest rental, which is when the home is owner occupied, but perhaps decides to do a house swap with another family. This type is also for less than 30 days. The last is a transient guest house where someone buys a home and never lives there. They buy it as an investment income and the entire home is available for short term (less than 30 days) rental. A transient guest room would be considered a home occupation. Those are permitted in single family and two family zoning districts so will have to follow all other requirements for home occupations. Transient guest rental is regarded as a single family home. Transient guest houses are permitted in R3, R4, Medical Related Urban, Central Business, and Central Business West Lafayette due to being more business-like. They are also permitted in the single and two family zones as well as the three rural districts by special exception. This does not prohibit them from those areas but it offers neighbors the opportunity to speak at a public hearing and as a special exception there are criteria that must be met before the Board of Zoning Appeals votes.

Commissioner Murtaugh confirmed there was a lot of public input regarding this ordinance. Director Fahey pointed out the ordinance committee authorized an amendment based on citizen comment. A transient guest room would include half of a duplex when the other half is owner occupied. Also, a home that is owner occupied with two additional apartment units is eligible to be put in the short term market rental.

Commissioner Byers asked if both cities were happy with the final ordinance. Commissioner Murtaugh said both cities were at the meetings. Director Fahey said the city of West Lafayette already has the Rental Inspection Program where a home must be registered with that program even with the Air BnB type programs. She pointed out that there seems to be a more of a vibrant economic activity in West Lafayette due to Purdue.

Auditor Plantenga recorded the vote.

Brown – Aye
Murtaugh - Aye
Byers - Aye

Passed 3-0

Resolution 2017-20-CM, to Amend the Comprehensive Plan for Tippecanoe County to include the 2045 Metropolitan Transportation Plan: The APC is required to update the long range transportation plan every five years to maintain the community's eligibility to receive federal transportation funds. This plan is a capital budgeting tool that documents the transportation needs for the next 26 years. The plan was developed in cooperation with participating jurisdictions, and has been approved by the MPO Policy Board.

Director Fahey explained the Plan Commission is obligated to create a long term transportation plan every 5 years with at least a 20 year horizon. This plan has been approved and satisfied all state and federal requirements. This will be adopted as part of local comprehensive plan, which has a different approval process. It has been adopted by the Plan Commission and becomes a policy for the six jurisdictions. Once everyone has heard it and adopted their respective resolutions, by state law, it will be recorded. The process is to take a look at estimated population for 2045 and what traffic zones will be most used at that time. It includes forecasting employment for 2045 and also putting that into traffic zones for where they will be working. They can then calibrate the traffic forecasting model to determine what roads people will be taking. They can predict which roads will be overloaded with vehicles and what maintenance will be needed. With the 2040 plan, they spent time allocating potential money for routes for city bus, walking, biking, and off road trails. Congestion can be helped with traffic management, which means for us smart lights and planning. Integrating lights will go a long way in managing congestion without building more. Once it moves from the long range plan to TIP, they will be funded and the projects started.

President Brown opened the floor to public comment. No public comment.

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

HIGHWAY- STEWART KLINE

Ordinance 2017-12-CM – Amending Tippecanoe County Code Chapter 72, Schedule III, Traffic Schedule regarding Stop Intersections – *Second Reading*

Director Kline stated this is the second reading for this ordinance and there was no input from the public. President Brown opened the floor to public comment. No public comment.

Auditor Plantenga recorded the vote.

Brown – Aye
Murtaugh - Aye
Byers - Aye

Passed 3-0

Awarding of Bid – Tippecanoe County 1000 South Reclamation Project

Director Kline recommended the contract be awarded to Milestone Contractors who submitted the low bid of $346,950.

- Commissioner Murtaugh moved to award the bid to Milestone Contractors, second by Commissioner Byers. Motion carried.

LPA Consulting Contract – Butler, Fairman, and Seufert, Inc - Tippecanoe County Concord Road and County Road 430 South Intersection Improvement Project

Director Kline presented a contract with Butler, Fairman, and Seufert, Inc. for right-of way acquisition services in the amount of $73,800.

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

Donation Agreement – Tippecanoe County North River Road at River Bend Project, Parcel 7, Wabash Valley Alliance, Inc an Indiana nonprofit corporation
Quit Claim Deed - Tippecanoe County North River Road at River Bend Project, Parcel 7, Wabash Valley Alliance, Inc an Indiana nonprofit corporation

Director Kline presented a Donation Agreement and Quit Claim Deed for Parcel 7. The donation has been valued at $600.

- Commissioner Byers moved to approve the Donation Agreement and Quit Claim Deed as presented, second by Commissioner Murtaugh. Motion carried.

Temporary Easement Grant – Tippecanoe County Klondike Road Project, Parcel 25A, Copper Beech Townhome Communities Eight, LLC

Director Kline presented a Temporary Easement Grant and said the permit is already moving through the courts.

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

Permit to Close or Block a County Road – Keep Stockwell Beautiful, Inc for the 10th Anniversary Celebration Parade on August 19, 2017

Director Kline presented a request for a permit to close a road for the Keep Stockwell Beautiful parade on August 19, 2017.

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

Payment Bond – In the amount of $394,000 from Milestone Contractors, LP for Tippecanoe County Culvert SHF301 and SHF302 Replacement Contract
Performance Bond - In the amount of $394,000 from Milestone Contractors, LP for Tippecanoe County Culvert SHF301 and SHF302 Replacement Contract

Director Kline presented Payment and Performance Bonds in the amount of $394,000 for Milestone Contractors for the work on SHF301 and SHF302 project.

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

Continuation Certificate – Indiana Gas Company, Inc d/b/a Vectren Energy Delivery of Indiana, Inc in the amount of $5,000 for work in all County's Right-of-Way

Director Kline presented a Continuation Certificate for Vectren Energy in the amount of $5,000

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

Continuation Certificate – Indiana American Water Company, in the amount of $5,000 for work in all County's Right-of-Way

Director Kline presented a Continuation Certificate for Indiana American Water in the amount of $5,000.

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

Construction Maintenance Bond – Lindberg Properties, LLC, in the amount of $5,000 for work in all County's Right-of-Way

Director Kline presented the Maintenance Bond with Lindberg Properties in the amount of $5,000.

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

PURDUE COOPERATIVE EXTENSION

Earthlink Contract

President Brown said this item will be tabled till the next meeting for further review.

MAINTENANCE

Contract for 629 N 6th St

President Brown said this contract is with Rettig Enterprises to install handrails and complete additional work in the amount of $13,550. Paula reminded the Commissioners that this will require a street closure to complete the work.

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

GRANTS- SHARON HUTCHISON

CASA

Administrator Hutchison presented a request to apply for a grant from the State of Indiana with the goal to be able to increase the number served and to significantly reduce or eliminate the waiting list of children in need cases. The grant amount is up to $50,000.

- Commissioner Byers moved to grant permission to apply for the grant, second by Commissioner Murtaugh. Motion carried.

TEMA

Administrator Hutchison presented a request to apply for a grant in an amount up to $15,000 from the Indiana Department of Homeland Security for Hazardous Emergency Preparedness or State Homeland Security Program. This would cover ten delegations to attend conferences pertaining to hazardous emergency response actions. There will be an in-kind match from the delegation's salary, which will be from the different agencies sending delegates.

- Commissioner Murtaugh moved to grant permission to apply for the grant, second by Commissioner Byers. Motion carried.

Prosecutor

Administrator Hutchison presented a request to accept a grant in the amount of $314,857.30 from the Indiana Family and Social Services Administration, Division of aging to cover the costs of the Adult Protective Services program thru June 30, 2018.

- Commissioner Byers moved to accept the grant as stated, second by Commissioner Murtaugh. Motion carried.

Surveyor

Administrator Hutchison presented a request to accept a grant in the amount of $20,000 from Arconic Foundation Grant for Tippecanoe County Partnership for Water Quality to provide educational experiences for sixth-grade students in Tippecanoe County. The project end date is August 3, 2018.

- Commissioner Murtaugh moved to accept the grant as stated, second by Commissioner Byers. Motion carried.

Sheriff

Administrator Hutchison presented a MOU for the 2017 Byrne Local Law Enforcement Assistance Grant between Lafayette Police Department and the Tippecanoe County Sheriff's Department. President Brown noted that of the total amount, $7,620 will go to the Sheriff's department and $30,400 will go to the Lafayette Police Department.

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

UNFINISHED/NEW BUSINESS

None.

REPORTS ON FILE

The following reports will available for public viewing in the Commissioners' office:

- Crystal Creek Kennel
- Tippecanoe County Public Library
- County Parks and Recreation Board
- Building Commission

PUBLIC COMMENT

Craig Rich introduced a new student employee, Eliza Dimmler.

Commissioner Byers moved to adjourn. President Brown adjourned the meeting at 10:44 a.m.

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

Tracy A. Brown, President

Thomas P. Murtaugh, Vice-President

David S. Byers, Member

ATTEST:

Robert A Plantenga, Auditor 08/21/2017

Minutes prepared by Caitlin Thomas, Auditor Administrative Assistant