

**Tippecanoe County Board of Commissioners  
Meeting  
Monday, May 1, 2017  
10:00 am  
Tippecanoe Room, Tippecanoe County Office Building  
20 N 3rd Street, Lafayette, Indiana**

The Tippecanoe County Commissioners met on Monday, May 1, 2017 at 10:00 a.m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President Tracy A. Brown and 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.

**PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS AND PAYROLL - PAULA BENNETT**

Commissioners' Assistant Paula Bennett recommended the claims from April 17, 2017 through May 1, 2017, including payroll from April 21, 2017 be approved without exception.

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

**APPROVAL OF MINUTES**

Monday, April 17, 2017

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

**PROCLAMATION**

**Toast to Mental Health**

President Brown announced Thursday, May 4<sup>th</sup> the Commissioners will be entering into a joint proclamation with the mayors entitled Toast to Mental Health. That event will take place at The Trails at 6:00 pm.

**AREA PLAN - SALLIE FAHEY**

**UZO Amendment #91, Ordinance 2017-07 -CM: This amendment would make two corrections to the UZO: the first would update the URL for the digital zoning maps on the county website in Chapter 1, and the second would eliminate the prohibition on height variances in the R3W and R4W zones in Chapter 6.**

Commissioner Murtaugh moved to hear Resolution 2017-07-CM, second by Commissioner Byers. Motion carried.

Director Fahey explained when we changed to digital zoning maps, it was required for the zoning ordinance the URL be included so the public could know immediately where to locate the zoning maps. When we made the transition from Silverlight to HTML5 this caused a change in URL and now this needs to be changed in the ordinance. We now have a permanent URL and internally, we have a redirect URL we can change as needed. However, the published URL will never change. The second part of the amendment prohibits variable in building height in R3W & R4W. The only reason this might be was because the West Lafayette Fire Department did not feel comfortable fighting fires above three stories. That has not been the case for many years and this ordinance would update it to match the other variable height guidelines.

Auditor Plantenga recorded the vote.

Brown - Yes  
Murtaugh - Yes  
Byers - Yes

Ordinance 2017-07-CM passed with a vote of 3-0.

**Z-2679 Chris L Moore (AW to A), Ordinance 2017-06-CM: Petitioner is requesting rezoning of 9.609 acres (originally filed as 17.4 acres) located at 6303 E 100 N, approximately ½ mile east of CR 550 E, Perry 19 (NE) and 20 (NW) 23-3**

Commissioner Murtaugh moved to hear Ordinance 2017-06-CM

Joe Bumbleburg with Ball Eggleston stated he represents Chris Moore who seeks to rezone his property from AW to A. He pointed out self-storage warehouses are allowed with special exception in the A zoning. He is requesting to take this to the Area Board of Zoning Appeals and believes it is premature to kill this now. The only major concerns are noise, outdoor lighting, hours of operation and those will all be covered by the Area Board of Zoning Appeals. He pointed out the main issue in the Staff Report was not land use, but whether or not the property was in a flood zone. He pointed out that according to the zoning map it is not.

Director Fahey confirmed the section of property is not currently in flood plain, but flooding in the US has been rising. FEMA and DNR have mapped the 500 year flood and she expects that will soon be the regulatory flood instead of the 100 year flood. The zone AW is intended to abut the sloped areas, many of them wooded that are located near streams. It has fewer uses permitted specifically for the intent to protect those slopes.

President Brown opened the floor to public comment. He asked the public to sign in and limit comments to three minutes. Attorney Masson will keep time.

Leon Thacker – 5656 Roseberry Ridge – Mr. Thacker stated he lives just adjacent to the property. He is sympathetic to Mr. Moore's request. To Mr. Moore's credit, he has stated will place restrictions on noise, light, and access hours. He pointed out that if the land is ever sold, the new owner might not have to adhere to the restrictions. He stated he is therefore against the rezoning.

Tamara Jovonovich – 717 Wexford Drive – Ms. Jovonovich explained she lives in Creekside neighborhood which is on the other side of the creek from Woodbury. She was here for April 17 APC meeting and had quite good turnout to speak out against the rezoning. Everyone she has spoken to in Woodbury is very against this rezoning. Her and her neighbors purchased their homes believing it was

surrounded by agriculture and wanted a quiet place to raise children. This does not fit into that type of community.

Dennis Demay – 5652 Roseberry Ridge – Mr. Demay stated his home is adjacent to the Moore property. He asked those opposed in the audience to stand. About ten audience members stood. He presented a petition signed by 35 families opposed to this. He expressed concern about trash in woods as people empty their storage containers. He stated there is no commercial land around and this will stick out like a sore thumb. Approving something like this could be like opening Pandora's Box and could make way for more commercial use around the neighborhoods.

Duane Sipe – 811 Deerwood Ridge – Mr. Sipe distributed a map showing storage units in Tippecanoe County. He pointed out that only 2 of the 22 facilities are full. They are against the rezoning.

Forrest Held – 5660 Roseberry Ridge – Mr. Held stated he is sympathetic to Chris Moore and that most of them knew his father. Mr. Held used to work with National Homes Acceptance Division. Through his work, he got to travel and saw a lot of places like Houston where they did not have a great area plan. We have a great APC and asked the Commissioners to take into account their recommendation. He believes this is not the best use for the property.

Commissioner Murtaugh stated at the APC meeting the project out at 900 E South East of Dayton was brought up in regard to how the self-storage unit sticks out like sore thumb in a rural district. As the chair of the APC Ordinance Committee, they will be having discussions about whether or not this is even appropriate in Agricultural districts.

Auditor Plantenga recorded the vote.

Brown - No  
Murtaugh - No  
Byers – No

Ordinance failed to pass with a vote of 3-0.

## **HIGHWAY - OPAL KUHL**

### **Partial Release of Mortgage – Lindberg Road Project, Parcel 58, Kristopher J and Andrea R Kluzke**

Director Kuhl presented a Partial Release of Mortgage for Parcel 58.

- Commissioner Murtaugh moved to approve the Partial Release of Mortgage as presented, second by Commissioner Byers. Motion carried.

### **Permit to Block or Close a Road – Wyandotte Elementary School 5K Event on May 19, 2017, 6:15 pm to 7:45 pm (CR 50 S and CR 550 E)**

Director Kuhl presented a request from Wyandotte Elementary School for a permit to close or block a county road. This is a 5K Run occurring in the evening. They mostly use shoulder and sidewalks where available. They have held this event for a couple of years and it always runs very smoothly.

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

**Permit to Impede Traffic – Race for Hope, 5K/10K run on June 10, 2017, 8:00 am to 10:00 am (CR 550 E, CR 50 N, and roads in Brookfield Heights)**

Director Kuhl presented a request from Race for Hope for a Permit to Impede Traffic. This is a 5K/10K run that has occurred several years in a row and they always work with the subdivisions to create the best route.

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

**Official Detour Reimbursement Contract**

Director Kuhl presented an Official Detour Reimbursement Contract. This is an INDOT detour in Delphi. There is a drop off the edge of a road and they are worried it will not work well for trucks to just go around the block. This detour includes part of Old State Rd 25, which is one of our roads. They believe not many people will use this detour and will not create much more traffic on Old State Rd 25.

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

**SURVEYOR - ZACH BEASLEY**

*Second Reading Ordinance 2017-04-CM*, Amending Tippecanoe County Code Section 155.01

Commissioner Murtaugh moved to hear Ordinance 2017-04-CM on second reading, second by Commissioner Byers.

Surveyor Beasley stated this is the end of a two year long effort. The vetting process included all the local entities, consulting community, and developing community.

Auditor Plantenga recorded the vote.

Brown – Yes  
Murtaugh – Yes  
Byers – Yes

Ordinance 2017-04-CM passed with a vote of 3-0.

**Resolution 2017-14 -CM Establishing Phase II Storm Water Quality Donation Fund**

Surveyor Beasley presented Resolution 2017-14-CM and explained they have begun the process of seeking out donation money to offset operating costs. These funds will help cover the cost for specifically their educational programs. He has spoken with Auditor Plantenga who recommended creating a donation fund. Auditor Plantenga stated they would need some clarification about which funds were donations and which were reimbursements.

- Commissioner Byers moved to approve Resolution 2017-14-CM as presented, second by Commissioner Murtaugh. Motion carried.

## **AUDITOR - BOB PLANTENGA**

### **Resolution 2017-13-CM Creation of Heartland TIF Fund**

Auditor Plantenga presented Resolution 2017-13-CM. He stated we have one major TIF we have had many years. The funds that come from that TIF are split between the city and the county. In 2014, a second TIF was created and since then there has not had any place to put the funds generated. This Resolution creates a fund for the property tax cash to go so the highway can use the funds.

- Commissioner Murtaugh moved to approve Resolution 2017-13-CM as presented, second by Commissioner Byers. Motion carried.

### **Proposed 2018 Employee Compensation**

Auditor Plantenga presented the Proposed 2018 Employee Compensation. The report comes from Legislative Services and Department of Local Government Finance and tells us how much our property tax levy is anticipated to increase. The General Fund balance is the main concern. He requested a recommendation at the next meeting on how much to raise salaries with the revenue increase.

Commissioner Byers asked HR Director Shirley Mennen how the health insurance fund is looking. She said health insurance fund is doing well and expecting it to at least break even. Commissioner Byers asked how much Lafayette and West Lafayette gave raises. No one could recall the number. Commissioner Byers asked if everyone will get raise with increase. Director Mennen said there should not be any frozen salaries with the increase next year. President Brown stated we used a market based assessment last year and asked if we would do another one soon. Director Mennen said the plan is to do another one next year to stay in sync with trends.

President Brown stated they will plan on finalizing this discussion at May 15 meeting.

## **GRANTS - SHARON HUTCHISON**

Administrator Hutchison presented a request to apply for grant from BP5 Un-Obligated funds for a Mass Casualty Incident Response Trailer. No match is required from the county.

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

## **MAINTENANCE - TONY DILDINE**

### **Service Agreement with Trash Kans, LLC**

President Brown presented a Service Agreement with Trash Kans, LLC for 3 locations. He commended Tony Dildine for seeking out a better option. This will save us almost 17,000 over 60 months.

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

## **PUBLIC DEFENDER - AMY HUTCHISON**

### **Professional Services Agreement**

Public Defender Hutchison presented a Professional Services Agreement with Donald Lundberg d/b/a Lundberg Legal. He recently created his own firm and is now less expensive.

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

### **THERAPY DOG POLICY**

Attorney Masson stated Colleen Connor is going to talk to Therapy Dogs International regarding this policy. This stems out of discussion at a prior meeting about therapy dogs in the courthouse. The policy distinguishes service dogs from therapy dogs. It requires the county to have a memorandum of understanding with any organization that brings in dogs, states dogs may be removed if causing problems, outlines handler's responsibilities, insurance requirements, dog identification, and prior notification of when the dogs will be in the courthouse. He said no action is necessary because we are waiting for Therapy Dogs International to review the agreement. The policy can be reviewed again at the next meeting at which point the Commissioner can take action.

### **UNFINISHED/NEW BUSINESS**

Attorney Masson explained we have been asked to sign consent to assignment from VS Engineering, who is taking over the contract from H Stewart Kline and Associates.

- Commissioner Murtaugh moved approve to consent to assignment of contracts from H Stewart Kline and Associates to VS Engineering, second by Commissioner Byers. Motion carried.

President Brown stated the Public Defender's and Prosecutor's offices have been moved into the 111 building. The entire move was done with Tippecanoe County maintenance staff.

### **REPORTS ON FILE**

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

- Wabash River Heritage Corridor Commission Minutes
- Building Commission
- Tippecanoe County Central Mail and Duplicating
- Tippecanoe County Parks and Recreation Board
- Crystal Creek Kennel

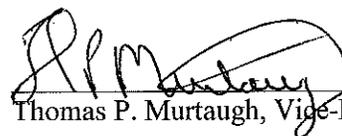
### **PUBLIC COMMENT**

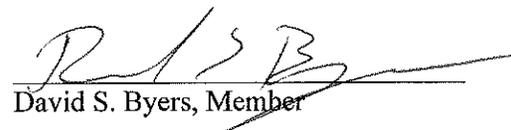
None.

Commissioner Byers moved to adjourn. President Brown adjourned the meeting at 10:54 a.m.

BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE

\_\_\_\_\_  
Tracy A. Brown, President

  
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Thomas P. Murtaugh, Vice-President

  
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David S. Byers, Member

ATTEST:

  
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Robert A. Plantenga, Auditor 05/15/2017

Minutes prepared by Caitlin Thomas, Auditor Administrative Assistant