TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
September 7, 2010

The Tippecanoe County Commissioners met on Tuesday, September 7, 2010 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President David S. Byers, and Commissioner Thomas P. Murtaugh. Also present were: Attorney David W. Luhman, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Secretary Kay Muse.

Commissioner Knochel called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

- Commissioner Byers moved to approve the minutes of the August 16, 2010 regular meeting, second by Commissioner Murtaugh; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers for August 19, 20, 26, 27, September 1, 2, 3, and 7, 2010 as presented with no exceptions. With the note that the Auditor's name has been removed from three claims for Superior Court VI for interpreter services.

- Commissioner Murtaugh moved to approve the accounts payable vouchers as presented with no exceptions, second by Commissioner Byers; motion carried.

PETITION TO VACATE A PUBLIC WAY – *Professor Ernest Agee*
Ordinance 2010-19-CM, Public Hearing

Professor Agee stated that he has completed all of the necessary requirements for this petition to vacate. Attorney Dave Luhman stated that he has seen those documents and the petition does meet the requirements and is in the proper form. He asked Professor Agee to file the proof of publication documents with the Auditor to be kept in the Auditor's Office. Commissioner Knochel asked for public comment, there was none.

- Commissioner Byers moved to hear the Ordinance to Vacate a Public Way on 1st reading as presented, second by Commissioner Murtaugh; motion carried.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2010-19-CM passes 3-0 on 1st reading.

- Commissioner Byers moved to suspend the rules and bring Ordinance 2010-19-CM up for 2nd reading, second by Commissioner Murtaugh; motion carried.

- Commissioner Murtaugh moved to hear Ordinance 2010-19-CM on 2nd reading, second by Commissioner Byers; motion carried.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2010-19-CM passes 3-0 on 2nd and final reading.

ORDINANCE 2010-16-CM – *Regulating the Sale, Possession and use of Synthetic Cannabinoid (K2/Spice).*

Attorney Luhman stated that Ordinance 2010-16-CM will amend Tippecanoe County Code by adding a new chapter 130.02 regulating the sale, use, and possession of synthetic Cannabinoid. It defines synthetic Cannabinoids as all parts of the plant salvia divinorum and includes chemical compounds which are identified as synthetic Cannabinoid and includes the structural analog of any of those substances and includes any herbal base substance sold under the name of K2, Spice, Acapulco Spices, Serenity Now, Spice Gold, Shokotsu, Afghan Incense, Baked, Black magic, Buzz, Cherry Charm, Fire Bird, Fire "N" Ice, Pulse, Solitude, Voodoo or any other herbal based substance containing the foregoing described substances. It prohibits any person from selling, bartering, giving, publicly displaying for sale, attempting to sell, or possessing any synthetic Cannabinoid.

- Commissioner Byers moved to hear Ordinance 2010-16-CM on 1st reading, second by Commissioner Murtaugh; motion carried.

Commissioner Knochel asked for public comment.

Senator Ron Alting said that he would like to congratulate the Commissioners for addressing this important issue. Just six short months ago, the Attorneys of Indiana had no knowledge of this substance. Today all 150 in the General Assembly do understand the urgency of controlling the selling of this substance. Spice/K2 is quickly becoming an epidemic due to the effects and legality at this time, this raises safety issues in many areas. The drafted bill from the Senate will be submitted in October and hopefully will be voted on early in the session. Senator Alting went on to thank Prosecutor Harrington and Sheriff Brown for their help in drafting the bill. Senator Alting stated that "This is government at its best when we all come together and work on a common cause in the best interest, in this case the best interest, for our young people today in particular". Adding that he looks forward to working with the Commissioners on this issue.

Prosecutor Patrick Harrington said that he appreciates the Commissioners moving quickly on this issue. It has had a dramatic effect on the public and especially the safety of young people. Individuals that are at high risk for this kind of issue have known for sometime about the effects of this substance and have been aware that it is undetectable by drug screening.

Sheriff Tracy Brown stated that he had spoke with Dr. Mark Estes about some of the effects of this substance. Emergency personnel are beginning to see these effects. Many retailers have voluntarily removed this item from their shelves. It is important to follow other counties across the State and prohibit the sale and use of this substance. Sheriff Brown believes this is a public safety emergency. Sheriff Brown thanked the Commissioners and Senator Alting for their efforts on the ordinance.

Commissioner Murtaugh asked if passed today when the Ordinance would go into effect. Attorney Luhman stated that it would be in effect immediately upon passing of the ordinance.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2010-16-CM passes 3-0 on 1st reading.

- Commissioner Murtaugh moved to suspend the rules and hear Ordinance 2010-16-CM on 2nd reading, second by Commissioner Byers; motion carried.

- Commissioner Murtaugh moved to approve Ordinance 2010-16-CM on 2nd reading as presented, second by Commissioner Byers; motion carried.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2010-16-CM passes 3-0 on 2nd and final reading

AREA PLAN COMMISSION – *Sallie Fahey*
Ordinance 2010-17-CM–UZO Amendment #69

Director Sallie Fahey stated that this ordinance would establish new medical related and medical related urban zoning districts. The current zoning ordinance adopted in 1998 contains a medical related zoning district that was adopted when the hospitals were located in urban areas. Since that time, hospitals have moved to suburban areas creating the need for this amendment. This ordinance changes the MR district to MRU and creates a new MR district for use in the suburban areas. Changes include 4 additional uses for MRU zoning districts; medical, dental, hospital, equipment and supplies, drugs, drug proprietary, drug assemblies, medical equipment repair; electrical and medical equipment repair and non electrical repair. Five uses currently in MR were removed from both MR and MRU. Those are fraternity, sororities, student cooperative housing, agricultural crops, courier services accept by air, hotels and motels, and bed and breakfast. Two primary uses included in MR but not in MRU are eating and drinking establishments with drive-thru service and rooming houses. Ten uses in MRU not permitted in MR are primarily residential. One use was added to the new MR district by right and to MRU by special exception and those are physical fitness facilities.

- Commissioner Byers moved to hear Ordinance 2010-17-CM as presented, second by Commissioner Murtaugh; motion carried.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2010-17-CM passes 3-0.

Ordinance 2010-18-CM–UZO Amendment # 70

- Commissioner Murtaugh moved to hear Ordinance 2010-18-CM, second by Commissioner Byers; motion carried.

Director Sallie Fahey said that this ordinance will allow homes, that meet requirements, in the flood plain to be elevated. The new definition will apply to new construction and those residents who qualify for elevation.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2010-18-CM passes 3-0.

Street Renaming–North University Drive to John R. Wooden Drive

Director Fahey said that Purdue University has requested that North University Drive, between 200 feet North of Stadium to Cherry Lane, be renamed John R. Wooden Drive. Only a portion of this street is in the City of West Lafayette. Area Plan, the post office, and E911 have recommended approval.

- Commissioner Byers moved to approve the street renaming of North University Drive to John R. Wooden Drive as presented, second by Commissioner Murtaugh; motion carried.

HIGHWAY *– Opal Kuhl*

Wetland Bank Credit Purchase Agreement, McCarty Lane Project

Director Opal Kuhl stated this purchase agreement with the Schroder Wetland Mitigation Bank is for the purchase of mitigation credits for the McCarty Lane project. The highway department presented plans for mitigation within the stream banks but IDEM denied those plans. The purchase agreement is in the amount of $50,000 for one unit and $3,500 in fees.

- Commissioner Murtaugh moved to approve the purchase agreement for the Schroder Wetland Bank as presented, second by Commissioner Byers; motion carried.

Covenant of Dedication Agreement, McCarty Lane Project

Director Kuhl said that this is a Covenant of Dedication Agreement for the wetland credit purchase.

- Commissioner Murtaugh moved to approve the Covenant of Dedication Agreement for the Schroder Wetland Bank Agreement as presented, second by Commissioner Byers; motion carried.

Utility Reimbursement Agreement from Duke Energy Indiana, Inc., McCarty Lane Project

Director Kuhl said that this is a reimbursement agreement in the amount of $16,618 with Duke Energy Indiana, Inc., for the relocation of utilities that are not in the County's right-of-way, but are located on the County's easement.

- Commissioner Byers moved to approve the Reimbursement Agreement with Duke Energy in the amount of $16,618 as presented, second by Commissioner Murtaugh; motion carried.

Ordinance 2010-14-CM –1st Reading
Speed Limits

Director Kuhl presented the following speed limit changes to the Commissioners for approval.

The Tippecanoe County Code Chapter 72, Schedule I, Traffic Schedule regarding Speed Limits, be amended to delete the following and re-adopted as so amended:

Road/Street	*Location*	*Speed Limit (m.p.h.)*	*Temporary Speed (m.p.h.)*	*Ordinance*	*Date*
South River Road	From Division Road to 1700 feet east of Division Road	30	NA	2008-21-CM	11-17-08
South River Road	From 1700 feet east of Division Road to US 231 South	45	NA	2008-21-CM	11-17-08
North Ninth Street	From Swisher Road to one-quarter mile south of the Battle Ground city limits.	50	NA	93-05-CM	3-22-93
North Ninth Street	From one-quarter mile south of the Battle Ground city limits to the Battle Ground city limits.	45	NA	93-05-CM	3-22-93

The Tippecanoe County Code Chapter 72, Schedule I, Traffic Schedule regarding Speed Limits, be amended to include the following and re-adopted as so amended:

Road/Street	*Location*	*Speed Limit (m.p.h.)*	*Temporary Speed (m.p.h.)*	*Ordinance*	*Date*
CR625 S	From Union Township Line to US 231 S	45	NA	2010-14-CM	10-20-10
Division Road	From West County Line to CR 700 West	50	NA	2010-14-CM	10-20-10
Division Road	From CR 700 West to South River Road	55	NA	2010-14-CM	10-20-10
South River Road	From Division Road to US 231 S	45	NA	2010-14-CM	10-20-10
North Ninth Street	From Swisher Road to one-quarter mile north of Burnetts Road.	45	NA	2010-14-CM	10-20-10
North Ninth Street	From one-quarter mile north of Burnetts Road to the Battle Ground City Limits	50	NA	2010-14-CM	10-20-10
Burnetts Road	From SR 43 to North Ninth Street Road	40	NA	2010-14-CM	10-20-10
Dayton Road	From North Dayton Town Limits to CR 200 South	40	NA	2010-14-CM	10-20-10

- Commissioner Murtaugh moved to hear Ordinance 2010-14-CM on 1st reading as presented, second by Commissioner Byers; motion carried.

Auditor Weston recorded the vote:

Byers Yes

Knochel Yes
Murtaugh Yes

Ordinance 2010-14-CM passes 3-0.

Warranty Deed for McCarty Lane Project – Parcel 1, 1A, 1B

Director Kuhl presented a Warranty Deed for Parcel 1, 1A, 1B in the name of Saddlebrook Development, L.L.C. in the amount of $1.00. Director Kuhl added that the appraised value is $93,579 however, Saddlebrook Development, L.L. C. agreed to dedicate these parcels to the County.

- Commissioner Murtaugh moved to approve the Warranty Deed for Parcel 1, 1A, 1B as presented, second by Commissioner Byers; motion carried.

Warranty Deed for McCarty Lane Project – Parcel 3, 3A, 3B, 3C, 3D, 3E

Director Kuhl presented a Warranty Deed for Parcel 3, 3A, 3B, 3C, 3D, 3E in the name of Eastland, L.L.C., in the amount of $1.00. Director Kuhl added that the appraised value is $513,892 however, Eastland, L.L.C., agreed to dedicate these parcels to the County.

- Commissioner Byers moved to approve the Warranty Deed for Parcel 3, 3A, 3B, 3C, 3D, 3E in the name of Eastland, L.L.C.as presented, second by Commissioner Murtaugh; motion carried.

Temporary Easement for McCarty Lane Project – Parcel 3G, 3H

Director Kuhl presented a Temporary Easement for Parcel 3G, 3H, the name of Eastland, L.L.C., in the amount of $1.00

- Commissioner Murtaugh moved to approve the Warranty Deed for Parcel 3, 3A, 3B, 3C, 3D, 3E in the name of Eastland, L.L.C.as presented, second by Commissioner Byers; motion carried.

Limited Warranty Deed for McCarty Lane Project – Parcel 4, 4A,

Director Kuhl presented a Limited Warranty Deed for Parcel 4, 4A, in the name of Tippecanoe School Corporation in the amount of $107,492.

- Commissioner Byers moved to approve the Limited Warranty Deed in the name of Tippecanoe School Corporation as presented, second by Commissioner Murtaugh; motion carried.

Perpetual Highway Easement for McCarty Lane Project – Parcel 4B

Director Kuhl presented a Perpetual Highway Easement for Parcel 4B in the name of Tippecanoe School Corporation in the amount of $42,374.

- Commissioner Murtaugh moved to approve the Perpetual Highway Easement in the name of Tippecanoe School Corporation as presented, second by Commissioner Byers; motion carried.

Warranty Deed for McCarty Lane Project – Parcel 6

Director Kuhl presented a Warranty Deed for Parcel 6 in the name of the Roman Catholic Diocese of Lafayette in Indiana, Inc. in the amount of $12,300.

- Commissioner Byers moved to approve the Warranty Deed in the name of the Roman Catholic Diocese of Lafayette as presented, second by Commissioner Murtaugh; motion carried.

Limited Warranty Deed for McCarty Lane Project – Parcel 17

Director Kuhl presented a Limited Warranty Deed for Parcel 17 in the name of Tippecanoe School Corporation in the amount of $57,792. Director Kuhl added that the "Y" recently sold this property to the school corporation.

- Commissioner Murtaugh moved to approve the Limited Warranty Deed in the the name of Tippecanoe School Corporation as presented, second by Commissioner Byers; motion carried.

Temporary Easement for South River Road Project – Parcel 16

Director Kuhl presented a Temporary Easement for Parcel 16 in the name of Molly K. Persinger and Jenny Isaacs in the amount of $1,600.

- Commissioner Byers moved to approve the Temporary Easement for Parcel 16 in the name of Molly K. Persinger and Jenny Isaacs as presented, second by Commissioner Murtaugh; motion carried.

Warranty Deed – Parcel 16-1, 16-2, South River Road Project

Director Kuhl presented a Warranty Deed for Parcel 16-1, 16-2, in the name of Molly K. Persinger and Jenny Isaacs in the amount of $14,150.

- Commissioner Byers moved to approve the Warranty Deed for Parcel 16-1 and 16-2 in the name of Molly K. Persinger and Jenny Isaacs as presented, second by Commissioner Murtaugh; motion carried.

MITS *– Dave Sturgeon*
Statement of Work: Exchange Server 2010 Planning and Design Workshop

Director Dave Sturgeon said that service vouchers included in the County's Microsoft agreement will be used to fund an evaluation of the County's electronic mail by CDWG. The only cost will be for travel and training. He added that there is a not to exceed amount of $1,500 included in the statement of work.

- Commissioner Murtaugh moved to approve the Statement of Work for the Exchange Server 2010 Planning and Design Workshop as presented, second by Commissioner Byers; motion carried.

HUMAN RESOURCES *– Shirley Mennen*
2011 Holiday Schedule Approval

Director Shirley Mennen presented the 2011 Holiday Schedule for approval. The 2011 Holiday Schedule mirrors the State Holiday Schedule of 13 paid holidays. The New Year's Holiday will be observed on December 31, 2010.

- Commissioner Byers moved to approve the 2011 Holiday Schedule as presented, second by Commissioner Murtaugh; motion carried.

GRANTS – *Laurie Wilson*
Grant Facilitator Laurie Wilson requested permission to accept a grant for the IV-D magistrate in the amount of $1,873 from the Indiana Judicial Center (IJC) for training. The source of the 20% match has been identified.

- Commissioner Murtaugh moved to grant permission to accept the Indiana Judicial Center Grant as presented, second by Commissioner Byers; motion carried.

Grant Facilitator Laurie Wilson requested permission to apply for a SIA Foundation Grant in the amount of $2,050 for Cary Home. Cary Home will use it to purchase a computer to provide to residents for homework assignments.

- Commissioner Byers moved to grant permission to apply for the SIA Foundation Grant as presented, second by Commissioner Murtaugh; motion carried.

Grant Facilitator Laurie Wilson requested permission to apply for an Indiana Criminal Justice Institute (ICJI) grant for the Prosecutor. The grant will be used for the continuation of Project Safe Neighborhood.

- Commissioner Murtaugh moved to grant permission to apply for the Indiana Criminal Justice Institute Grant as presented, second by Commissioner Byers; motion carried.

Grant Facilitator Laurie Wilson presented a Memorandum of Understanding (MOU) with the District 4 Administrative Coordinator. This is a annual contract and does rely on grant funding.

- Commissioner Murtaugh moved to accept the MOU with the District 4 Administrative Coordinator as presented, second by Commissioner Byers; motion carried.

Grant Facilitator Laurie Wilson presented a MOU with Rebecca Roy for the re-entry grant from Indiana Criminal Justice Institute. The County is changing service providers; the new agreement describes the remainder of the grant through February 8, 2011.

- Commissioner Murtaugh moved to accept the MOU for the service provider for the re-entry grant, second by Commissioner Byers; motion carried.

RESOLUTION 2010-15-CM
Wind Energy Conversion System (WECS) Fund

Attorney Dave Luhman stated that Resolution 2010-15-CM establishes a WECS Fund and authorizes the Auditor to establish a separate fund known as the "WECS Fund" and all of the construction and operating fees that would otherwise be placed in the General Fund will be deposited into the "WECS Fund". It can then be used by the County to enforce any provision of the WECS ordinance. This will allow the Commissioners to track the amount of revenue that is generated by WECS and any cost associated with enforcing the ordinance. Any interest accumulated on those fees will also be placed into the WECS fund. The fund will be subject to appropriation by the County Council.

- Commissioner Murtaugh moved to approve Resolution 2010-15-CM as presented, second by Commissioner Byers; motion carried.

TIMESHEETS – *Jennifer Weston*
Approval of Forms and Use

Auditor Weston presented an electronic timesheet form for approval. The State Board of Accounts has approved the electronic time sheet from the new timekeeping software. Upon approval, those departments that are using the software will no longer need to submit the County's previously approved timesheet, but may use the electronic one instead.

- Commissioner Murtaugh moved to approve the forms and use of time sheets as presented, second by Commissioner Byers; motion carried.

COMMON WAGE BOARD APPOINTMENTS

- Commissioner Byers moved to approve K.D. Benson, Dave Lahr, and Al Parker to the Common Construction Wages for projects in the Tippecanoe County Office Building, second by Commissioner Murtaugh; motion carried.

UNFINISHED BUSINESS

Community Corrections – *Dave Heath*

Community Corrections Director Dave Heath presented a contract with ELMO-TECH to provide home detention monitoring equipment and service to the County. The County has been using this program for about 2 weeks and it is working well. It does provide a significant savings in the first year. It is a one-year contract that is renewable 30 days prior to the end of the lease. This will allow the monitoring of alcohol use multiple times a day from their home.

- Commissioner Byers moved to approve the Contract with ELMO-TECH as presented, second by Commissioner Murtaugh; motion carried.

Public Defender – *Amy Hutchinson*

Public Defender Amy Hutchinson gave an update on the legal counsel situation for conflict cases. Ms. Hutchinson said that a statute forbids the expansion of the Public Defender Board leaving the County with the option of either using the assigned counsel system, noting that can be very costly, or forming a conflict board made up of volunteers to oversee the conflict attorneys. The recommendation is that a conflict panel be created to provide supervision of the attorney's in conflict cases. Ms. Hutchinson said that she does need to confirm this plan with the State.

NEW BUSINESS

District 4 Inter-local Agreement – *Mark Kirby*

TEMA Director Mark Kirby presented a District 4 Inter-local Agreement and will address issues such as cost recovery. Attorney Luhman said that the agreement does include a baseline for reimbursable labor cost. Commissioner Murtaugh said that he would like to review the agreement and hear it at the next meeting.

REPORTS ON FILE

Tippecanoe Public Library
Treasurer
Park Board Minutes

Clerk
Mail & Duplicating
Building Commission

These reports are on file in the Commissioners Office for viewing.

PUBLIC COMMENT

None

Commissioner Byers moved to adjourn.

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

John L. Knochel, President

David S. Byers, Vice President

Thomas P. Murtaugh, Member

ATTEST:

Jennifer Weston, Auditor