TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
November 2, 2015

The Tippecanoe County Commissioners met on Monday, November 2, 2015 at 10:00 a.m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President Thomas P. Murtaugh, Vice President David S. Byers, and Commissioner Tracy A. Brown. Also present were: Attorney Doug Masson, Auditor Bob Plantenga, Commissioners' Assistant Paula Bennett, and Recording Secretary Tillie Hennigar.

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

APPROVAL OF MINUTES
October 19, 2015

- Commissioner Byers moved to approve the meeting minutes from October 19, 2015 as presented, second by Commissioner Brown; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS and PAYROLL

Commissioners' Assistant Bennett recommended approval of the claims for October 21 through November 2, 2015 and payroll vouchers for October 23, 2015, without exception.

- Commissioner Brown moved to approve the accounts payable vouchers and payroll vouchers as presented, second by Commissioner Byers; motion carried.

AREA PLAN COMMISSION – Sallie Fahey
Z-2615 Karrie J. Olive (A to I2), ORDINANCE 2015-22-CM: Petitioner is requesting rezoning of 26.8 acres located at the northwest corner of CR 450 S and CR 450 E, more specifically 4320 S CR 450 E, Wea 13 (NW) 22-4

- Commissioner Byers moved to hear Ordinance 2015-22-CM Karrie J. Olive (A to I2), second by Commissioner Brown.

October 22, 2015
Ref. No.: 15-242

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: **Z-2625--KARRIE J. OLIVE (A to I2):**
Petitioner is requesting rezoning of 26.8 acres located at the northwest corner of CR 450 S and CR 450 E, more specifically 4320 S CR 450 E, Wea 13 (NW) 22-4. *CONTINUED FROM THE SEPTEMBER APC MEETING DUE TO A FAILURE TO SUBMIT THE REQUIRED PAPERWORK*

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on October 21, 2015 the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to rezone the subject real estate from A to I2. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their November 2, 2015 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey
Executive Director

Petitioner Karrie Olive stated she resides at 4320 S 450 E in Lafayette and requested a rezone from Agriculture to I2 for the purpose of a towing and roadside services business. President Murtaugh said the rezone passed unanimously through APC.

President Murtaugh invited public comment in favor of or opposed to the Ordinance. There were none.

Auditor Plantenga recorded the vote.

Murtaugh	Aye
Byers	Aye
Brown	Aye

Ordinance 2015-22-CM passed 3-0.

***ORDINANCE 2015-23-CM* - Z-2629 Gregory & Brenda Milakis**

President Murtaugh stated Ordinance 2015-23-CM has been continued to the December 7, 2015 meeting. Area Plan Director Fahey said the statute for rezones requires the legislative body to take some action at the first meeting following the Plan Commission meeting.

- Commissioner Brown moved to continue Ordinance 2015-23-CM, Z-2629 Gregory & Brenda Milakis to the December 7, 2015 meeting, second by Commissioner Byers; motion carried.

***ORDINANCE 2015-24-CM* – Area Plan Commission Representation/Membership**

- Commissioner Byers moved to hear Ordinance 2015-24-CM Area Plan Commission Representation/Membership, second by Commissioner Brown.

APC Director Fahey said the Plan statues in Indiana allow for a set membership of an Area Plan Commission; however, there is another section which the Tippecanoe County Plan Commission has always used and that is a passage of an Ordinance by all the member jurisdictions which allows setting your own membership. In this instance, the membership Ordinance is amended to make a provision for West Lafayette to change from a Class 3 City to a Class 2 City. Lafayette is a Class 2 City with two Councilmembers and two citizens. West Lafayette as a Class 3 had one Councilmember and one citizen. Now that the two cities are in the same classification, the Plan Commission membership should be the same. Approximately a year ago, the Plan Commission met to decide if the Lafayette membership should be reduced and the West Lafayette membership increased to maintain the 15 member Commission. The consensus was the membership should be increased from 15 to 17; West Lafayette would then get one additional Councilmember and one additional citizen. This Ordinance is circulating amongst all six member jurisdictions. It does not change the County's representation for the Commissioners, Citizen Appointees, or Council.

Attorney Masson said he preferred the Ordinance be heard on two readings with both being heard today. President Murtaugh asked if the nine members are now required. APC Director Fahey said yes, now there will need to be 9 of 17; previously the requirement was 8 of 15.

President Murtaugh invited public comment in favor of or opposed to the Ordinance. There were none.

Auditor Plantenga recorded the vote.

Byers	Aye
Brown	Aye
Murtaugh	Aye

Ordinance 2015-24-CM passed 3-0 on first reading.

- Commissioner Byers moved to suspend the rules and hear Ordinance 2015-24-CM on second reading, second by Commissioner Brown; motion carried.

- Commissioner Byers moved to hear Ordinance 2015-24-CM Area Plan Commission Representation/Membership on second reading.

President Murtaugh invited public comment in favor of or opposed to the Ordinance. There were none.

Auditor Plantenga recorded the vote.

Brown	Aye
Murtaugh	Aye
Byers	Aye

Ordinance 2015-24-CM passed 3-0 on second and final reading.

***HIGHWAY** – Opal Kuhl*
Unofficial SR 26 Detour Reimbursement Agreement – INDOT and Tippecanoe County

Highway Director Kuhl presented an agreement for an Unofficial Detour Reimbursement with INDOT. When INDOT was replacing a bridge on SR 26 W, county roads were used for the detour. The Highway Department kept track of the hours and material used; resulting in an invoice for a reimbursement of $1,471.29 from INDOT.

- Commissioner Brown moved to approve the Unofficial Detour Reimbursement Agreement with INDOT for $1,471.29 as presented, second by Commissioner Byers; motion carried.

Change Order #1 – Bridge #17 Replacement Project, Yates Construction, Inc.

Director Kuhl said Bridge #17 is on 800 South which was recently completed. The change order was $6,000 for additional fencing; bringing the total to $1,353,525.67.

- Commissioner Byers moved to approve Change Order #1for Bridge #17 in the amount of $6,000 as presented, second by Commissioner Brown; motion carried.

Acceptance of Streets – Meadowgate Estates, Section Four, Shootingstar Way – 1,030.38'
3 Year Subdivision Maintenance Bond from Fairfield Contractors, Inc. in the amount of $18,118.27

Director Kuhl presented an Acceptance of a Street and a 3 year Subdivision Maintenance Bond from Fairfield Contractors. The street is Shootingstar Way which is 1,030.38' in Meadowgate Estates, Section Four.

- Commissioner Brown moved to approve acceptance of Shootingstar Way in the Meadowgate Subdivision and also the 3 year Maintenance Bond in the amount of $18,118.27, second by Commissioner Byers; motion carried.

***GRANTS** – Sharon Hutchison*
Permission to Accept

Grant Facilitator Hutchison requested permission to accept a grant for the Drug Free Coalition in the amount of $125,000 from the Substance Abuse and Mental Health Services Administration (SAMHSA). It is a continuation grant in year eight of ten.

- Commissioner Byers moved to approve permission to accept the grant for the Drug Free Coalition as presented, second by Commissioner Brown; motion carried.

Grant Facilitator Hutchison requested permission to accept a grant for TEMA in the amount of $22,111 from the Indiana Department of Homeland Security (IDHS) for the 2015 SHSP County Based Competitive Project to fund the repeater and mobile radios.

- Commissioner Brown moved to approve permission to accept the grant for TEMA as presented, second by Commissioner Byers; motion carried.

Grant Facilitator Hutchison requested permission to accept a grant for District 4 in the amount of $18,555 from IDHS for the 2015 SHSP District 4 Equipment Grant.

- Commissioner Byers moved to approve permission to accept the grant for District 4 as presented, second by Commissioner Brown; motion carried.

Grant Facilitator Hutchison requested permission to accept a grant for CASA in the amount of $29,645 from the 2015 Victim of Crime Act Grant to support a full time court appointed Special Advocate.

- Commissioner Brown moved to approve permission to accept the grant for CASA as presented, second by Commissioner Byers; motion carried.

Permission to Apply for Grant

Grant Facilitator Hutchison requested permission to apply for a grant for the Prosecutor's Office in the amount of $195,419 from the Indiana Criminal Justice Institute (ICJI) for funding from the 2015 Victims of Crime Act Grant, New Agency Program Solicitation. Tippecanoe County will provide a 25% match.

- Commissioner Byers moved to approve permission to apply for a grant for the Prosecutor as presented, second by Commissioner Brown; motion carried.

Grant Facilitator Hutchison requested permission to apply for a grant for the Health Department in the amount of $10,000 from the National Association of County and City Health Officials for Voluntary National Retail Food Regulatory Program Standards Mentorship Program.

- Commissioner Brown moved to approve permission to apply for a grant for the Health Department as presented, second by Commissioner Byers; motion carried.

***SHERIFF** – Charlie Williams*
Dispatcher Position

Major Williams provided a handout compiled by 911 Communications Supervisor and IDACS Coordinator Susan Crecelius containing information from the 911 Communications Center. Major Williams said the addition of a dispatch position is needed and is long overdue. The current number of 12 Dispatchers has been the same for many years, compared to the Lafayette Police Department (LPD) with 27 full time Dispatchers; the call volume is relatively the same. LPD also has a minimum between 5 to 7 Dispatchers on any shift; the County 911 Communications Center has the same staffing minimum of 2 Dispatchers it has had for at least 35 years. The County is responsible for all 11 Volunteer Fire Departments, all Medic dispatching, and the Sheriff Office Deputies. The Center is strained to the limit and Major Williams is concerned something will be missed.

Commissioner Byers asked if the 911 funds cover the salary for the added position. Major Williams will request an appropriation from Council in January.

Commissioner Brown said Major Williams has done everything possible to utilize technology with the arrangement with Indigital and the movement of wireless calls to individual agencies but it is bursting at the seams in terms of numbers. Major Williams said in 2014 the County 911 handled 219,000 calls; approximately 59,000 were strictly 911 calls.

- Commissioner Byers moved to approve the addition of a 911 Dispatcher as presented, second by Commissioner Brown; motion carried.

***COMMUNITY CORRECTIONS** – Dave Heath*
Three New Case Manager/Surveillance Officer Positions

Community Corrections Director Heath requested the addition of three new Surveillance Officer positions due to the expected increase from House Bill 1006; the new sentencing law. Also, there is an amendment to the Community Corrections contract with DOC which was signed in July, 2015 and additional funding of $152,900 will be received. Of the $152,900, $30,000 will go to Probation for a KIOSK for low level offenders who don't require a lot of supervision to check in. A performance bonus of $16,845 was also received. The remainder of $122,900 is to add the new Surveillance Officers.

President Murtaugh asked if the $122,900 will cover the three salaries and benefits. Director Heath said it will come close, adding that the amount of funding is now a permanent part of the base grant which means the money will be received again in six months. The next grant is due at the end of January and at least four more Correction Officers for Work Release will be requested. Five million dollars was available in the current funding round; the January grant will be $20 million. President Murtaugh asked how the amount is determined for Tippecanoe County and will the amount fluctuate from year to year. Director Heath said the amount Tippecanoe County receives is a minimum – the base has gone up from under $1 million in the last two years to $1,273,000 which is 28%-30% of the budget.

Director Heath continued saying the $122,900 is a little short because of the benefits; however, he will probably not hire the third position until he knows what the increase will be in project income. The salary will be approximately $38,000, plus benefits.

Commissioner Byers asked for a rough estimate of the increase in *customers.* Director Heath said statewide there will be around 7,000 people diverted from the DOC next year. There are five counties without a Community Correction program and they are encouraged to get involved. Carroll County is one of the five counties.

- Commissioner Brown moved to approve the three new Case Manager/Surveillance Officer positions for Community Corrections as presented, second by Commissioner Byers; motion carried.

Assignment of Contract from Paperless Business Solutions to Corrisoft, LLC

Director Heath said Paperless Business Solutions (PBS), the company Community Corrections uses for Case Management is being purchased by Corrisoft. The assignment of the PBS contract to Corrisoft will allow them to complete the purchase of the company.

Attorney Masson said there are three departments on the agenda with the assignment to Corrisoft, there will not be any difference to the County.

- Commissioner Byers moved to approve the Assignment of Contract from Paperless Business Solutions to Corrisoft, LLC as presented, second by Commissioner Brown; motion carried.

***MITS** – Dave Sturgeon*
MFP (Multi-Function Printer) Lease Agreement

MITS Chief Information Officer Sturgeon presented a Lease Agreement with VanAusdall and Farrar to replace three multi-function printers at Community Corrections. VanAusdall and Farrar is the company the RFP was awarded to in 2013 for print management.

- Commissioner Brown moved to approve the multi-function printer lease agreement with VanAusdall and Farrar for Community Corrections, second by Commissioner Byers.

A representative from Cardinal Copier Solutions stated the company is local and an authorized Ricoh dealer who has been recognized by Ricoh with the Circle of Excellence. She said her company was not made aware of the RFP and she would like her company to have the opportunity to provide print management. President Murtaugh and CIO Sturgeon said Cardinal was one of the companies that did respond to the RFP. The representative stated the owner, Mike Smith was not aware of the RFP. CIO Sturgeon said there is a contract in place with VanAusdall and Farrar. President Murtaugh said information regarding who responded to the RFP could be made available following the meeting.

- There was no further discussion; motion carried.

***HEALTH** – Craig Rich*
Sponsorship Agreement to Display Purple Ribbons Around Courthouse Square for Pancreatic Cancer Awareness

Health Department Director Rich said November is Pancreatic Cancer Awareness month and the Health Department provides sponsorship. He requested approval to display purple ribbons around the Courthouse square.

- Commissioner Byers moved to approve the Sponsorship Agreement to display purple ribbons around the Courthouse for Pancreatic Cancer Awareness, second by Commissioner Brown; motion carried.

SUPERIOR COURT 3
Sponsorship Agreement for Adoption Champion to Hold Ceremony in Courthouse Rotunda and Continue a Display for 5 Days

President Murtaugh said the Sponsorship Agreement is for Adoption Champion to hold a ceremony in the Courthouse Rotunda and continue a display for five days in regard to the Indiana Adoption Program. This is the second year for the program.

- Commissioner Brown moved to approve the Sponsorship Agreement for the Indiana Adoption Program as presented, second by Commissioner Byers; motion carried.

JUVENILE ALTERNATIVES – Rebecca Humphrey
Contract for Law Enforcement Officer for Community Policing

Cary Home Director Humphrey presented a contract for Law Enforcement Officer to complete the grant for work performed for the community engagement opportunity through the Criminal Justice Institute. Director Humphrey stated it is the last contract this year.

- Commissioner Byers moved to approve the contract for Law Enforcement Officer for Community Policing as presented, second by Commissioner Brown; motion carried.

Assignment of Contract from Paperless Business Solutions to Corrisoft, LLC

Director Humphrey said the assignment of the contract from Paperless Business Solutions to Corrisoft, LLC is the same as presented by Community Corrections earlier in the program. It has been changed and updated to the January, 2013 date.

- Commissioner Brown moved to approve the Assignment of Contract from Paperless Business Solutions to Corrisoft LLC as presented, second by Commissioner Byers; motion carried.

VILLA
Assignment of Contract from Paperless Business Solutions to Corrisoft, LLC

President Murtaugh said the assignment of contract from Paperless Business Solutions to Corrisoft, LLC for the Villa is the same as presented by Community Corrections and Juvenile Alternatives.

- Commissioner Byers moved to approve the Assignment of Contract from Paperless Business Solutions to Corrisoft LLC for the Villa as presented, second by Commissioner Brown; motion carried.

MAINTENANCE
Snow Removal Quotes

Attorney Masson stated quotes for snow removal have been received from the following:

Exterior View (based on snowfall):	2"-3.9" @ $110/hr; 4"-5.9" @ $150/hr; 6"-7.9" @ $210/hr 8"-9.9" @ $315/hr Salting Lot - $75
Lawn & Schrub:	Jury Parking Lot - $75 Extension Office Parking Lot - $180; Sidewalks - $50 County Offices - $75
Kevin Russell Snow Removal:	Every 1" @ $60/hr; 5" or more @ $75/hr

Attorney Masson recommend taking the quotes under advisement.

- Commissioner Brown moved to takes the quotes under advisement, second by Commissioner Byers; motion carried.

UNFINISHED/NEW BUSINESS

President Murtaugh presented a proposal from Mid-America Elevator Company for work needed at the building at 111 N 4th St. The proposal is in the amount of $2,577.

- Commissioner Byers moved to accept the proposal from Mid-America Elevator in the amount of $2,577 as presented, second by Commissioner Brown; motion carried.

REPORTS ON FILE

The following reports will be on file in the Commissioners' Office:

- Building Commission
- Clerk of the Circuit Court
- Central Mail and Duplicating
- Parks and Recreation Board
- Treasurer

PUBLIC COMMENT

Mary Hall, no street address given, West Lafayette: Ms. Hall asked the Commissioners to allow her to be on the agenda for the next Commissioners' meeting concerning the Nativity on the Courthouse lawn. She continued stating "I have been at the meeting several times concerning the same issue; hearing certain complaints. The first complaint concerning the Nativity display was a man of a different religion, an Area Plan employee, who wanted it removed. It was in the window of the County Office Building before renovation and the display remained there during the Christmas season. The Courthouse was being renovated at the time. The second complaint she received was *our culture is now a pluralistic society; it might defend someone or cause someone to feel inferior*. The next complaint was the separation of church and state. I knew we were legal because of following the case of Allegany vs. ACLU. Christian principle values and the Ten Commandments of Christianity were used to write the Bill of Rights, the Constitution, and Declaration of Independence. Our framers, the Supreme Court, and Congress called our nation a Christian nation. George Washington said religion and politics are inseparable. In 1947, the Supreme

Court ruled there is separation of church and state – they did not rule according to the US Constitution. At that time, 97% of American citizens believed in God. In the early 1960's, the Supreme Court banned prayers, scripture, religion, and the Ten Commandments from the public school system. In the schools in 1963 there was a dramatic upheaval - sexual immorality, sexual transmitted diseases, and the SAT Achievement testing plummeted. The Nativity...it is time to invite our Lord Jesus back into our nation...we must return to the framers, US Constitution, the Bill of Rights, and the Declaration of Independence. The Nativity is a very important place on the lawn of the Tippecanoe Courthouse during the Christmas season. Children need this reinforcement in our faith – a faith that was once our foundation – a faith that is true and made our nation successful. Many parents told me they remembered the Nativity on the grounds of the Courthouse when they were children. It is fairly important for me to ask you...it's about the Christ Child and it's about family and it's about children".

Ms. Hall thanked the Commissioners and said she has a first grade book that was written during the time the Constitution was being written that she wanted to give to the Commissioners. She also has printed opinions from the Journal and Courier from the closed forum in 1999.

Jack Ruckle, no street address given, Lafayette: Mr. Ruckle said about 16 years ago when the Commissioners voted to remove the Nativity at the Courthouse, he was at the meeting. Since that meeting, he is at the Courthouse every Christmas with a display in his truck; however, he would like to see that part ceased. Franklin County, Indiana has a Nativity. ACLU sued them but it never entered court because the Federal Judge threw it out. There is an Art Fair on the grounds every year, snowflakes are put on poles at Christmas time, and hundreds of lights are put on the Courthouse dome – because it's Christmas. Why not a manger scene since it's the only reason for Christmas? He asked the Commissioners to take it into consideration.

Jean Hall, no street address given, Lafayette: Mr. Hall stated he would like to speak to the issue of the Nativity on the Courthouse grounds. "It has been there before and was there for many years...for decades. There is a reason to it; it's not just a push of Christianity upon all the citizens even though the majority does believe in the basics of the Ten Commandments and the history of this country. The Nativity is a message of peace, hope, and mercy - it's a message this country needs at this time. It reinforces the basic beliefs of our forefathers and founders. We don't display that when we let it be pushed aside and out of the picture because of a small segment of the population that makes a lot of noise about it. When we allow that to happen, we do a disservice to our children and citizens because we are not reinforcing the beliefs – it's like saying, gee children, all those things we taught you about morals and such are not real. All around us we have all kind of pressures upon our young people, driving them in the wrong direction – the direction to forget about morals, to forget about God, church, and brotherhood to one another. It lifts me up to drive around 25 to Rochester each Christmas season because on the Courthouse grounds you can see the beautiful large Nativity display. For people who have a nice warm home to go to or whether it's the homeless, they go by and get the message. The message is peace, hope, mercy, and love. I think we should have it there, I think we should reinforce what our founders knew to be a fact of where our strength and where the beauty of this nation comes from".

President Murtaugh invited other Public Comments. There were none.

President Murtaugh commented that the Commissioners put the policy together 16 years ago and he thinks it has worked really well. Whether you agree or don't agree, to allow the Nativity would result in a lawsuit and it's irresponsible of the current Commissioners to allow that to happen and incur those type of costs. In the article regarding Franklin County, it was thrown out because Franklin County passed an Ordinance allowing all residents to erect their own displays (religious or not) on the Courthouse grounds. That is a huge can of worms he is not willing to open as it could open it up to anything.

Attorney Masson said he could review the policy if the Commissioners requested; however, right now there is a non-public forum. Generally speaking, a non-public forum was adopted requiring displays and events be sponsored by a department or office of County Government.

Attorney Masson stated he breaks it down into three major goals:

1) Maintain County property in a way that maximizes the ability to perform County business. This is accomplished with the Courthouse and County Office Building. The properties are not opened as a public forum where anyone can gather to speak their voice.
2) To the extent County property is made available to the public for private speech; it has to be available on an equal basis – no engagement in viewpoint discrimination. If the property was opened to a Nativity, it would have to be opened to all religions. The Franklin County case has attracted the attention of the Satanic Temple.
3) To the extent the County engages in public speech, speech attributed for the Government itself, a specific religion is not allowed to be endorsed.

Those concerns would need to be balanced and with the current non-public forum, a premium has been placed on the functionality of the government space.

Mary Hall – Ms. Hall reiterated that she asked to be put on the next Commissioner meeting agenda.

President Murtaugh asked for additional public comments.

As there were no additional public comments, Commissioner Byers moved to adjourn.

Meeting adjourned at 10:59 a.m.

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

Thomas P. Murtaugh, President

David S. Byers, Vice President

Tracy A. Brown, Member

ATTEST:

Robert A Plantenga, Auditor 11/16/2015

Minutes prepared by Tillie Hennigar, Auditor Administrative Assistant