

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
November 16, 2015

The Tippecanoe County Commissioners met on Monday, November 16, 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.

PROCLAMATION – SUPPLIER DIVERSITY

Jesse Moore, Purdue University Director of Supplier Diversity Development stated that beginning in year one, events were held to bring diverse companies onto campus to meet with decision makers in order to increase the pool of suppliers of diversifiers at the University. Two years later, they partnered with the Supplier Diversity Coalition of Greater Lafayette which is made up of the larger employers in the County such as Caterpillar, Evonik, and Tate & Lyle. This Friday is the 11th year of Relationships to Partnership events. The event brings approximately 140 diverse firms onto the campus to meet with decision makers from Purdue and other companies. Mr. Moore provided a handout of the day's events and talked about the panel, the keynote speaker, and the breakout sessions. Two firms will be recognized at the awards luncheon. He thanked the Commissioners for recognizing their efforts and signing the Proclamation naming Supplier Diversity Day for the past seven or eight years. He recognized two members of the Coalition who were present, Rick Morrissey and Sue Davis. Marta Foth who works with Mr. Moore at Purdue was also present. On behalf of the Coalition and Supplier Diversity Development he thanked the Commissioners for their continued support of the event.

President Murtaugh and Commissioners Byers and Brown read the Proclamation.

Supplier Diversity Development Coalition
of
Greater Lafayette Proclamation

Whereas, growth and development of women and minority businesses are essential in fostering a strong local economy; and

Whereas, the Supplier Diversity Development Coalition of Greater Lafayette is devoted to developing strategic alliances and enhancing opportunities for minority-owned businesses; and

Whereas, the Coalition has formed strategic partnerships with private businesses, governmental agencies, and Purdue University to work together to promote the success and longevity of minority business enterprises; and

Whereas, it is through the efforts of this Coalition that the businesses in Tippecanoe County have access to diverse programs, services and products; and

Whereas, the Cities and County commend the Coalition for its dedication to building a stronger community by promoting and engaging in diverse business development; and

Whereas, the Supplier Diversity Development Coalition is celebrating their 10 year anniversary, and those 10 years have been instrumental to opening doors for woman and minority owned businesses.

Now, Therefore, we,

John Dennis, Mayor of the City of West Lafayette,
Tony Roswarski, Mayor of the City of Lafayette and
Thomas Murtaugh, President of the Tippecanoe County Board of Commissioners

do hereby proclaim November 20, 2015, Supplier Diversity Day in honor of

*Supplier Diversity Development Coalition
of Greater Lafayette*

APPROVAL OF MINUTES

November 2, 2015

- Commissioner Byers moved to approve the meeting minutes from November 2, 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 November 6, 2015 through November 16, 2015 and payroll vouchers for November 6, 2015, without exception.

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

HIGHWAY

Public Hearing – Partial Vacation of Streets and Alleys in the Town of Concord

Dan Teder, Attorney with Reiling Teder & Schrier stated he represents the Martha Rush Revocable Trust. The owners of the property, Joe and Martha Rush are both deceased and the property will be divided between the Rush children. In dividing the property, Mr. Teder requested part of the property, a portion of Main Crop Street in the Town of Concord be vacated. Main Crop Street has no improvements and has never been used. The north half of the vacated real estate would transfer to Charles and Shelly A. Hatke and Scott and Merri Ann Wright. The south half of the vacated real estate would transfer to the Martha M. Rush Revocable Trust; to be divided between the three children.

President Murtaugh invited public comment regarding the vacation of real estate. There were none.

ORDINANCE 2015-25-CM – 1ST Reading – Partial Vacation of Streets and Alleys in the Town of Concord

- Commissioner Byers moved to hear Ordinance 2015-25-CM Partial Vacation of Streets and Alleys in the Town of Concord on 1st reading, second by Commissioner Brown.

President Murtaugh invited public comment in favor of or opposed to Ordinance 2015-25-CM. There were none.

Auditor Plantenga recorded the vote.

Murtaugh	Aye
Byers	Aye
Brown	Aye

Ordinance 2015-25-CM passed 3-0 on first reading.

- Commissioner Brown moved to suspend the rules and hear Ordinance 2015-25-CM on second reading, second by Commissioner Byers; motion carried.
- Commissioner Byers moved to hear Ordinance 2015-25-CM on 2nd reading, Vacation of Main Crop Street in the Town of Concord, second by Commissioner Brown.

President Murtaugh invited public comment in favor of or opposed to Ordinance 2015-25-CM. There were none.

Auditor Plantenga recorded the vote.

Byers	Aye
Brown	Aye
Murtaugh	Aye

Ordinance 2015-25-CM passed 3-0 on second and final reading.

AWARDING OF SNOW REMOVAL CONTRACT

President Murtaugh said three Snow Removal Contracts were received at the last meeting and taken under advisement.

- Commissioner Brown moved to accept all three bids as submitted, second by Commissioner Byers; motion carried.

SURVEYOR - Zach Beasley

RESOLUTION 2015-33-CM - Establishing Alexander Ross Detention Fund

Surveyor Beasley said the existing Alexander Ross Detention Fund is located on the east side of I65, south of SR 26, around Meijer, and several other restaurants and hotels. Part of the Alexander Ross master plan also includes at least one or two detention basins on the west side of I65. Last year he

discovered there was not a Resolution for the \$15,000 per acre fee for new development storage of water in the facilities. A Resolution was passed to establish the \$15,000 per acre fee; however, he overlooked the Resolution to establish the Fund to deposit the money into. Surveyor Beasley requested approval of the Resolution to create the Fund.

Commissioner Byers asked if the current businesses have paid into the Fund. Surveyor Beasley said based on the records in the County Surveyor's Office, the developments that came before 2013/2014, he doesn't believe they did pay. Prior to last year, there was no Resolution to create the fee.

- Commissioner Byers moved to approve Resolution 2015-33-CM to Establish the Alexander Ross Detention Fund as presented, second by Commissioner Brown; motion carried.

CLERK- Christa Coffey

Collection Services Agreement with Harris and Harris

Clerk Coffey requested approval of a Collection Services Agreement with Harris and Harris. The agreement will be an additional tool for collection of court fees and unpaid traffic tickets; her office still has contracts with Capital Recovery and Eagle Collections. Active accounts will stay with their current collection agency; new accounts will be handled by Harris and Harris. The collection fees are paid by the individual owing court fees or tickets. Commissioner Brown asked if the contracts with Capital and Eagle remain in force or if they will be suspended. Clerk Coffey said she uses Capital and Eagle for different collections. Attorney Masson said the term on the Harris and Harris contract is indefinite with a 90 day cancellation.

- Commissioner Brown moved to approve the Collection Services Agreement with Harris and Harris for the Clerk as presented, second by Commissioner Byers; motion carried.

ADULT PROBATION - Dave Hullinger

Collection Services Agreement with Harris and Harris

Chief Probation Officer Hullinger said his request is basically the same as the Clerk except Adult Probation worked with Premiere and the accounts were recalled from them based on the poor recovery rate. He requested moving as quickly as possible as they have additional files being closed that need to be turned over to Harris and Harris. Attorney Masson asked if the judges are okay with the new agreement. Director Hullinger said he spoke with the Probation Oversight Committee; they deferred to the Attorneys and Commissioners for approval.

- Commissioner Byers moved to approve the agreement for Collection Services with Harris and Harris for Adult Probation as presented, second by Commissioner Brown; motion carried.

PUBLIC DEFENDER - Amy Hutchison

Professional Services Agreement

Public Defender Hutchison requested approval of an Addendum to a Professional Services Agreement with David Mattingly to handle cases. The Addendum would include an additional 25 cases for \$7,200 for Superior 4, 5, and 6. Having Attorney Mattingly handle cases will eliminate the need for those cases to go to the judges and also be less expensive. The Public Defender budget has funding to handle the request.

- Commissioner Brown moved to approve the Professional Services Agreement Addendum with David Mattingly in the amount of \$7,200, second by Commissioner Byers; motion carried.

GRANTS - Sharon Hutchison

Permission to Apply for Grant

Grant Facilitator Hutchison requested permission to apply for a grant for Superior Court 3 in the amount of \$25,000 from the Indiana Supreme Court. The grant will be used to provide early management and resolution of disputes involving custody, parenting time, tax exemption, child support and other matters associated with children born out of wedlock. The 25% match from the court will be covered by the existing office space, equipment, supplies and copying that will be used to administer the consulting services and grant.

- Commissioner Byers moved to approve permission to apply for a grant for Superior Court 3 as presented, second by Commissioner Brown; motion carried.

CONTRACT WITH INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION REGARDING PRISONER ELIBIBILITY FOR MEDICAID

Attorney Masson said the contract is with Indiana Family and Social Services Administration (FSSA) and required by legislation which became effective September 1, 2015. The contract sets forth the parameters for having inmates treated in offsite medical facilities (hospitals). The County is required to pay the State portion of the Medicaid reimbursement; Tippecanoe County is approximately 1/3 of the total fee. It also requires the County to assist offenders to apply for Medicaid when their period of incarceration is ending. Medicaid coverage ends while incarcerated. Commissioner Brown said he spoke with Sheriff Richard and they are working on a plan for the enrollment process. Sheriff Richard said it will be a long term benefit for the inmates upon release as everything will be in place. The program will allow the Sheriff's Department help the inmate apply to receive Medicaid funding. While the inmates are incarcerated, it will help reduce inmate costs. He will be looking at the potential of contracting with Quality Inmate Healthcare to cover some of the fees like co-pays.

- Commissioner Brown moved to approve the contract with Indiana FSSA as presented, second by Commissioner Byers; motion carried.

UNFINISHED/NEW BUSINESS

RESOLUTION 2015-34-CM – Appointment to Wabash River Heritage Corridor Commission

President Murtaugh said typically appointments are made at the first meeting of a new year; however, Wabash River Heritage Corridor Commission requested an early appointment via Resolution. Resolution 2015-34-CM appoints Jim Andrew as the Commission member and Vanessa Rainwater as the alternate.

- Commissioner Byers moved to approve Resolution 2015-34-CM Wabash River Heritage Corridor appointment as presented, second by Commissioner Brown; motion carried.

REPORTS ON FILE

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

- Public Library

- o Wabash River Heritage Corridor Commission

PUBLIC COMMENT

Mary Hall, 2717 Newman Rd, West Lafayette - Ms. Hall said she is here again to ask permission from the Commissioners to place a nativity display on the grounds of the Tippecanoe County Courthouse during the Christmas season; where one was placed each year before the renovation in the 1990's. She would also like to request the forum be reopened that was closed 16 years ago. "When the art exhibit was permitted at the Courthouse and the nativity and other activities were excluded, it showed hostility towards religion and all other activities which makes the art exhibit unconstitutional. We want to bring back the nativity that was once in Lafayette for the glory of God with the holy family on display. Family is the foundation of our nation. Our Lord wants to be part of our government as it was when America was born and when the US Constitution was first written. Our Lord wants to be part of our workplaces, in homes of American families, and in our schools so students can learn of him and to learn morality which *cannot be taught without God...*says George Washington. I am here because I am blessed to know that God is real and alive. He cares for you and he cares for this great nation. He is a gentleman who steps aside when not invited, which puts us all in great danger without Him. When Christopher Columbus discovered America, he brought the western culture – the greatest culture in the world. Soon, missionaries followed and brought the Christian principles and values that a nation must follow for a successful government. Our nation has been blessed over and over again, even when the government has rejected Him. No other nation has been blessed like ours, not because of us but of our founding fathers. In 1854 the court said there is no substitute for Christian religion, which they called their foundation. Today, the US Supreme Court is not following these principles when it's nine justices make crucial decisions that have turned our American culture upside down. They are not ruling according to our US Constitution, they rule on who is screaming the loudest...contrary to our Founders who made decisions by following the law of God. It was a successful government but unfortunately today we all feel the effects from these unelected justices and their poor decisions. President Eisenhower was asked whether he had made any serious mistakes during his pregnancy (presidency) and he said *yes, he made two mistakes and they both are sitting on the Supreme Court!* Today as our government increases, our liberties decrease and we will be held accountable for voting the wrong people into office. The President appoints the Supreme Court members with the approval by Congress who we vote for. The Founders never intended the judiciary to be the chief branch like it is today. The need to keep the courts power in check was widely understood by the Founders. As we all know, our Founder Fathers were remarkable men. They came together and pledged to each other their lives, fortunes, and sacred honor. They shed their blood for government that would guarantee life, liberty, and the pursuit of happiness for each individual. Of the 56 who signed the Declaration of Independence, nine died of wounds or hardships during the war; five were captured in prison in each case with brutal treatment; several lost wives, sons, or entire families; one lost his 13 children; two wives were brutally treated; they were all victims of manhunts and driven from their homes. Twelve signers had their homes completely burned; seventeen lost everything they own, yet not one defected or went back on his pledge word. Our schools should be teaching about our Founders, Christianity, and their bravery. Our schools should be teaching the truth about Thanksgiving, Christmas, and Easter. Our Founding Fathers should be role models for students to follow. You people might be afraid, so are our teachers afraid to speak up. Contrary to our Founders, today's justices have guaranteed a nation of death when they legalized abortion in 1973. Since then there have been over 50 million aborted Americans and a growing number of euthanasia victims among the elderly. One of the Founders, Patrick Henry said *this great nation was founded not on religions but by Christians; not on religions but on the gospel of Jesus Christ.* John Adams, our second US President agreed when he said *our Constitution was made only for immoral and religious people* - it is inadequate to the government of any other. John Jay, first Chief Justice of the Supreme Court said *our Christian nation is to select and prefer Christians for their rulers.* Today, we are not voting the right people into office. Our Founders were not atheists; they were strong believers in Christianity. The Founders

qualifications, besides their beliefs, there were 20 who were Governors of states, 20 were US Senators, 8 were Federal Judges, 13 were members of the US House of Representatives, President, Vice-Presidents, several diplomats in representing the Republic overseas. The separation of church and state is not in the framers documents. Thomas Jefferson's name has been smeared for decades concerning the private letter he sent to a Baptist. His letter made reference to separation of church and state but didn't have a thing to do with the US Constitution. The ACLU and the Supreme Court have deceived us. In one of Jefferson's quotes he said *religion of Jesus Christ is the best religion the world has ever known*. He does not sound like an atheist. Today's Supreme Court, its justice can now overturn any law of the land; they are not answerable to anyone because they are unelected. The court has become a powerful ruling body in our nation. There is hostility against Christian beliefs. State Judges have become powerful too. When one State Judge ruled over a President and a Governor such as the case of Terri Schivo in Florida in 2005, a State Judge agreed with her husband to take food and water from her. She had a painful death – it was murder. It appears that the minority rules the same as the Supreme Court members. There was another case where minority ruled...again in Proposition 8 in California. Voters for Proposition 8 voted against same sex marriage. The Supreme Court found it unconstitutional. Were all these voters wrong? Our nation is no longer a government of the people, by the people, and for the people. Another case concerning marriage in 1889, the court ruled that the Mormon's practice of polygamy was a violation of the constitution because it was a violation of the basic Christian principles – it was outlawed. Another case – Jehovah Witness religion had forbidden blood transfusions to their people. The court considered it a violation of the basic Christian principles. Abraham Lincoln warned – *the philosophy of schoolroom in our generation will be the philosophy of the government in the next*. To have a good country, we have to build a nation of good people. Morality cannot be taught without religion. George Washington said *if Christian principles are removed from the souls, it would remove morality*. When the Supreme Court banned prayer, religion, and bible in 1963; they said morality could be taught without religion. The Supreme Court began to apply relativism in their decisions. Then in the 70's, entire curriculums based on relativism were used in the public schools. Thus, what is right or good or true to one person or group may not be considered so by others. The students were not taught absolute standards. Also, 80% of the American public schools used material from Planned Parenthood in 1963. By removing God and his divine law on morality, education, families and society in general; the birth rate for unwed mothers, ages 15 – 19 years old increased 553%. The sexual contracted diseases contracted among teenagers increased 226%. The violent crimes in the United States went up 794%. We must return to our culture that the framers of our Constitution gave us. In America we have immigrants coming into our country and they bring their cultures and beliefs with them. There is room for only one culture and that is the American culture. The framers would never allow a Congressman take their oath on a copy of the Koran. The Koran should not be used in the classrooms. Our framers said in 1789, only Christianity would be encouraged; not any sect or other religions. When I was here months ago, you Commissioners welcomed citizens to speak for or against a decision of giving property to Muslims who are not likely to assimilate and become true Christians. I don't know if you questioned them about their intentions concerning the Sharia law or if the property will become a cell for violent purposes. Theodore Roosevelt spoke on our culture in 1907 – he said *immigrants, that is legal immigrants who come here in good faith become an American and assimilates himself to us, he shall be treated as an equal in America*. He went on to say *any man who says he is an American but something else, is not an American at all*. He said *we have room for one flag, the American flag. We have room for language and that is the English language and we have room for loyalty and that is the loyalty to the American people*. It is time to invite our Lord Jesus back into our nation into our schools. We must return to the framers US Constitution. The nativity is (a) very important place on the lawn of the Tippecanoe (County) Courthouse during the Christmas season. People have told me they remember the nativity on the grounds of the Courthouse when they were children. Children need this reinforcement on their faith. It was a faith that was once our foundation, a faith that is true and made our nation successful. The school children are why I am here. It seems like every decision the Supreme Court has made has caused devastation to the children. Why didn't the Congress impeach them in 1947? Why didn't the Congress impeach today's Supreme Court Justices?

There is identity confusion in the schools today - when a child is born a male, he will be a male until he dies. God does not make mistakes. Why should teachers be made to teach something normal when it isn't? Teachers need reinforcement to teach truthfully. Perhaps you Commissioners can help by saying yes to the nativity. Maybe it won't occur into our school systems to be more truthful to their students. Thank you very much".

President Murtaugh said what was mentioned before is there is a current policy in place. In order for that policy to change, it would have to be brought forth by one of the three Commissioners as a change to abolish that current policy or amend the policy in some way.

President Murtaugh invited additional public comment.

Jean Hall, 2717 Newman Rd, West Lafayette – Mr. Hall stated he supports what Mary just said. “Mr. Murtaugh, I believe you stated what has to be done in order for something like the nativity to reappear. What does it take to get one of you to bring that forward? I know the last time that we were here, we were looking to have the item of the nativity as an agenda item so it would be published and people would clearly know and be able to come and comment; both for and against the idea. But, that didn't happen – it's still under public comments so I'm not sure (for) the general public the issue has been brought before you in earnestness. I do believe that and I think you know I have great respect for all our leadership, our elected leaders, and for them individually, as well as in their position. Anyone in authority I have great respect for. Along with authority comes responsibility too. I think one of those responsibilities is that we reinforce what we teach our children. Unfortunately, when we don't stand up for our rights and we let fear or whatever keep us from continuing to display support, (it) defends our heritage. When we do that, we basically tell the world – not just the world but our children, our grandchildren – that it really doesn't mean that much to us. If it doesn't really mean that much to us then our children are not going to be encouraged to the level that they need to be in order themselves to carry on beyond us...that heritage. I'm so glad for our servicemen who stand up for the heritage and for this country. They too need this support. Religious items have been their support in wars and beyond. I would just ask you gentlemen to consider this and take the action that you need to take in order to bring forth a vote on whether or not to alter the current policy. Alter that policy, rescind it, set up a new policy – whatever it takes to reconsider seriously supporting our heritage by placing a nativity back where it has been and where I believe it belongs. I thank you very much”.

Jack Runkle, no address provided, Lafayette – Mr. Runkle said “back in 1999 when this whole thing started, I was at the Commissioners' meeting. They were discussing this same thing but we didn't know at that time, it was going to be removed. A Rabbi from West Lafayette complained about the nativity going on the Courthouse lawn. They're not even a believer in Jesus Christ the savior, but one person...it seems like one person is a majority anymore...when they do these things. What I believe the Commissioners should have said was go ahead and put up your Menorah if you want, but they bowed down to it. I think it's time we stop a one person majority, it creates problems. I heard comments of: *it's been doing good for 16 years* – no it hasn't. There is probably not two days go by that I don't hear a report (asking) *are you going to be down at the Courthouse this year? I don't know why they can't have it back up there.* I would like to...being that the Franklin County...I'm hitting that hard because that is the Federal Judge that ruled against ACLU would not even hear anything without a court. That's the state of Indiana so there is no ACLU going to attack you guys because the Federal Judge ruled until or if it is appealed. I'm going to find out if it has been appealed. I hear comments of the Klu Klux Klan will want to come. We don't believe in racist and that's what Klu Klux Klan started from and is still, what little is left...exist, is racist. You wouldn't have to let them be on there. I know you did in the past. I spend 10 nights a year down at the Courthouse. The people love it and I give candy canes out to every person that stops. One year I gave away 17 boxes of candy canes...one at a time and they enjoy it. I hear the same comment *it ought to be up there where it's been all my life; I've lived here all my life.* So, instead of me

down there 10 nights in 2015, I would like to see 10 days and nights put on the Courthouse lawn – not 30 days or nothing like that. Then I can back off, I would use mine and be responsible for putting it up and removing it. Thank you.”

President Murtaugh once again invited public comment. There were none.

Commissioner Byers thanked them for their passion. When he thinks of the Constitution, it states freedom of all religions; it doesn't say Christianity. It also says there could also be slavery and women could not vote. We can say the Constitution was built right, and to a point it was, but it had mistakes. When we say treat all as equal, we treat all as equal. He has a brother-in-law who is a Muslim and a nephew who is an atheist but he still loves them as friends and family. We have to look at that the same way we look at our community. The Church of Cannabis - should they have a day to sit on top of the Courthouse and smoke pot? Do we have to allow every other religion a chance to be there? He believes in Jesus Christ but he has to look at every person and treat them all the same. He thanked them again for their passion but stated he will not come forward on trying to change the policy.

Commissioner Brown stated he shares their faith and commitment, saying the Lord has been in his life for a long time. He is very concerned about what might come. There could be some things that would be absolutely deplorable and put them in a situation where they would have to pick and choose. That's where the legal problem comes from. Over the recent months, he has watched the things unfold that Mary talked about in regard to being a Christian; there is an all-out global assault currently. He expects to be held accountable regarding his decision to not make a motion to change the policy; however as stated by Commissioner Byers, they are charged with doing things that are in the best interest of the entire community. He doesn't support a change in the current policy.

President Murtaugh said the unfortunate thing about this, because he shares their passion as well, is there will be a law suit – it's inevitable if the policy were to be changed. It is irresponsible as a Commissioner to do something that will cause the County to incur thousands, if not hundreds of thousands of dollars in legal fees to defend. He appreciates them coming in and speaking to the effort.

President Murtaugh invited additional public comments.

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

Meeting adjourned at 10:54 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 12/7/2015

Minutes prepared by Tillie Hennigar, Auditor Administrative Assistant