

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**FEBRUARY 5, 2001**

The Tippecanoe County Commissioners met on Monday, February 5, 2001 at 9:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President Ruth E. Shedd, Vice President John L. Knochel, and Member KD Benson; Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney Thomas H. Busch, and Secretary Pauline E. Rohr.

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

**APPROVAL OF MINUTES**

Commissioner Knochel moved to approve the January 11, 2001, January 12, 2001, January 16, 2001, January 25, 2001, and January 29, 2001 minutes as distributed, seconded by Commissioner Benson; motion carried.

**APPROVAL OF CLAIMS**

Commissioners' Assistant Weston recommended approval of claims for the periods ending January 19, 2001, January 26, 2001, February 2, 2001, and January 5, 2001 with the exception of #01-00646 in the amount of \$8,678.67 because of an incorrect vendor.

- Commissioner Benson moved to approve the claims as submitted with the exception of #01-00646, seconded by Commissioner Knochel; motion carried.

**HIGHWAY: Executive Director Mark Albers**

**SUPPLEMENTAL AGREEMENT NO. 1: H. Stewart Kline & Assoc, Inc.**

Executive Director Albers explained that the original agreement with Kline was to prepare plans for the replacement of three (3) bridges across the Kirkpatrick Ditch. This Supplemental Agreement allows additional fees in the amount of \$19,500.00 for coordination and consolidation of the bridge plans with Kirkpatrick Ditch reconstruction plans into a single unified bid document. The total cost will be \$90,500.00.

- Commissioner Knochel moved to approve Supplemental Agreement No. 1 with H. Stewart Kline & Associates, Inc., seconded by Commissioner Benson; motion carried.

**TITLE SHEET: Kirkpatrick Drain & 3 Bridges**

- Commissioner Knochel moved to approve the signing of the title sheets of the plans for the Kirkpatrick Drain and three (3) bridges, seconded by Commissioner Benson; motion carried.

**TEMPORARY EASEMENT GRANT: CR 430 S Project**

Parcel 14                      Key #162-17200-1442      Jon M. and Patricia A. Miller

This Temporary Easement Grant from the Millers for and in consideration of the sum of \$360.00 is for lawn grading resulting from the CR 430 S Project.

- Commissioner Knochel moved to approve the Temporary Easement Grant, seconded by Commissioner Benson; motion carried.

**GRANT OF RIGHT-OF-WAY: Parcelization**

**Key #124-04100-0050:**      CR 75 E; being part of the SE ¼ of the NE ¼ of Sec. 29, Twp. 24 N, R 4 W, Tippecanoe Twp. from J. Nelson & Karen Sue Howell.

- Commissioner Knochel moved to approve the Grant of Right-of-Way by parcelization, seconded by Commissioner Benson; motion carried.

**CONSTRUCTION MAINTENANCE BOND: Dwenger Excavating Contractors, Inc.**

- Commissioner Knochel moved to approve Construction Maintenance Bond #761530 for Dwenger Excavating Contractors, Inc. in the amount of \$5,000.00 for a church entrance located at 6121 E 50 S, seconded by Commissioner Benson; motion carried.

**CERTIFICATES OF INSURANCE**

The following Certificates of Insurance were submitted for the record:

- ◆ Cincinnati Insurance, ESI/Employer's Security Ins Co for Coors Home Builders, Inc.
- ◆ Amerisure Companies, Fireman's Fund Insurance Co. for Atlas Excavating, Inc.
- ◆ Westfield Insurance Company for T. K. Constructors, Inc.
- ◆ Cincinnati Insurance Co, Cincinnati Casualty Company for Tri Esco Inc
- ◆ American Guar & Liab (Zurich), Zurich Insurance Company for Rieth-Riley Construction Co., Inc.
- ◆ Inter-Industry Insurance Group for Patriot Homes, Inc.
- ◆ Cincinnati Insurance, Cincinnati Casualty Company for Christopher A. Brown DBA Chris Brown Construction
- ◆ Indiana Insurance Companies, Cincinnati Insurance Co. for Hallmark Homes Inc., Hallmark Homes West, Hallmark Homes Southeast (sic), Hallmark Home NE & North Inc
- ◆ Zurich Insurance Group for David Watkins Homes, Inc
- ◆ Indiana Insurance for Skyline Corporation of Lafayette DBA Steve Connors Homes

**ORDINANCE 2001-04-CM: UZO Amendment 20**

- Commissioner Knochel moved to hear and approve Ordinance 2001-04-CM, seconded by Commissioner Benson.

(quote)

January 18, 2001  
Ref. No.: 01-027

Tippecanoe County Commissioners  
Tippecanoe County Office Building  
20 North 3 rd Street  
Lafayette, IN 47901  
Attn: Tippecanoe County Auditor

**CERTIFICATION**

**RE: UZO AMENDMENT 20:**  
An amendment modifying 19 sections of Chapters 1 and 4 and Appendix D of the *Unified Zoning Ordinance* regarding various sign requirements, including: (1) integrated center signs, (2) outdoor advertising signs, and (3) event oriented signs.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on January 17, 2001, the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to approve the enclosed UZO amendment. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be APPROVED.

Sincerely,  
/s/James D. Hawley  
Executive Director

**ORDINANCE NO. 2001-04-CM**

**AN ORDINANCE AMENDING CHAPTERS 1 and 4 and APPENDIX D**

**OF ORDINANCE NO. 97-51-CM**

**BEING THE UNIFIED ZONING ORDINANCE**

**OF TIPPECANOE COUNTY.**

**Be it ordained** by the County Commissioners of Tippecanoe County, Indiana, that Ordinance No. **97-51-CM**, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

**Section 1:** Change **1-10-2, WORDS AND TERMS DEFINED, of 1-10, DEFINITIONS, of CHAPTER 1, GENERAL PROVISIONS,** by revising the definition of **SIGN-LOT**, to read:

**SIGN-LOT.** For purposes of determining *sign* requirements, a piece of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and *use*, and that can provide such *setbacks* and other open spaces as required by this ordinance. For tracts without *street frontage*, the **SIGN-LOT** includes the access easement that connects the tract to the public *right-of-way*.

**Section 2:** Change subsection (b) of **4-8-2, COMPUTATIONS, of 4-8 SIGNS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS,** to read:

The *sign* area for a *sign* with more than one face is computed by adding together the area of all *sign* faces visible from any one point. Where 2 identical *sign* faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and where such *sign* faces are part of the same *sign* structure and are not farther apart than half the length of the *sign*, the *sign* area is computed by the measurement of one of the faces.

**Section 3:** Insert a new paragraph (3) in subsection (b) of **4-8-3, SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS, of 4-8 SIGNS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS,** to read:

the maximum permitted *building sign* area for *primary uses* within *integrated centers* is 5 sq ft of *signage* per 1,000 sq ft of floor area, with a minimum *building sign* area of 40 square feet up to a maximum of 400 square feet;

and renumber current paragraphs (3) and (4) as (4) and (5) respectively.

**Section 4:** Change the renumbered paragraph (4) in subsection (b) of **4-8-3, SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS, of 4-8 SIGNS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS,** to read:

the sum of the area of all *integrated center signs* conforms to the requirements of the table in 4-8-7-b. *Setback* is always measured from the edge of the *right-of-way* to the leading edge of the *sign*;

**Section 5:** Change **4-8-4, PERMITTED SIGNS BY TYPE AND ZONE, of 4-8, SIGNS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS,** by replacing the designation "P" (allowed with sign permit) for FREESTANDING: INTEGRATED CENTER signs in the NBU zone with "N" (not allowed).

**Section 6:** Change **4-8-4, PERMITTED SIGNS BY TYPE AND ZONE, of 4-8, SIGNS, OF CHAPTER 4, ADDITIONAL USE RESTRICTIONS,** so that the line for sign type entitled "FREESTANDING: ALL OTHERS" shall have added a footnote number 10. The footnotes at the end of **4-8-4** shall have a footnote 10 added which reads as follows: "Not permitted for *primary uses* within *integrated centers* other than as allowed in footnote 3 above."

**Section 7:** Change 4-8-5, MAXIMUM SIGN AREA PER SIGN-LOT, BY ZONE, of 4-8, SIGNS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS, to read:

The maximum total *sign* area for a *sign-lot* (except for *building marker signs*, *gateway signs*, *incidental signs*, *flags* and *event oriented signs* which are exempt from this section), is calculated using the following table. It is determined for each *street frontage* along a private or public *road* by multiplying the appropriate *zonal base rate* by the *road* speed limit factor, the *building setback* factor, and the percent of permitted *freestanding sign* area used. A *sign-lot's* maximum total *sign* area is then the calculated sum of the *sign* areas for all *street frontages*, unless that sum falls below the *sign area assurance* or above the *sign area cap* noted on the following page. Except as indicated in 4-8-6 below regarding *freestanding signs*, the total *sign* area may be applied at any location on a *sign-lot*. See 4-8-7 below for maximum *sign* area for *primary uses* within *integrated centers* and for *integrated center signs*. Notes follow on the next page. A worksheet can be found in Appendix D.

Also, in the column heading of the fourth column of the table, change the heading to read:

**PERCENT OF PERMITTED FREESTANDING SIGN AREA USED<sup>3</sup>**

Also, under the fourth column of the table, delete the subheading:

**PERCENT OF PERMITTED FREESTANDING SIGN AREA USED<sup>3</sup>**

Also, under the fourth column of the table, delete:

**PERCENT OF FLOOR AREA IN INTEGRATED CENTER<sup>4</sup>**

1 - 5%:	0.3
6 - 10%:	0.4
11 - 25%:	0.5
26 - 50%:	0.6
51 - 75%:	0.75
76 - 99%:	1.0

Also, change Footnote 1 to read:

This is the legal speed limit along the full length of a *sign-lot's street frontage*. Where a *sign-lot* has no actual *street frontage*, this is the legal speed limit of the adjoining *road* from which the *primary use* derives vehicular access, at that access point. Where a *sign-lot* fronts on a public or private frontage road, the speed limit of the thoroughfare pertains, not that of the frontage road. In an *HB zone*, where a *sign-lot* is located within 400' of a *primary arterial*, fronts on and derives its only access from a *local road* which in turn derives its access from a *primary arterial*, then the speed limit of the *primary arterial* - where the local road intersects -- pertains. Where the legal speed limit changes along the length of a *sign-lot's street frontage* (or between access points for *sign-lots* having no *street frontage*), *road* speed limit is the greater of the speed limits along the length of the *street frontage* (or at the number of access points if there is no *street frontage*). *Frontage* along I-65 is not counted in this calculation. If the legal speed limit is increased after *signage* has been installed, maximum *sign* area may be increased accordingly. If the speed limit is decreased, no decrease in *signage* is required. Where a temporary speed limit has been posted during a period of construction, the legal speed limit prior to that period will be used for this calculation.

Also, change Footnote 3 to read:

As a percentage of the total area of *freestanding signage* permitted in 4-8-6 below.

Also, delete Footnote 4, "This factor does not apply in either CB or CBW zones," from the table.

**Section 8:** Change 4-8-6, NUMBER PER SIGN-LOT, AREA, HEIGHT AND SETBACK OF INDIVIDUAL FREESTANDING SIGNS, BY ZONE, of 4-8, SIGNS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS, to read:

Individual *freestanding signs* may be used for part or all of the maximum sign area of a *sign-lot* (as calculated in 4-8-5 above). They are used to help the motoring public locate an activity. They shall exceed neither the applicable maximum number per *sign-lot*, maximum area and height dimensions, nor minimum *setback* requirements shown in the following table. (For *freestanding integrated center signs*, see 4-8-7 below).

Also, under the first column of the table, FREESTANDING SIGN CHARACTERISTICS, change the heading for row 1 to read:

**MAXIMUM NUMBER PERMITTED PER SIGN-LOT**

Also, in the column heading of the ninth column of the table, delete the reference to CBW.

Also, under the fifth through ninth columns of the table, change the MAXIMUM NUMBER PERMITTED PER SIGN-LOT to read:

1 per each *road frontage*

Also, delete footnote 1, "Or *alley* entrance in the absence of any driveway," in the table and renumber current footnotes 2 and 3 as 1 and 2 respectively.

**Section 9:** Change 4-8-7, SIGNAGE FOR INTEGRATED CENTERS, of 4-8, SIGNS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS, by inserting a new subsection (a) to read:

The maximum permitted *building sign* area for *primary uses* within *integrated centers* is based on 5 sq ft of *signage* per 1,000 sq ft of floor area, with a minimum *building sign* area of 40 square feet up to a maximum of 400 square feet.

Also, reletter current subsection (a) as (b) and change to read:

The maximum total sign area for *integrated center signs* is calculated using the following table. It is determined for each public *street frontage* by multiplying the appropriate *zonal base rate* by the *integrated center ground floor area factor* and the *road speed limit factor*. An *integrated center's* maximum total *sign area* is then the calculated sum of the *sign areas* for all public *street frontages*. The total *sign area* may be applied at any location at the *integrated center*. *Freestanding integrated center signs* shall observe the maximum height and minimum *setback* standards in 4-8-6 above.

Also, under the second column of the table, INTEGRATED CENTER GROUND FLOOR AREA FACTOR, change to read:

up to 20,000 sq.ft.	= 1.0
20,001 -- 100,000 sq.ft.	= 1.5
100,001 -- 200,000 sq.ft.	= 2.0
200,001+ sq ft	= 3.0

Also, under the third column of the table, ROAD SPEED LIMIT FACTOR, change to read:

Up to 30	= 1.0
31 -- 44mph	= 1.5
45 -- 55mph	= 2.5

Also, change footnote 1 to read:

This is the legal speed limit along the full length of an *integrated center's street frontage*. Where a *sign-lot* fronts on a public or private frontage *road*, the speed limit of the thoroughfare pertains, not that of the frontage *road*. Where an *integrated center* has no *street frontage*, this is the legal speed limit of the adjoining *road* from which that center derives vehicular access, at that access point.

In an *HB zone*, where an *integrated center* is located within 400' of a *primary arterial*, fronts on and derives its only access from a *local road* which in turn derives access from a *primary arterial*, then the speed limit of the *primary arterial* -- where the local road intersects -- pertains.

Where the legal speed limit changes along the length of an *integrated center's street frontage* (or between access points for *integrated centers* having no *street frontage*), *road speed limit* is the greater of the speed limits along the length of the *frontage* (or at the number of access points if there is no *frontage*). *Frontage* along I-65 is not counted in this calculation.

If the legal speed limit is increased after *signage* has been installed, maximum *sign area* may be increased accordingly. If the speed limit is decreased, no decrease in *signage* is required.

**Section 10:** Change 4-8-8, PERMITTED SIGN CHARACTERISTICS BY ZONE, of 4-8 SIGNS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS, so that the reference to footnote 1 for sign characteristic entitled "CHANGEABLE COPY SIGN" for "INSTITUTIONAL USES: RESIDENTIAL / RURAL" shall be deleted and that footnote 1, "Allowed without a sign permit if there are no electrical components," shall be deleted.

Also, renumber current footnotes (2) and (3) as (1) and (2) respectively.

**Section 11:** Change subsection (b) of 4-8-9, EVENT ORIENTED SIGNS, of 4-8 SIGNS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS, to read:

These *signs*, where allowed in 4-8-4 above, shall not be placed on a premises in a *commercial, industrial, or rural zone*, nor at an institutional *use* (SIC 801-972) in a *residential zone*, for more than 21 days within a 90 day period, no more than 4 times per year.

**Section 12:** Change subsection (c) of 4-8-9, EVENT ORIENTED SIGNS, of 4-8 SIGNS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS, to read:

These *signs*, where allowed in 4-8-4 above, shall not be placed on a premises, other than an institutional *use* in a *residential zone*, for more than 3 days within a 90 day period, no more than 4 times per year.

**Section 13:** Change subsection (f) of 4-8-10, OUTDOOR ADVERTISING SIGNS, of 4-8 SIGNS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS, to read:

*Outdoor advertising signs* shall not be placed closer than 1000' from each other. This distance is to be measured radially.

**Section 14:** Insert a new subsection (i) of 4-8-10, OUTDOOR ADVERTISING SIGNS, of 4-8 SIGNS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS, to read:

The *sign area* for an *outdoor advertising sign* with more than one face is computed by adding together the area of all *sign faces* visible from any one point. Where one *outdoor advertising sign* with two equally-sized *sign faces* are placed back to back, so that both faces cannot be viewed from any one point at the same time, and where such *sign faces* are part of the same *sign structure* and are not farther apart than half the length of the *sign*, the *sign area* is computed by the measurement of one of the faces.

**Section 15:** Delete subsection (e) of 4-11-9, AUTOMATED TELLER MACHINES, of 4-11 MISCELLANEOUS RESTRICTIONS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS and reletter current subsection (f) as (e).

**Section 16:** Change the relettered subsection (e) of 4-11-9, AUTOMATED TELLER MACHINES, of 4-11 MISCELLANEOUS RESTRICTIONS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS, to read:

As a *primary use* or *primary use building*, an *ATM* is entitled to all the *signage* permitted on its sign-lot, as per 4-8-4 through 4-8-8.

**Section 17:** Change subsection (d) of **D-1-2, CALCULATING SIGN AREA, of D-1 ON-PREMISE SIGN SIZE REQUIREMENTS, of APPENDIX D COMPUTING SIGN AREA PER SIGN-LOT**, to read:

In calculating the *road* speed limit multiplier (Item B in D-2 below), if the official *road* speed limit changes along the length of a *use's* frontage, the greater of the speed limits shall be used.

**Section 18:** Delete subsection (j) of **D-1-2, CALCULATING SIGN AREA, of D-1 ON-PREMISE SIGN SIZE REQUIREMENTS, of APPENDIX D COMPUTING SIGN AREA PER SIGN-LOT**.

**Section 19:** Delete Item E of **D-2, CALCULATING MAXIMUM SIGN AREA FOR A SIGN-LOT, of APPENDIX D COMPUTING SIGN AREA PER SIGN-LOT** and reletter current Item F and Item G as Item E and Item F respectively.

**Section 20:** This ordinance shall be in full force and effect from and after the date of passage.

**ADOPTED AND PASSED (DENIED) BY THE BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA**  
**THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_**

THE BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

_____	_____
	President
_____	_____
	Vice President
_____	_____
	Member

ATTEST:

\_\_\_\_\_  
Robert A. Plantenga, Auditor

(unquote)

Area Plan Assistant Director Bernie Gulker explained that this Ordinance revises Integrated Center Signage, Outdoor Advertising Signs and Event Oriented Signs in the Unified Zoning Ordinance (UZO).

Auditor Plantenga recorded the following roll call vote:

Ruth Shedd	Yes
John Knochel	Yes
KD Benson	Yes

- Ordinance 2001-04-CM passed 3 - 0.

**ORDINANCE 2001-05-CM: Z-1992, Komark Development Co. AW to PDRS**

- Commissioner Knochel moved to hear and approve Ordinance 2001-05-CM, seconded by Commissioner Benson.

Petitioner David Kovich explained that these six (6) lots were not previously approved for rezoning because they were zoned flood plain. After examination by a soil scientist, it was determined that they are not in the flood plain due to the types of soil.

Auditor Plantenga recorded the following roll call vote:

John Knochel	Yes
KD Benson	Yes
Ruth Shedd	Yes

- Ordinance 2001-05-CM passed 3 - 0.

**SUPERIOR COURT VI UPDATE: Judge Michael Morrissey**

Judge Morrissey thanked the Commissioners for their help and assistance in the establishment of the new court. As of January 15<sup>th</sup>, the court is fully staffed and 985 cases have been filed. He commented that the courtroom is beautifully built but noted some concerns:

- |                      |   |
|----------------------|---|
| Jury box:            | The jury box is so narrow that anyone already in place must completely exit if another person wishes to enter or exit.  |
| Court Bailiff:       | The space is inadequate for the computer and paperwork the Bailiff works on during proceedings.   |
| Lighting:            | Although the lighting is adequate over the Bench, it is too low for jurors to view exhibits. Rather than increasing the lighting over just the jury box which will make the area too hot, he said the lighting in the entire courtroom needs to be increased. |
| Recording equipment: | They are working with temporary microphones with cords because the sound equipment is not installed. Although the installation may be completed in four to five weeks, he is concerned that someone may trip over the cords.                                  |

President Shedd said the Commissioners are aware of these concerns and are obtaining estimates on rearranging the jury box and other work stations.

Commissioner Knochel commented that Judge Morrissey has been a pleasure to work with during construction of the courtroom and invited the public to visit the new Superior Court VI and Auxiliary Courtrooms.

**PETITION FOR ORGANIZATION OF A REGIONAL SEWER DISTRICT: Lauramie Township Trustee Bill Easterbrook**

Mr. Easterbrook appeared with Lynne Newlon, Regional District Coordinator for the Indiana Department of Environmental Management (IDEM) and Richard Wise, Rural Community Action Program representative. Mr. Easterbrook asked the Commissioners to sign off on Lauramie Township's petition to organize a regional sewer district, mainly for the unincorporated Town of Stockwell. Ms Newlon referred to IC 13-26-2-2 that says one or more eligible entities may file with IDEM to establish a regional district. She said all affected parties must be notified within ten (10) days.

- Commissioner Knochel moved for the Board of Commissioners to sign the petition authorizing the organization of a Regional Sewer District for Lauramie Township, seconded by Commissioner Benson; motion carried.

**JUVENILE PROBATION: Juvenile Probation Officer Norm Posto**

Mr. Posto requested the creation of a SHOCAP Tracker position that will begin in early April with 90% funding from a JAIBG Grant and 10% funding from user fees. SHOCAP is an acronym for Serious Habitual Offender Comprehensive Action Plan. Mr. Posto said the SHOCAP Tracker, a Probation Officer, will work with juveniles that statistically re-offend so that the ultimate outcome is placement with the Department of Corrections. The SHOCAP Tracker will work mainly outside the office and share information, using the QUEST Software, with the schools, Probation, Prosecutor, the courts, and law enforcement.

Judge Rush said she helped write the JAIBG Grant that is in its second year. The new SHOCAP Tracker position will be in effect only for the last six (6) months of the Grant that will have to be rewritten this fall.

- Commissioner Knochel moved to approve the grant application and the new position of SHOCAP Tracker for Juvenile Probation, seconded by Commissioner Benson; motion carried.

**CARY HOME: Executive Director Rebecca Humphrey**

Ms Humphrey said when she requested the creation of two (2) House Supervisor positions last month, she did not take into account the position is needed twenty four hours a day. She requested the creation of a third House Supervisor position but said no additional funding will be necessary.

- Commissioner Knochel moved to approve the creation of a House Supervisor position for Cary Home, seconded by Commissioner Benson; motion carried.

**COMMUNITY CORRECTIONS: Executive Director Dave Kuebler**

Community Corrections Executive Director Dave Kuebler requested approval of their Department of Corrections (DOC) Grant Application for 2001/2002 and 2002/2003. Also appearing with him were Cathy Smith, Juvenile Program Director, and Pat Scowden, Work Release Director. New positions requested:

Adult Community Corrections

Secretary: Will be a shared position between Community Corrections and Work Release.  
Surveillance Officer: Will take effect in the second year of the grant due to anticipated caseload increase.  
Day Reporting Officer: This position will be similar to a Probation Officer for a new program the DOC is pushing. This person will be responsible on a daily basis for persons assigned by the courts.

Juvenile Alternatives

Administrative Assistant (new)  
Assistant to Home Detention  
Assistant to JEDIS Program

Work Release

Correction Officer (2): Night shift  
Secretary: Shared with Community Corrections  
Case Manager (2): For 24 hour street coverage

Commissioner Knochel asked Sheriff Murtaugh to comment on these personnel requests. Sheriff Murtaugh responded that the Work Release Program is his only connection with Community Corrections. He said the Case Manager positions are needed because they are responsible for monitoring Work Release participants while outside the Community Corrections Facility.

- Commissioner Knochel moved for the Board of Commissioners to sign off on the Community Corrections DOC Grant with the stipulation that the Commissioners will examine the grant after approval by the DOC, seconded by Commissioner Benson; motion carried.

Commissioner Knochel reminded Mr. Kuebler that, per agreement, Community Corrections was to begin paying back the cost of the Community Corrections Facility to the County after the first year if feasible. When this DOC Grant is approved, Commissioner Knochel asked Mr. Kuebler to report to the Commissioners when the Community Corrections Advisory Board determines they can begin the reimbursement.

**AREA PLAN: Director Jim Hawley**

Mr. Hawley explained that the person who held the Principal Planner position recently resigned to relocate. Because Mr. Hawley does not plan to fill the Principal Planner position, he would like to make it equivalent to a comprehensive planning Sr. Planner V position. He also wants to elevate a Transportation Planner position to a supervisory Sr. Transportation Planner V position to bring the total number of Sr. Planners to three (3). Mr. Hawley said the job descriptions have been adjusted and no additional funding will be necessary.



- Commissioner Knochel moved to approve the shift in positions from Principal Planner to Sr. Planner V and Transportation Planner to Sr. Transportation Planner V, seconded by Commissioner Benson; motion carried with Commissioner Shedd abstaining.

**GUEST: Lydia Lott, First Communications**

Ms Lott outlined services provided by First Communications that she thinks will save the County long distance phone charges. Endorsed by the Association of Indiana Counties (AIC), 5% of the bill will be refunded to the AIC.

- First Communications will allow a 2% monthly residual for our referrals who sign up.
- A live representative is available 24 hours a day 7 days a week
- 6.9 cents per minute 24 hours a day, 7 days a week
- Calling codes are available to limit long distance cost.
- No contracts, no monthly fee and no minimum usage.
- 6 second billing increments (we currently have 30 second).
- 7.9 Cents residential fees for employees.
- No switch over fees.

Ms Lott estimated the County could save over \$200.00 per month with First Communications. Their provider in Indiana is Quest Communications.

President Shedd said the Commissioners would study the materials provided and consult with Information Services Dan Gentry for his input.

**LEASE AGREEMENT: Information & Records Associates, Inc.: Clerk's Office**

The decision to enter into a Lease Agreement with Information & Records Associates, Inc. for an Imaging System for the Clerk's Office and Archives was made on January 3, 2001. It was noted at that time that the first year's cost will be approximately the same as the annual maintenance cost for the current microfilming equipment.

- Commissioner Knochel moved to approve the Lease Agreement with Information & Records Associates, Inc. for the Imaging System for the Clerk's Office and Archives, seconded by Commissioner Benson; motion carried.

**MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT: Verizon Enterprise Solutions: Sheriff's Office**

Sheriff Murtaugh explained that this Lease-Purchase Agreement is for an E-911 CAD System purchased in 1996 that has now been implemented. The total amount financed is \$505,244.50.

(quote)

**RESOLUTION 2001-05-CM**

**EXHIBIT 2**

**(To LEASE SCHEDULE No. 008)**

**FORM OF AUTHORIZING RESOLUTION**

**A RESOLUTION OF THE GOVERNING BODY OF TIPPECANOE COUNTY AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT AND SEPARATE LEASE SCHEDULES AND CERTIFICATES OF ACCEPTANCE WITH RESPECT TO THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT FOR THE PUBLIC BENEFIT; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION.**

**WHEREAS, TIPPECANOE COUNTY** (the "*Lessee*"), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of Indiana, is authorized by the laws of the State of I Indiana to purchase, acquire and lease personal property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and

**WHEREAS**, the Lessee desires to purchase, acquire and lease certain equipment (including maintenance and other support service agreements) constituting personal property necessary for the Lessee to perform essential governmental functions; and

**WHEREAS**, in order to acquire such equipment, the Lessee proposes to enter into that certain Master Equipment Lease-Purchase Agreement (the "*Agreement*") and separate Lease Schedules and Certificates of Acceptance relating thereto from time to time as provided in the Agreement with Verizon Credit Inc. (the "*Lessor*"), the form of which has been presented to the governing body of the Lessee at this meeting; and

**WHEREAS**, the governing body of the Lessee deems it for the benefit of the Lessee and for the efficient and effective administration thereof to enter into the Agreement and the separate Lease Schedules and Certificates of Acceptance relating thereto as provided in the Agreement for the purchase, acquisition and leasing of the equipment to be therein described on the terms and conditions therein provided;

Now, **THEREFORE, BE It AND It Is HEREBY RESOLVED** by the governing body of TIPPECANOE COUNTY as follows:

**Section 1. Approval of Documents.** The form, terms and provisions of the Agreement and the separate Lease Schedules and Certificates of Acceptance relating thereto as provided in the Agreement are hereby approved in substantially the forms presented at this meeting, with such insertions, omissions and changes as shall be approved by the President of the Lessee or other members of the governing body of the Lessee executing the same, the execution of such documents being conclusive evidence of such approval; and the President of the Lessee is hereby authorized and directed to execute the Agreement, each Lease Schedule, each Certificate of Acceptance and any related Exhibits and Attachments attached to any thereof and to deliver the Agreement, each Lease Schedule and each Certificate of Acceptance (including such Exhibits and Attachments) to the respective parties thereto.

**Section 2. Other Actions Authorized.** The officers and employees of the Lessee shall take all action necessary or reasonably required by the parties to the Agreement, each Lease Schedule and each Certificate of Acceptance to carry out, give effect to and consummate the transactions contemplated thereby (including the execution and delivery of any tax certificate and agreement, each with respect to separate Lease Schedules and Certificates of Acceptance, as contemplated in the Agreement) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement, each Lease Schedule and each Certificate of Acceptance.

**Section 3. No General Liability.** Nothing contained in this Resolution, the Agreement, any Lease Schedule, any Certificate of Acceptance nor any other instrument shall be construed with respect to the Lessee as incurring a pecuniary liability or charge upon the general credit of the Lessee or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement, any Lease Schedule, any Certificate of Acceptance or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Lessee or any charge upon its general credit or against its taxing power, except to the extent that the Rental Payments payable under each Lease are special limited obligations of the Lessee as provided in such Lease.

**Section 4. Appointment of Authorized Lessee Representatives.** The President and \_\_\_\_\_ of the Lessee are each hereby designated to act as authorized representatives of the Lessee for purposes of the Agreement, each Lease Schedule and each Certificate of Acceptance until such time as the governing body of the Lessee shall designate any other or different authorized representative for purposes of the Agreement, each Lease Schedule and each Certificate of Acceptance in which event the Lessee shall notify the Lessor in writing of any new authorized representatives designated as herein provided.

**Section 5. Severability.** If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

**Section 6. Repealer.** All bylaws, orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

**Section 7. Effective Date.** This Resolution shall be effective immediately upon its approval and adoption.

**ADOPTED AND APPROVED** by the governing body of the Lessee this 5<sup>th</sup> day of February, 2001.

[SEAL]

LESSEE: TIPPECANOE COUNTY  
By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: President

ATTEST:

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

APPROVED as to form:

\_\_\_\_\_  
Attorney

(unquote)

- Upon Attorney Busch's recommendation, Commissioner Knochel moved to approve the signing of the Verizon Enterprise Solutions Master Equipment Lease-Purchase Agreement and Schedule A1, Schedule A, Exhibit 1, Exhibit 2: Resolution 2001-05-CM, Exhibit 3, Exhibit 5, Attachment 1, Attachment 2, Financing Statement, and Variable Rate Rider, seconded by Commissioner Benson; motion carried.

**AWARD BID: Demolition of Unsafe Building**

Bids for demolition of an unsafe structure located at 9001 W 900 S in Odell, IN were opened and taken under advisement on January 16, 2001. Although scheduled to be awarded today, Attorney Busch explained that the bank that holds the mortgage has filed action for foreclosure. With the hope that the bank will pay to demolish the structure or bring it up to code, he recommended deferring further action until a resolution can be negotiated.

Building Commissioner Ron Highland said the bids are effective for 30 days but he can ask the bidders for an extension if necessary. He said he anticipates an early resolution to this situation.

**PUBLIC HEARING: Vacation of a Public Way in Stockwell**

This hearing has been continued until February 20, 2001.

**DISCUSSION re Jail Expansion: Sheriff Dave Murtaugh**

Sheriff Murtaugh was asked to briefly discuss the need for expansion of the Jail. He reported that the Jail was built for 168 beds but, due to excessive population, it is necessary to double bunk to bring the total beds to 270. The total average population for 2000 was 274 inmates. He said they expect their daily average population to increase by 20 prisoners in 2001. Today, they are holding 217 pre-trial detainees which he said is the reason jails are built. Sheriff Murtaugh said we currently have 1.5 beds per 1000 population but the DOC recommends 3 beds per 1000 population, and 4 beds per 1000 population in a major college community. He said the Jail needs to be brought up to ADA Standards and medical needs addressed. The Sheriff stressed that the County needs to expand the Jail before we receive a Federal mandate at which point we will lose control of what is built and the cost.

Sheriff Murtaugh said that, according to our Financial Consultant Greg Guerrettaz, the County will save \$100,000.00 if the Jail Bonds are paid off early (July 1, 2001). If the Jail is expanded to 308 beds, he believes we will be building for the future and save in construction cost because it will be at today's cost. With extra beds we won't have to house our prisoners out-of-county and we will be able to earn additional revenue by housing DOC prisoners.

Commissioner Knochel asked if the Court Services Program for alcohol and drug abuse is helpful from his perspective as Sheriff. Sheriff Murtaugh responded that the goal is to keep people out of the system.



➤ Attorney Tom Busch left the meeting and Attorney David W. Luhman entered.

### **Public Comments**

Elaine Doss: Mrs. Doss said her husband was jailed a total of 365 days for public intoxication and stealing a bottle of mouthwash to drink. When Judge Zeman sentenced him to House Arrest, he relapsed because of alcoholism which is considered an illness by medical experts. In Mrs. Doss' opinion, the 12 hour holding period at the Jail does little to help a person with a high alcohol level. Mrs. Doss said there is no De-tox facility in the County nor is there a long-term treatment facility in the State for alcoholics.

Dave Nelson: Mr. Nelson suggested using the "old Jeff" High School building to house non-violent offenders and those in the Jail for a short term (week-end).

Dale Cummings: Mr. Cummings, former Director of New Directions located at Monitor, expressed concern that a judge believes the best treatment for an Alcoholic is jail. He urged funding and the re-institution of a De-tox facility, intervention, and long-term care.

Susan Smith: Ms Smith, Family Services Director, said treatment services for non-violent Alcoholics has eroded. She urged using Community Corrections dollars to work with the Drug Free Coalition to provide those services.

Aadron Rausch: In her opinion, we need additional jail space. She questioned if we have funding to deliver services that some perceive we need. Ms Rausch said the Community Corrections' User Fees are so high that the individual cannot afford treatment.

In response to Mr. Nelson's comments regarding the use of "old Jeff", Sheriff Murtaugh said that would require a duplication of costs and services. He recommended considering this facility for a Juvenile Center. He agreed that a De-tox Center is needed for those individuals with a high alcohol level.

Commissioner Knochel observed that the speakers did not oppose jail expansion. He asked if it is the County's responsibility to build a De-tox Center. Ms Smith responded that they know the County cannot fund such a center alone; it has to be a collaborative effort.

Mr. Cummings commented that alcohol treatment is not a popular cause. Mrs. Doss said it is an ugly illness that needs to be treated as an illness.

Commissioner Benson stated she is ready to move forward with the expansion. Sheriff Murtaugh asked the Commissioners to hire an architect today to determine the cost of expansion and recommended the Schenkel Shultz Architectural Firm.

- Commissioner Benson moved to retain Schenkel Shultz as the architect for the Jail assuming the negotiation of fees, penalties, time lines, and guarantees is satisfactory to both parties, seconded by Commissioner Knochel; motion carried.

### ***DISCUSSION: McCarty Lane – Southeast Industrial Expansion Economic Development Area (TIF)***

Attorney Luhman summarized the progress on the development of the McCarty TIF the County will create south and east of the City of Lafayette including SIA to generate funds for infrastructure improvements. The City will also create a TIF immediately north and south of SR 26 E.

A draft City and County agreement was presented to the Tippecanoe County Redevelopment Commission on January 30<sup>th</sup> outlining projects for both the County and the City that will be funded by both TIF Districts:

#### **Revenues from the McCarty TIF:**

- Will be used to fund County road infrastructure projects.
- Help fund three (3) uncompleted City sewer projects from the original SIA TIF with ½ of tax increment funds generated.
- Help fund three (3) additional City projects to benefit SIA if additional TIF funds are available.

#### **Revenues from the City's TIF:**

- Help fund County road projects with ½ of tax increment funds generated.

This Agreement sets out a 50/50 sharing of tax increment funds generated from the two TIFs and provides assurance that the money will be used for the intended projects.

President Shedd noted that there are no completion dates in the Agreement. Mr. Luhman responded that this issue has been discussed and will probably be resolved by the term of the bond.

Lafayette City Attorney Eric Burns stated that the City Council has approved a Declaratory Resolution to form the TIF and plans to approve a Confirmatory Resolution on February 21, 2001.

Commissioner Benson asked the effect of annexation on the TIF funds. Mr. Luhman said, as long as the County's bonds are outstanding, the money continues to pay off those bonds. Annexation will not affect that.

### ***APPOINTMENTS: Wage Board***

- Commissioner Knochel moved to approve Wage Board appointments of Jill Lynn for Tippecanoe School Corporation projects, Patti O' Callaghan for West Lafayette School projects, and Carl Treece for City of Lafayette projects, seconded by Commissioner Benson; motion carried.

### ***COVERED BRIDGE CERTIFICATE***

- Commissioner Knochel moved for the President to sign the certification for the Auditor of the State that there are no covered bridges in Tippecanoe County, seconded by Commissioner Benson; motion carried

### ***CERTIFICATE OF APPOINTMENT: Alcoholic Beverage Board***

- Commissioner Knochel moved for the Board of Commissioners to sign the Certificate of Appointment for William Bogan to the Local Alcoholic Beverage Board, seconded by Commissioner Benson; motion carried.

**NEW BUSINESS**

President Shedd and Commissioner Knochel had no objection to Commissioner Benson's request to initiate discussions regarding juvenile services needed in the community.

**REPORTS**


Reports from Mail & Duplicating, Legal Aid, Weights & Measures, and the Treasurer are on file in the Commissioners' Office for review.

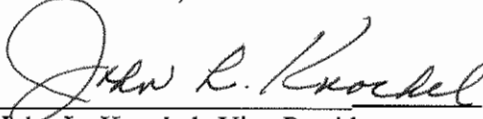
**ADJOURNMENT**

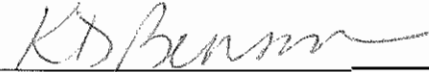
- Commissioner Knochel moved to adjourn, seconded by Commissioner Benson; motion carried.

Robert A. Plantenga, Auditor


**BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE**

  
Ruth E. Shedd, President

  
John L. Knochel, Vice President

  
KD Benson, Member

**ATTEST:**

  
Robert A. Plantenga, Auditor