TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
August 5, 2013

The Tippecanoe County Commissioners met on Monday, August 5, 2013 at 10:00 a.m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President David S. Byers, Vice President John L. Knochel, and Commissioner Thomas P. Murtaugh. Also present were: Attorney Doug Masson, Auditor Jennifer Weston, Commissioners' Assistant Frank Cederquist, and Recording Secretary Tillie Hennigar.

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

PROCLAMATION
Unplug & Read Week, August 4-10

Gary Henriott said this week is ***Unplug and Read Week*** in Tippecanoe County. He is a volunteer with *Community Commitment to Education* and *Read to Succeed*; both of which are in partnership with the three public school corporations, United Way, and Greater Lafayette Commerce. Approximately 90 business and community partners also join in the effort. There are three ways to become a partner: 1) adopting education from a business policy; 2) making a financial contribution and 3) providing and encouraging members or employers to volunteer one hour per week in a classroom with a *Read to Succeed* teacher. This fall, between 450 and 550 volunteers will be reading tutors in fifteen of the local elementary schools for kindergarten, first, second, and third grades. Mr. Henriott thanked the City of Lafayette, the City of West Lafayette, and Tippecanoe County Government as partners in the effort. Officials representing the governmental partners will sign a Proclamation declaring the week of August 4 through 10 as ***Unplug and Read Week***. Parents and child care providers are encouraged to unplug from all electronics, find a book, and read; there is no better way to prepare for school than by reading. Throughout the week, the community has events and opportunities to unplug and read. He encouraged everyone to take the challenge to engage children in reading, and also parents and grandparents to participate by reading to them.

Mr. Henriott introduced Steve Meyer, Lafayette City Councilman, representing Lafayette Mayor Tony Roswarski; West Lafayette Mayor John Dennis; and County Commissioner David Byers who read the Proclamation. He recognized and thanked other partners in attendance: Scott Hanback, Tippecanoe Public Schools Superintendent; Les Huddle, Tippecanoe School Corporation Superintendent; and Sally Downham Miller, representing Dr. Killian from West Lafayette.

Whereas, learning to read and continuing to read throughout our lives opens doors of learning, entertainment, knowledge and opportunity,

Whereas, reading leads to academic success, improved communication and thinking skills, and the ability to concentrate,

Whereas, the local *Read to Succeed* program highlights the importance and value of reading and provides volunteers to local schools to help students master reading,

Whereas, parents, too, encourage their children to read every day, as they do, reaping many rewards,

Whereas, the future of our community depends on an educated, skilled, productive workforce, realized one child at a time, with reading as the foundation,

Whereas, technology, electronics and television play an important role in today's world, but these are sometimes at the expense of reading books,

Whereas, 15 free reading-related events are being hosted from August 4 to 10 at various community locations by Almost Humane Society, Barnes & Noble, Columbian Park Zoo, Imagination Station, Lafayette Adult Resource Center, Lyn Treece Boys and Girls Club Beck Lane, Salvation Army, Tippecanoe County Public Library, Tricoci University of Beauty Culture, Trinity United Methodist Church, and West Lafayette Public Library,

Now, therefore, the City of Lafayette, City of West Lafayette and County of Tippecanoe hereby proclaim August 4 to 10, 2013 is Unplug-and-Read Week. We encourage residents to go screen-free this week, to read books, and to participate in the full schedule of Unplug-and-Read events.

Proclaimed this 5th day August, 2013.

APPROVAL OF MINUTES

- Commissioner Knochel moved to approve the minutes of the regular meeting held July 15, 2013, second by Commissioner Murtaugh; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

- Commissioner Knochel moved to approve the accounts payable vouchers for July 16, 17, 18, 19, 24, 25, 26, 29, 31 and August 1, 2, and 5, 2013 as submitted without exception, second by Commissioner Murtaugh; motion carried.

***ORDINANCE 2013-25-CM* – Regulating the Use of Consumer Fireworks –** *First Reading*

- Commissioner Knochel moved to hear Ordinance 2013-25-CM, regulating the use of consumer fireworks, second by Commissioner Murtaugh.

Attorney Masson said the Ordinance would exercise the discretion of the County to regulate consumer fireworks under Indiana Code 22-11-14-10.5. The Ordinance would provide that consumer fireworks would only be used or discharged within the unincorporated areas of Tippecanoe County, Indiana between the hours of 5:00 p.m. and two hours after sunset on June 29, 30, July 1, 2, 3, 5, 6, 7, 8, and 9. July 4th, the hours allowed would be between 10:00 a.m. and midnight. On December 31, the hours would begin at 10:00 a.m. and end at 1:00 a.m. on New Year's Day. The County Ordinance enforcement would be provided by the Tippecanoe County Sheriff Department, authorizing them to cease and dispose of consumer fireworks used in violation. A $250 penalty would be imposed for each offense.

Major Charlie Williams said the Sheriff Department is very much in support of the Ordinance. It provides an enforcement tool which is currently not available; it aligns with Lafayette and West Lafayette, providing continuity. In 2012, 58 complaints were received in July; a high number due to the burn ban. In 2013, only 36 complaints were received; however, without an enforcement law, all they can do is tell them to stop.

President Byers received three letters in reference to the regulation - two in favor of the Ordinance and one from Carl Covely opposed to the Ordinance. Commissioner Murtaugh said several other letters and emails have been received.

President Byers invited public comment in favor of the Ordinance.

Elizabeth Butler – Waterstone Subdivision, Lafayette said she sent an email to Commissioner Murtaugh in favor of the Ordinance. She lives in Waterstone which is surrounded by Valley Forge, Sterling Heights, Southernview, The Commons, The Landings, and Woodfield Village. Ms. Butler stated she doesn't expect law enforcement to curb fireworks entirely; however, she believes most of her neighbors are law abiding citizens and will comply with the Ordinance. As of last night, fireworks were being discharged until 11:00 p.m.

David Fettinger – Huntington Farms Subdivision, West Lafayette said there are numerous subdivisions near his home. What makes sense for Lafayette and West Lafayette is also a good tool for law enforcement in the county as well. As a quality of life issue, he would like to see the request receive positive consideration.

Barbara Willis – Ms. Willis said she attended the last meeting and made the request for an Ordinance. She stated her appreciation of the actions being taken, with hopes it will go through. Several of her neighbors and friends approached her following the last meeting expressing their appreciation, saying they were also bothered by the fireworks. She thanked the Commissioners again for the consideration.

As there were no other comments in favor of the Ordinance, President Byers invited public comment opposed to the Ordinance.

Mark Durham – Dayton – Mr. Durham said he lives south of Dayton. He realizes several people are opposed to fireworks but they should appreciate the ability to set off fireworks just as he appreciates their wish for peace and quiet. He feels the city ordinance is strict and suggested a hybrid Ordinance or fireworks only on the weekend, or something other than what has been proposed. Mr. Durham said in 2006, there was a 5% additional tax on fireworks. Since that inception, $12.5 million has been raised for training firefighters; showing there are benefits from fireworks. He urged the Commissioners to come up with something different than the city ordinance. The article regarding additional tax was submitted for the record.

Commissioner Knochel asked Mr. Durham if he had suggestions. Mr. Durham said he has young children at home who need their sleep and rest to be prepared for school. He suggested allowing fireworks on Saturday and Sunday.

Paul Wright – West Point questioned how it will be determined what actual fireworks are. President Byers said it is already established; if it goes up, it's considered a firework. Commissioner Murtaugh said the Ordinance defines fireworks according to the State definition. Attorney Masson said the definition is stated in Indiana Code Section 22-11-14-1.

Commissioner Knochel said one of the emails received today was opposed to the Ordinance. It stated that one of the freedoms of living in the county area is the ability to use those products in an open space. Also in the email was the comment that shooting guns in the county is legal. Commissioner Knochel said he is more concerned about gun usage than fireworks and also concerned about the level of enforcement. He understands the Ordinance is a tool for the Sheriff's department but guesses that 90% of the time when they respond to a call; the fireworks are over.

Commissioner Murtaugh said the contacts he has received in phone calls, emails, and on the street are overwhelmingly in favor of the Ordinance. He is in support of the Ordinance and hopes it moves forward. The Ordinance has to be heard on two readings. If a favorable recommendation is received today, it will be heard at the next meeting.

Commissioner Knochel said he isn't opposed to studying the issue, allowing fireworks on the weekends or other holidays versus the restrictions as written. Commissioner Murtaugh said the work week is non-traditional for many people; the weekend is not always a Saturday and Sunday.

Mark Durham said allowing fireworks on weekends is less days per year for fireworks and more days without fireworks for those who don't appreciate them.

Barbara Willis said in regard to the 5% tax, she is sure it helps the city, but there would still be ten days of fireworks and money coming in for sales. She stated her next door neighbor goes to bed early and gets up early on the weekend to work. Also, the fireworks activity is very stressful for dogs, and dog owners. Commissioner Knochel asked Ms. Willis if she would be opposed to including other holidays. She replied that the main holidays for fireworks are Fourth of July and New Year's Eve. If fireworks were earlier in the evening during the winter when it gets dark earlier, she is not opposed to that. She is not opposed to public fireworks at special occasions. There is a time and a place for fireworks but allowing them all year is too much.

David Fettinger said he has two thoughts. He regards fireworks as a celebration of an event – New Year's Eve and Fourth of July are traditional celebrations in this country. He is in favor of the county folks having their rights as anyone else; however, the county has grown with a lot of neighborhoods that didn't exist 15 years ago - the county has become an extension of the city. Another consideration is for those going to bed early on Saturday night to attend church on Sunday morning.

President Byers said he is not a big fan of the County becoming a "big brother" but there are a lot of people who do not respect their neighbors.

Auditor Weston recorded the vote;

Byers	Yes
Knochel	No
Murtaugh	Yes

Ordinance 2013-25-CM passed 2-0 on first reading.

President Byers said the second reading will take place at the next Commissioners meeting on August 19; they will review the Ordinance and decide if changes are needed. Commissioner Knochel said the Commissioners will continue to take input prior to the meeting.

SECOND AMENDMENT TO JOINT ECONOMIC DEVELOPMENT AGREEMENT BETWEEN CITY OF LAFAYETTE AND TIPPECANOE COUNTY (*Southeast Industrial TIF projects*)

Attorney Masson said there is currently a joint economic development agreement between the County and the City of Lafayette. This agreement amends the projects to remove some which are completed and add other projects related to the McCarty Lane southeast industrial expansion economic development area. The City of Lafayette is also completing the process.

- Commissioner Murtaugh moved to approve the second amendment to the Joint Economic Development Agreement between the City of Lafayette and Tippecanoe County, second by Commissioner Knochel; motion carried.

***RESOLUTION 2013-21-CM* – Modifying the Economic Development Income Tax Capital Improvement Plan**

Attorney Masson said the Resolution amends the County Economic Development Income Tax Capital Improvement Plan to permit early payment on the jail lease. The amendment states the project will provide funding for pre-payment of rent to the Tippecanoe County Governmental Building Corporation pursuant to the Lease Agreement between the County and the County Governmental Building Corporation in subsequent years in order to effect reductions in EDIT tax rates required to fund scheduled rental payments. The Resolution provides for early payment of $500,000.

- Commissioner Knochel moved to approve Resolution 2013-21-CM as presented, second by Commissioner Murtaugh; motion carried.

***RESOLUTION 2013-23-CM* – Establishing Health Self-Insurance Rainy Day Fund**

Attorney Masson said the Resolution establishes the Health Self-Insurance Rainy Day Fund to assure sufficient funds are available to pay for health insurance costs for County employees. Auditor Weston said the Resolution calls for the interest to go to the General Fund.

- Commissioner Knochel moved to approve Resolution 2013-23-CM as presented, second by Commissioner Murtaugh; motion carried.

BUILDING COMMISSION – Ken Brown
Unsafe Structures:
10111 Strong Avenue, Colburn
9028 Yorktown Street, Stockwell

Building Commissioner Brown provided the Commissioners with pictures of the property at 10111 Strong Avenue in Colburn, saying he has dealt with the property owners for approximately six years. The property has been cited as a junk yard several times and the house is in disrepair. The structure was family owned but has been sold more than once to investment companies. Currently, it is owned by TNH Investment Properties, LLC in Zionsville, Indiana. The house was boarded up by the previous investment company with an agreement that it was a temporary measure; promises were made to sell it or fix it up. The front door is open; it was once boarded up but plywood has been removed. There has been activity inside the house and the house presents the opportunity for unsafe or illegal activity by County definition. The yard is overgrown with at least six foot tall weeds and grass. Animals live inside the house and the house is strewn with trash and household goods. Boarding the house up again is not the answer as it will be broken into again.

Commissioner Brown said he would like a final notice to be sent from the attorney to the investment corporation, with a firm deadline of 30 days. Demolition would be the next step, if necessary. If demolition is necessary, Commissioner Brown will request funds from the Council.

- Commissioner Knochel moved to authorize the County attorney to contact the investment firm, giving them a 30 day deadline, second by Commissioner Murtaugh; motion carried.

Building Commissioner Brown provided pictures of the property located at 9028 Yorktown Street in Stockwell and said it was an old filling station years ago. The structure is owned by Joe Wilbur. Commissioner Brown said he has had many agreements with Mr. Wilber over the past five years regarding getting the building in shape; there has not been much progress. At times, there has been a family of sick cats living in the structure. The front door is slightly ajar and animals are getting in. The roof has caved in and the building is no longer weather tight. There is a junk truck in front. Mr. Wilber was issued a building permit to repair the roof; the permit expired after two years with very little repairs. A second building permit was issued with an agreement of immediate action, or no longer than six months, to make the building weather tight; it is still not weather tight. There is debris inside the house from the roof cave in. Commissioner Brown said the building is not ready to fall down and the doors are currently locked; however, if someone gained entry, it would pose a life safety issue. If the building doesn't get fixed within the next year, it will meet the definition of unsafe. At that point, demolition will be pursued as a possibility.

Joe Wilbur said Mr. Brown has been very fair with him through the years. His main issue is monetary. He also has a house in Lafayette in disrepair with an October 11 deadline for repairs. Once those repairs are completed, he plans to totally concentrate on the Stockwell building. He plans to do body work in the building when finished. The vehicle in the front will be removed this week and he will comply with Mr. Brown's other requests to the best of his ability.

Bill Easterbrook said he and his daughter own the property adjacent to Mr. Wilbur's property. When pouring a sidewalk for his property, the cement truck depressed the ground and revealed some oil residue. In talking to a person who previously ran the filling station, he was told there are two tanks that were never dug up; one of which was used to dump used oil in. He said the property is an environmental concern. Also, animals do get into the house; there are several upper windows in the back where birds go in and out. Mr. Easterbrook said his concern is the buried oil tank as it is on the property owned by him and his daughter. Commissioner Knochel said the issue is a legal issue; not a County issue.

Joe Wilbur said the oil tank on the south side of the building was removed approximately fifteen years ago. There are gas tanks from the previous owners. He stated he will board up the building to keep animals out. He has owned the property since 1983 or 1984. He will repair the roof as soon as possible following the completion of the Lafayette house. He will try to work on the Stockwell property at every opportunity and complete the requested repairs in six months. This week, he will make repairs to the broken door and open windows, and also remove the truck.

- Commissioner Knochel moved to approve the work be completed as stated and also review the status of the repairs at the December 16, 2013 Commissioner meeting, second by Commissioner Murtaugh; motion carried.

VETERANS SERVICES – Randy Fairchild
Driver Agreement

Veterans Services Director Fairchild presented a Professional Transportation Services Agreement requesting approval for a new driver, Stan Wanner.

- Commissioner Knochel moved to approve the agreement as presented, second by Commissioner Murtaugh; motion carried.

GRANTS – Laurie Wilson

Permission to Accept Grant

Grant Facilitator Wilson requested permission to accept a grant for Court Services in the amount of $11,278 from the Drug Free Coalition for Prime for Life workbooks and instructors. It is a continuation grant.

- Commissioner Knochel moved to approve acceptance of the grant as presented, second by Commissioner Murtaugh; motion carried.

Permission to Apply for Grant

Grant Facilitator Wilson requested permission to apply for a grant for the Health Department in the amount of $72,672 from the Indiana State Department of Health for the Local Health Maintenance Fund. It is a continuation grant.

- Commissioner Knochel moved to approve permission to apply for the grant as presented, second by Commissioner Murtaugh; motion carried.

MOU/Contract

Grant Facilitator Wilson presented a contract for the Health Department. The contract is for Pauline Shen in the amount of $20,000 for the Epidemiologist agreement. Pauline Shen compiles statistics and completes reports for the Health Department.

- Commissioner Knochel moved to approve the contract as presented, second by Commissioner Murtaugh; motion carried.

AUDITOR – Jennifer Weston
Homestead Deduction Form Scanning

Auditor Weston said a proposal was approved a few months ago to scan and index the pink homestead verification forms. The project is complete and she is happy with the company. She requested approval to proceed with having the original homestead application forms scanned, indexed, and microfilmed, allowing disposal of those forms. The proposal is on a per piece basis; the project is estimated to cost $16,000.

- Commissioner Knochel moved to approve the scanning agreement as presented, second by Commissioner Murtaugh; motion carried.

MITS – Dave Sturgeon
ONESolution Upgrade Contract (HTE)

MITS CIO Sturgeon said the ONESolution contract is an update of the financial package, Naviline/HTE. A huge discount was received from the company as they provided a "rapid migration plan" - a direct upgrade from the same company. The County is not paying for the software, a savings of approximately $250,000. What the County is paying for is the professional services to do the migration and some third party licensing. Auditor Weston said the annual maintenance is lower and the chart of accounts currently used has limited capabilities. The new system is much more flexible allows compliance with State Board of Accounts uniform chart of accounts, which is mandated.

- Commissioner Knochel moved to approve the ONESolution upgrade contract as presented, second by Commissioner Murtaugh; motion carried.

MITS – Mark Ehle
Updated GIS Website Demonstration

GIS Administrator Ehle presented a projected demonstration of GIS data search capabilities with the latest updated application, Silverlight. Two people have been testing the new website; it is more user-friendly with more guidance than prior sites. He answered questions and displayed various screens. The mobile version does not currently have the tool bar or as many tools but otherwise is the same. He has not received any negative feedback and plans to hold a public training session within the next week.

APPLICATION TO VILLA

- Commissioner Knochel moved to approve an application to the Villa for Carl Matthew Greenwood, second by Commissioner Murtaugh; motion carried.

APPOINTMENTS TO COMMON CONSTRUCTION WAGE COMMITTEE

- Commissioner Knochel moved to approve the appointment of Zach Beasley, Frank Cederquist, and Mike Spencer to the Common Construction Wage Committee for Bridge #141-CR 100N and S W Elliott Ditch Reconstruction, second by Commissioner Murtaugh; motion carried.

UNFINISHED/NEW BUSINESS

President Byers said the quotes received for the foyer vestibule were between $6,566 and $9,450; the estimate was $11,560.

REPORTS ON FILE

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

State Board of Accounts
Treasurer
Clerk
Parks and Recreation
Public Library
Crystal Creek Boarding Kennel
Central Mail and Duplicating

PUBLIC COMMENT

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

Meeting adjourned at 11:13 a.m.

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

David S. Byers, President

John L. Knochel, Vice President

Thomas P. Murtaugh, Member

ATTEST:

Jennifer Weston, Auditor 08/19/2013

/th