

DRAINAGE BOARD MEETING:

July 17, 2013

President Clarence Hensley called the meeting to order. Present at the meeting were the following:

Clarence Hensley, President
Charles Whitehair, Member
William Whitehead, Member
Phil Taylor, County Surveyor
Stan Willis, Chief Deputy-County Surveyor
Jake Dunnuck, Board Attorney
Cindy Harty, Recording Secretary

Mr. Hensley opened the meeting by welcoming the audience and inviting them to participate in the pledge of allegiance.

APPROVAL OF THE MINUTES:

Mr. Hensley entertains a motion for the approval of the June 17, 2013 Drainage Board minutes. Mr. Whitehead moved for approval. Mr. Whitehair seconded the motion. **Motion passes 3-0.**

OLD BUSINESS:

Mr. Taylor reintroduced the Jim Swingley/Current Ditch project to the Board. Mr. Taylor

informed the Board that the Board gave their approval at July's meeting for the county to purchase the pipe and Mr. Swingley to install the pipe on the ditch on his property, the Current Ditch. Mr. Taylor stated that the agreement needs to be signed by all parties. Mr. Taylor assured the Board he will try to get it signed either today or tomorrow. Furthermore, Mr. Taylor stated that once the written agreement is signed, the project can begin.

Mr. Hensley questioned Mr. Dunnuck about his approval of the written agreement. Mr. Taylor stated that Mr. Dunnuck has already approved the agreement and asked Mr. Dunnuck to speak on the subject.

Mr. Dunnuck stated that he has worked with the Surveyor's Office and has read over the agreement. Mr. Dunnuck stated that he did modify the agreement a few times, and now the agreement addressed all of the concerns that he had on certain issues. Furthermore, Mr. Dunnuck stated that as the agreement is written, it has his approval. Mr. Hensley inquired if the county will be reimbursed for this project. Mr. Taylor stated that the county is purchasing the pipe and Mr. Swingley is doing the labor himself.

Mr. Dunnuck stated they do not need a motion or to vote on this since it was approved in June. Mr. Dunnuck further stated that he just wanted to see the actual contract between the parties before they moved forward with signing. Mr. Dunnuck stated that a couple of things were added to the contract that addressed the liability concerns that he had, so it meets his approval as written.

CARRINGTON WOODS PROJECT

Mr. Dunnuck stated that he would like to discuss the Carrington Woods project because he had some concerns about the project. Mr. Dunnuck stated that the last time this issue came before the Board, they discussed only the repair of one sinkhole, and there were concerns raised as to jurisdiction of the drain, and if it actually belonged to the Sanitary District or Drainage Board. Furthermore, Mr. Dunnuck stated that he does not know the actual status of the project or if the county began the work or authorized the work, but he would like the Board to be aware of all issues before they decide to proceed with the project. Mr. Dunnuck stated there might be some new information on the project, and would like the Board to hear the Surveyor's report before they consider any decision to proceed because of the cost estimate of repair. Furthermore, Mr. Dunnuck stated that the project seems to have grown more in proportion than they initially thought, and it might involve third parties and possible collection issues. Mr. Dunnuck stated he

believes the Surveyor has indicated that he had record of the issues and detailed findings, which may be considered today or once the full Board is present.

Mr. Taylor stated that the issue started when the woman with the sinkhole, Julie Anderson, contacted his office. Mr. Taylor informed the Board of the history of the sinkhole, as follows:

Ms. Anderson originally telephoned the Muncie Sanitary District, who came to her property several times and ran their cameras through the pipe; but the Muncie Sanitary District could not figure out where the problem was. Ms. Anderson then telephoned the Delaware County Surveyor's Office and was told, "The county does not have a legal drain going through that area". Mr. Taylor stated that he contacted Commissioners King and Bledsoe and informed them of the situation, and told them they needed to do something to help Ms. Anderson. Mr. Taylor stated that he assumed Commissioners Bledsoe and King went to Bill Smith of the Muncie Sanitary District, but after that time, the Surveyor's Office received the go ahead from the Commissioners to proceed with the repair. Mr. Taylor stated that it was his understanding that the county would be reimbursed by the Muncie Sanitary District for the repair. Furthermore, Mr. Taylor stated that the county proceeded with the repair as instructed by the County Commissioners. Mr. Taylor stated it has turned into a larger project because of the shoddy work that was done when the original pipe was installed.

Mr. Dunnuck inquires as to the causation of the sinkhole, and asked if it had anything to do with the Muncie Sanitary District's pipe. Mr. Taylor stated that it has everything to do with the Muncie Sanitary District. Mr. Taylor stated that the sewer and the storm sewer pipes run parallel through the backyard within 12-feet of each other. Mr. Taylor further stated that they were at the location this morning, and found that the pipes, which should be put together male-to-female, have been installed male-to-male and female-to-female. Mr. Dunnuck asks Mr. Taylor, "they meaning whom?" Mr. Taylor stated that whoever installed the original pipes, and he does not know if it is the Muncie Sanitary District or the builders of Carrington Condos. Mr. Taylor stated that if it is the builders, that would be Charlie Staton, Jerry Highley, and the Bookouts.

Mr. Dunnuck asks if by constructing the drains this way were they aware that the underlining debris in the hole is the cause of the sinkhole. Stan Willis stated that no, whoever put it in originally did not do it the correct way. Mr. Dunnuck stated that he is trying to understand what significance all the concrete debris that is buried in that location has on the sinkhole. Mr. Willis stated that is just called "contractors being lazy and having a place to dump the debris". Mr. Dunnuck asked if that promoted the cause of the sinkhole. Mr. Willis stated that maybe a little. Mr. Dunnuck asked if the pipe was leaking. Mr. Willis stated that it has sunken. Mr. Willis explained that when the tiles were put in it should have been done a certain way, and it was not.

Mr. Willis explained the installation as follows: The proper way to install the pipe is that gravel is put down, then the base, the pipe is placed, and then you put gravel on top. He stated because they did not install the pipe as explained the pipe is sinking. Mr. Dunnuck asked who is in charge of the maintenance of this pipe. Mr. Willis stated that Mr. Dunnuck is the attorney. Mr. Dunnuck asked whether it was approved in any minutes that the county assume jurisdiction over maintaining this pipe. Mr. Taylor stated no, the county has no pipe in that area. Mr. Taylor stated that he was trying to resolve Ms. Anderson's problems, and does not understand why the Sanitary District did not want to do the work. Mr. Dunnuck stated that maybe the Muncie Sanitary District was unaware of the problem. Mr. Taylor stated that the Sanitary District had run their camera through the pipe; they knew there were problems, for whatever reason they did not want to do anything with this project. Cindy Harty, Board Secretary stated that yes the Board did accept the drains in Carrington Woods Addition in 2005 as part of the legal drainage system, but not the condominium area. Ms. Harty stated that the entire pipe in the condominium area is stormwater and sewage, which the Surveyor does not maintain. Furthermore, Ms. Harty stated that the county regulated drains do not consist of sewage or stormwater drains.

Mr. Dunnuck stated that as eager as we are to help Ms. Anderson, are we overlooking who is responsible for fixing the problem. Mr. Dunnuck stated that it sounds like the Muncie Sanitary District should be the responsible party. Mr. Taylor stated that is why he went to the Commissioners and they gave him permission to proceed with the repair. Mr. Taylor stated that it was his understanding that the county would fix and pay for it, and then the Muncie Sanitary District would reimburse the Drainage Board for the costs of the repairs. Mr. Dunnuck asked if the Surveyor has a remote guess of what the cost will be. Mr. Taylor stated not at this time because of the exploratory work that has been done. Mr. Taylor further explained that the contractor continues to have further problems because the original pipe is so messed up. Mr. Taylor stated that the resident of the first home of the Carrington Condos, has put in a sunroom on the back of their home, and he believes the 24-inch pipe runs beneath the sunroom.

Mr. Dunnuck stated that given the variables involved and not having a definitive damage cost or a variable of causation, he is not so confident in expecting the Muncie Sanitary District to reimburse once the county has paid for it. Mr. Dunnuck and Mr. Hensley agree that those are their thoughts. Mr. Dunnuck further stated that he is not so sure the Commissioners have a full understanding of the issue. Furthermore, Mr. Dunnuck stated that he cannot imagine proceeding on a vote on this issue without a written report to the Board. Mr. Dunnuck stated maybe he is just being overly cautious, but feels like they are opening up Pandora's Box. Mr. Hensley stated that he feels they should have a written agreement with the Sanitary District if they are going to assume the debt.

Mr. Taylor reiterates that he has spoken with Commissioners King and Bledsoe who gave their approval for him to proceed with the repair.

Stan Willis questioned whether Mr. Dunnuck had seen the so-called “contract”. Mr. Dunnuck stated yes. Mr. Dunnuck stated that this problem just keeps getting bigger and bigger. Mr. Willis stated that yes it had been from the word go. Mr. Dunnuck stated he is echoing Mr. Hensley’s sentiment that a written report and an agreement would be necessary before they proceed. Mr. Hensley stated that they have already proceeded, and Mr. Dunnuck stated that he thought it was only being investigated at this point. Mr. Taylor, Mr. Willis and the Board’s Secretary informed Mr. Dunnuck that it is being fixed now. Mr. Dunnuck stated he was unaware of that. Mr. Willis stated he was told by Ms. Harty last week that Mr. Dunnuck or one of the Commissioners called and said to proceed. Ms. Harty stated that Mr. Dunnuck came to the office and told her that. Mr. Hensley asked if the job is complete and Mr. Taylor stated not at this time. Mr. Dunnuck stated that it sounds like it will get bigger and bigger. Mr. Taylor stated that where they are working today, they will have approximately five more sticks to install which is approximately 150 to 200 feet, and Mr. Willis agreed. Mr. Willis stated that 250 feet was manhole to manhole, and the contractor has completed approximately half.

Ms. Harty questioned Mr. Dunnuck about the billing for reimbursement to the City of Muncie, and asks if the Surveyor’s office will do the billing. Mr. Dunnuck stated that the Surveyor’s office can try. Mr. Taylor stated that he does not foresee a problem. Mr. Taylor stated that if he has to get the Commissioners to go to Mayor Tyler and tell him what has happened, they will be reimbursed for this project. Mr. Dunnuck wants to know if they have created, some documentary evidence of what Delaware County feels is the problem? Mr. Willis and Mr. Taylor state they have taken pictures of the before and during, and will have after pictures after the work is completed. Mr. Willis stated they will have a folder full, and Mr. Taylor agreed it would look like a Sears & Roebuck catalogue. Mr. Dunnuck stated that he was there to voice his concerns and wonders whom will be stuck with the ticket.

Mr. Taylor stated he just wanted everyone to be aware of what is going on with the project, but would not have done anything without the blessing of the Commissioners. Furthermore, Mr. Taylor stated that he received the go-ahead from the Commissioners, or he would not have done the repairs. Mr. Taylor stated that Julie Anderson had spoken with Commissioners, King and Bledsoe, about the problem and that is when they gave him the okay to proceed with the repairs.

NEW BUSINESS:

No New Business presented to the Board.

MAINTENANCE CLAIMS:

Mr. Hensley entertains a motion to approve the maintenance claims as submitted. **Mr. Whitehead** moves to approve the claims. **Mr. Whitehair** seconds the motion. **Motion passes 3-0.**

ADJOURNMENT:

The meeting adjourned at 1:17 p.m.

Clarence Hensley, President

Charles Whitehair, Member

William Whitehead, Member

Cindy Harty, Recording Secretary