

# REGULAR DRAINAGE BOARD MEETING:

**June 16, 2014**

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

Clarence Hensley, President  
John Landers, Vice President  
Larry Bledsoe, Member  
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 May 19, 2014 Drainage Board minutes. Mr. Whitehead moved for approval. Mr. Bledsoe seconded the motion. **Motion passes 5-0.**

## **OLD BUSINESS:**

### *Pate-Shoemaker Reconstruction*

**Mr. Taylor** advised the Board that the Pate-Shoemaker Reconstruction project is being engineered by Christopher Burke Engineering. Mr. Taylor stated that the Pate-Shoemaker Ditch is located on Highway 67 and County Road 700 West. Mr. Taylor stated that Christopher Burke is designing a dual-tile system through that area at an additional cost of \$7,690.00. Mr. Taylor stated that Christopher Burke Engineering is doing an excellent job on this project and on the other reconstruction projects they are handling. Mr. Taylor recommended that the Board approve this amendment for the additional costs.

**Mr. Whitehead** moved for approval. Mr. Bledsoe seconded. **Motion passes 5-0.**

*Delaware County's Shell Building  
(Heath Industrial Trib.)*

**Mr. Taylor** explained to the Board that the shell building is located at Fuson Road and Delaware Drive, in the Industrial Park off Highway 67 South. Mr. Taylor stated that Travis Gaither appeared last month, and there was a question about the owner of the building assuming the responsibility for the ditch located on the property. Mr. Taylor stated that Brad Bookout had James Williams, attorney at Law, look up the law on that subject. Mr. Taylor read Mr. Williams response, as follows: "This is consistent with standard practice. A formal agreement is not needed as this suggests that the issue is open to negotiation." Furthermore, Mr. Taylor stated the response stated that anytime on a spec or shell building, it is an automatic, that whoever puts it up is responsible for the ditch, tile or drain in that area. Mr. Taylor stated since reading the correspondence he does not believe there is a need for an agreement.

**Mr. Hensley** entertains a motion. Mr. Bledsoe questioned whether they needed a motion since the Board is not doing anything on the matter. Mr. Hensley stated he believes it should be entered on the record.

**Cindy Harty, Board Secretary**, stated that at last month's meeting Travis Gaither was asked to provide the Board with an agreement in writing for the owners of the shell building to be responsible for maintaining the ditch.

**Mr. Bledsoe** moved that the new owner of the shell building understand that they will be responsible for the maintenance of that ditch. Mr. Taylor stated that the Board should have something in writing stating, "The owners would maintain the ditch as long as they own the property." Mr. Taylor stated this would protect the county. Furthermore, Mr. Taylor stated it is his understanding from reading the document from Mr. Williams, that if the property sold and passes to another owner, the current owner would maintain the ditch for the life of the building.

**Mr. Dunnuck** stated that at a bare minimum the Delaware Advancement Corporation per James Williams, their attorney, would be responsible for all maintenance responsibilities for that drain running on that property, along with any future owners. Mr. Dunnuck stated that whatever motion the Board would like to make is fine, but recommends that the Board's minutes reflect the communication, which came from Delaware Advancement Corporation's attorney, James Williams, that stated that all maintenance be the responsibility of said Delaware Advancement Corporation. Mr. Dunnuck stated that no matter what the Board decided, the Board would have the minutes to fall back on.

**Mr. Bledsoe** makes a motion to clarify that the Board would enter into their minutes that the maintenance responsibility for the legal drain at the shell building location would be the responsibility of the owners of the property. Mr. Landers seconded. **Motion passes 5-0.**

*Billings from Randall Miller & Associates*

**Mr. Taylor** stated that they have received two (2) statements from Randall Miller & Associates, who the Board signed a contract with for work on the Truitt Ditch Reconstruction and the

Applegate Ditch Reconstruction. Mr. Taylor stated the billings are as follows: Truitt Ditch Reconstruction in the sum of \$8,500.00, and the Applegate Ditch Reconstruction in the sum of \$20,200.00. Mr. Taylor stated that he has spoken with Mr. Dunnuck concerning the statements, and Mr. Dunnuck advised that since the county signed an agreement with Miller & Associates, the billings should be paid. Mr. Taylor recommended the Board approve the billings, and then the county can be done with Miller & Associates.

**Mr. Hensley** entertains a motion to pay the billings from Randall Miller & Associates. Mr. Bledsoe so moved. Mr. Whitehead seconded. **Motion passes 5-0.**

## **NEW BUSINESS:**

### *Approval of the Drainage Board Budget for 2015*

**Mr. Bledsoe** makes a motion for the approval of the Drainage Board 2015 Budget, which is the same as 2014. Mr. Landers seconded the motion. **Motion passes 5-0.**

## **MAINTENANCE CLAIMS:**

**Mr. Hensley** entertains a motion to approve the maintenance claims as submitted. Mr. Bledsoe so moved. Mr. Whitehair seconded the motion. **Motion passes 5-0.**

## **ADJOURNMENT:**

The meeting adjourned at 1:09 p.m.

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Clarence Hensley, President

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John Landers, Vice President

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Larry Bledsoe, Member

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Charles Whitehair, Member

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William Whitehead, Member

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Cindy Harty, Recording Secretary