

**DELAWARE COUNTY COMMISSIONER'S MEETING
MONDAY, OCTOBER 17, 2016 @ 9:00 A.M.
ROOM 309 A, 100 WEST MAIN STREET
MUNCIE, IN 47305
CALL TO ORDER
PLEDGE TO FLAG
ROLL CALL**

Mr. Shannon Henry
Mr. James King
Ms. Sherry Riggin
Auditor, Steven G. Craycraft

**TABLED BUSINESS
AGREEMENT TO PROVIDE MANAGEMENT SERVICES
FOR JUVENILE DETENTION CENTER**

Mr. John Brooke, Delaware County Attorney, presented the Juvenile Detention Center agreement. Mr. Brooke reviewed the contract.

MOTION: Commissioner Riggin made a motion to approve the agreement with Juvenile Detention Center.

SECOND: Commissioner King

MOTION PASSED UNANIMOUSLY

 **ORIGINAL**

**AGREEMENT TO PROVIDE MANAGEMENT SERVICES
FOR JUVENILE DETENTION CENTER**

This Agreement to Provide Management Services is being entered into this this 17 day of October, 2016, by and between the Youth Opportunity Center, Inc. ("YOC"), an Indiana non-profit corporation, located at 3700 W. Kilgore Avenue, Muncie, Indiana, and Delaware County, a political subdivision of the State of Indiana, located at 100 W. Main Street, Muncie, Indiana, acting by and through its Board of County Commissioners ("County").

Reasons for Agreement

- A. The County is required to provide a juvenile detention facility and services for its residents.
- B. The YOC currently operates a juvenile facility in Delaware County and can extend its operation to include juvenile detention services as required under Indiana law.
- C. The County acquired from the YOC real estate upon which the County built a juvenile detention center, and the real estate on which the building is located is now owned by Delaware County and by the YOC. The YOC has and will continue to improve the juvenile detention center, and through its sole investment, expanded the capacity of the juvenile detention center with an additional gymnasium and twenty (20) additional beds.
- D. The YOC is willing to provide to the County services needed to manage and operate a juvenile detention facility.

Agreement

NOW, THEREFORE, the parties agree as follows:

1. Services to be provided by YOC. During the term of this Agreement, the YOC agrees to provide to the County all other services currently required by law and by 210 IAC 6, which contains the Juvenile Detention Standards. If the laws and/or regulations materially change, the parties agree to renegotiate with respect to any changes necessary to this Agreement as a result of such changes. The YOC shall employ sufficient personnel with adequate training and experience for the performance of the services hereunder.
2. Compensation to YOC. The County will pay to the YOC the annual sum of Five Hundred Fifty Thousand Dollars (\$550,000.00), payable monthly in advance at the rate of Forty Five Thousand Eight Hundred Thirty Three and 33/100 Dollars (\$45,833.33), on or before the first day of each month commencing January 1, 2017. Each year during the term of this Agreement, or any extension of this

Agreement to Provide Management Services
for Juvenile Services Center
Page 1.

APPROVAL OF MINUTES

MOTION: Commissioner King made a motion to approve the minutes for October 3, 2016.

SECOND: Commissioner Riffin

MOTION PASSED UNANIMOUSLY

Commissioners October 17, 2016

**CONTRACTS OR AGREEMENTS FOR APPROVAL
IN DEPART OF TRANSPORTATION
LOCAL PUBLIC AGENCY PROJECT COORDINATION CONTRACT
EDS #: A249-17-L160156, DES. NO.: 0900990, CFDA NO.: 20.205**

President Henry presented the INDOT contract for bridge 419 east.

Mr. Brooke reviewed the contract.

MOTION: Commissioner King made a motion to approve the INDOT contract for bridge 419 east.

SECOND: Commissioner Riffin

MOTION PASSED UNANIMOUSLY

Version 2-11-2016

**INDIANA DEPARTMENT OF TRANSPORTATION - LOCAL PUBLIC AGENCY
PROJECT COORDINATION CONTRACT**

**EDS #: A249-17-L160156
Des. No.: 0900990
CFDA No.: 20.205**

 **ORIGINAL**

This Contract is made and entered into effective as of the date of the Indiana Attorney General signature affixed to this Contract, by and between the State of Indiana, acting by and through the Indiana Department of Transportation, (hereinafter referred to as INDOT), and Delaware County, a local public agency in the State of Indiana (hereinafter referred to as the LPA), and collectively referred to as the PARTIES.

NOTICE TO PARTIES

Whenever any notice, statement or other communication is required under this Contract, it shall be sent to the following address, unless otherwise specifically advised.

- A. Notice to INDOT, regarding contract provisions shall be sent to:

Office of LPA and Grant Administration
Attention: Director of LPA and Grant Administration
100 North Senate Avenue, Room N955
Indianapolis, Indiana 46204

With a copy to:

Chief Legal Counsel and Deputy Commissioner
Indiana Department of Transportation
100 North Senate Avenue, Room N758
Indianapolis, Indiana 46204

- B. Notices to INDOT regarding project management shall be sent to respective District Office:

Greenfield District Office
32 South Broadway
Greenfield, Indiana 46140

- C. Notices to the LPA shall be sent to:

Delaware County Board of Commissioners
100 West Main Street
Muncie, Indiana 47305

RECITALS

WHEREAS, the LPA has applied to INDOT, and INDOT has approved the LPA's application to receive federal funds for the Project described in Attachment A, and

WHEREAS, the LPA agrees to pay its share of the Project cost as stated in this Contract, and

CITY/COUNTY UTILITY REIMBURSEMENT AGREEMENT (WORK IN CONTRACT)

President Henry said the contractor will place strapping on the bridge at no cost. This is total reimbursement for the work being done by Vectren.

MOTION: Commissioner King made a motion to approve the City/County utility reimbursement Vectren agreement.

SECOND: Commissioner Riggin

MOTION PASSED UNANIMOUSLY

CITY/COUNTY UTILITY REIMBURSEMENT AGREEMENT
(Work In Contract)

 **ORIGINAL**

Agreement Amount \$51,324.41 Des No. 1382332
 Agreement Type Reimbursable Project Project No. _____
 Work Description Gas Relocation for a Road Tillotson Ave.
Bridge Reconstruction County Delaware

THIS AGREEMENT, made and entered into this _____ day of _____

2016, by and between Vectren Energy
 (hereinafter referred to as the "Utility"), and Delaware County

Indiana acting by and through its appropriate elected official, (hereinafter referred to as the "Local Public Agency" or "LPA").

WITNESSETH:

WHEREAS, the LPA desires to improve and/or maintain the condition of the above referenced road and has determined that the construction designated by the above project number (hereinafter referred to as the "project") is necessary for the improvement and/or maintenance of the roadway;

WHEREAS, the State of Indiana, through the Indiana Department of Transportation, (hereinafter referred to as "INDOT") has agreed to recommend approval of this project to the Federal Highway Administration for construction with funds apportioned to the State under Title 23, United States Code and Acts amendatory thereof and supplementary thereto;

WHEREAS, INDOT will advertise for bids for construction of the project, award the contract, and act as liaison agent for the LPA with the Federal Highway Administration. The LPA will supervise the construction of the project.

WHEREAS, the project will require certain adjustments, removals, alterations and/or relocations of the existing facilities of the Utility as shown on the plan marked Exhibit "A", attached hereto and incorporated by reference;

ORDINANCES FOR FIRST READING

**BEING AN ORDINANCE TO AMEND THE
DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE
ORDINANCE NO. 2016-017
BEING AN ORDINANCE TO AMEND THE
DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE
ORDINANCE NO. 2016-017**

Ms. Marta Moody, Director for Plan Commission, presented Ordinance 2016-017. This request is to rezone the parcel from residential to Variety Business. This property is vacant. The Plan Commission gave a favorable recommendation of 6-0.

Mr. Don McClellan (applicant) stated he purchased and cleaned the property including stripping the brush. Mr. McClellan requested the rezoning to put a car lot on the vacant parcel.

Ms. Carol Gregory and Mr. Wally Gregory stated concerns about the lighting, increase of traffic, taxes going up and value of the property being devalued.

Mr. Tom Barlow said he is 100 yards from the location that the car lot would be. There is an ongoing drainage problem with serious back-up. Pictures were presented to the Commissioners.

Mr. Terry Evans stated he is concerned with the water and drainage problems and flooding of his back yard. He has already placed tile on the property and talked to the county about this. Water runoff even without more concrete is terrible.

Mr. McClellan said Mr. Jason Miller, RMA, has addressed the water issue. Mr. McClellan said this is a good location and there is an existing entrance but a permit would be needed for the driveway from INDOT.

Mr. Evans said the drain is not draining.

Ms. Moody said, in response to questions, lighting has to be shielded and the site plan shows detention basins but there is not a detailed drainage plan. A drainage study and permit will be required and the capacity of the outlet can affect the detention required.

Mr. Brandon Sanders, representing Mr. Jason Miller, said standards and retention ordinances would apply to the property. The basins will control the water runoff and will reduce the runoff or have the same discharge as it does now.

MOTION: Commissioner King made a motion to approve Ordinance 2016-017, being an Ordinance to Amend the Delaware County Comprehensive Zoning Ordinance.

SECOND: Commissioner Riffin

MOTION PASSED UNANIMOUSLY

ORDINANCE NO. 2016-017BEING AN ORDINANCE TO AMEND
THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE

WHEREAS, the State enabling act for planning and zoning empowers the Board of County Commissioners of Delaware County, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to the said ordinance as the need arises; and

WHEREAS, the Board of County Commissioners of Delaware County, Indiana has given reasonable regard to the Comprehensive Plan; current conditions and the character of current structures and uses in each district; the most desirable use for which land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, INDIANA, as follows:

Section 1. That the Delaware County Comprehensive Zoning Ordinance, theretofore adopted by the Board of County Commissioners of Delaware County, Indiana, on the 11th day of December, 1973, be amended, changed and supplemented so as to include in the BV Variety Business Zone the following described real estate located in Delaware County, Indiana, to wit:

Lots One (1) through Twelve (12) in Meredith's First Addition to Hyde Park, Delaware County, Indiana

Section 2. That no structures shall be placed on said lot or parcel of land except in compliance with the Delaware County Comprehensive Zoning Ordinance of Delaware County, Indiana.

Section 3. That this Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners of Delaware County, Indiana.

Section 4. That this Ordinance is adopted this 17 day of October, 2016.


BOARD OF COUNTY COMMISSIONERS
DELAWARE COUNTY, INDIANA


Shannon Henry, President


James King, Vice President


Sherry Riggan, Member

ATTEST:


Steven G. Craycraft, Auditor

RESOLUTIONS FOR APPROVAL

RESOLUTION TO ASSIGN TAX SALE CERTIFICATES FROM DELAWARE COUNTY TO THE CITY OF MUNCIE REDEVELOPMENT COMMISSION

RESOLUTION 2016-020

Mr. Zane Bishop, Residential Coordinator for Redevelopment Commission, presented properties for “Hardest Hit Funds. Mr. Bishop requested the attached properties (see below). No properties have been demolished since Delaware County turned the certificates over. Eleven properties will begin demolition soon. The procedures and process must be followed by the State and this takes time. Mr. Bishop said the State is working with the city and they are not going to lose funding. After demolition, Bishop will update the Commissioners.

Commissioner King said the State gave over \$4,000,000, 3 or 4 years ago and 100 properties have been given to Muncie Redevelopment. The newspaper has questioned rather or not the houses have been demolished. King said these properties need to get back on the tax roll.

President Henry agreed with Commissioner King.

Ms. Janet Kesler, Tax Sale Specialist, said they have requested over 200 properties and recently 100 have been taken to deed.

Mr. Brooke said they are tax sale certificates so nothing can happen during the redemption period.

The Tax Sale is October 25, 2016. If the Resolution is tabled then these properties would go into Tax Sale.

MOTION: Commissioner Riggan made a motion to approve Resolution 2016-020, A Resolution to Assign Tax Sale Certificates from Delaware County to the City of Muncie Redevelopment Commission.

SECOND: Commissioner King

MOTION PASSED UNANIMOUSLY

President Henry requested a progress report.

RESOLUTION

2016-026

 ORIGINALRESOLUTION TO ASSIGN TAX SALE CERTIFICATES
FROM DELAWARE COUNTY TO THE CITY OF MUNCIE REDEVELOPMENT
COMMISSION


WHEREAS, there are properties in the City of Muncie that are delinquent in the payment of property taxes and have been offered for tax sale and received no bids equal to or in excess of minimum sale prices; and

WHEREAS, the Commissioners may assign such properties to the Muncie Redevelopment Corporation, subject to its acceptance of such properties;

WHEREAS, by so doing, such properties will be improved and blight reduced, and used for the betterment of the neighborhood; said properties being as stated in Exhibit A:

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of Delaware County that the Commissioners shall assign such properties to the Muncie Redevelopment Corporation subject to acceptance by the MRC of such properties. If not accepted, these properties shall be returned to the next available tax sale.

Passed and adopted by the Commissioners on the 17 day of October, 2016.


Shannon Henry, President
Sherry Riffin
James King

ATTEST:


Steven Craycraft, Auditor

Exhibit A

*125 West 5th Street**#18,768*

Parcel ID	CURRENT OWNER	Address	Cert #	Delinquent Taxes
18-11-17-404-011.000-003	CRABTREE RONNIE L AND TRUDY A	2400 W 7	181501061	\$ 2,402.70
18-11-22-204-011.000-003	WRIETSEL HARRY EDWARD PAUL JAY	1210 E 13	181501252	\$ 6,498.50
18-11-20-276-015.000-003	ROBERT MURR			
18-11-20-276-015.000-003	BROWN SARILDA M & VIRGINIA M ENOCHS	1916 W 17	181501106	\$ 3,041.12
18-11-14-181-001.000-003	GWYN KIMBERLY	901 903 S Burlington	181500586	\$ 8,329.40
18-11-15-268-012.000-003	JONES RADFORD H SR AND CORA B	925 S Ebright	181500720	\$ 12,141.28
18-11-15-177-007.000-003	CLERGE FRANCKEL	607 S Vine	181500635	\$ 5,274.04
18-11-10-357-014.000-003	MANZANERA JAIME	322 E Washington	181500405	\$ 10,390.12

*Redemption**120 days**Parcel**11-16-432 000 . 000 003*

DEPARTMENT HEADS AND ELECTED OFFICIALS

Mr. John Brook presented the Town of Albany temporary easement. A sewage project is taking place and the lift station would be used during construction.

MOTION: Commissioner King made a motion to approve the temporary easement (see below).

SECOND: Commissioner Riffin

MOTION PASSED UNANIMOUSLY

RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of One Dollar (\$1.00) and other good and valuable consideration paid to

The Board of Commissioners of Delaware County, Indiana..

hereinafter referred to as GRANTOR, by the Town of Albany, Indiana, hereinafter referred to as GRANTEE, the receipt of which is hereby acknowledged, the GRANTOR does hereby grant, bargain, sell, transfer, and convey unto the GRANTEE, its successors and assigns, a perpetual easement with the right to erect, construct, install, and lay, and thereafter use, operate, inspect, repair, maintain, replace, and remove

sanitary sewer and related appurtenances

over, across, and through the land of the GRANTOR situated in Delaware County, State of Indiana, as shown in EXHIBIT "A" attached hereto, said land being described as follows:

Parcel No.: 18-08-02-151-007.600-005

Instrument Number: Book 2015, Page 3633 Delaware County Recorder Records

together with the right of ingress and egress over the adjacent lands of the GRANTOR, its successors and assigns, for the purpose of this easement.

The easement shall be 50.00 feet in width, and described as follows:

A sewer easement in the Southwest quarter of the Northwest quarter of Section 2, Township 21 North, Range 11 East in the Town of Albany, Delaware County, Indiana, described as follows:

Beginning at a point 328.84 feet west of the point of intersection of the East line of the Southwest Quarter of the Northwest Quarter of Section 1, Township 21 North, Range 11 East and the North right-of-way line of State Highway #28 and 67; thence

continue along said right-of-way line South 89 degrees 04 minutes 49 seconds West 77.82 feet (assumed bearing) to a 5/8 inch rebar; thence North 66 degrees 18 minutes 55 seconds East 52.27 feet to a 5/8 inch rebar; thence North 00 degrees 40 minutes 10 seconds West 29.67 feet; thence North 89 degrees 04 minutes 49 seconds East 28.34 feet; thence South 01 degree 59 minutes 37 seconds East 50.00 feet to the point of beginning.

The consideration hereinabove recited shall constitute payment in full for any damages to the land of the GRANTOR, its successors and assigns, by reason of the installation, operation, and maintenance of the structures or improvements referred to herein. The GRANTEE covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of the GRANTOR, its successors and assigns.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns.

IN WITNESS WHEREOF, THE GRANTOR has executed this instrument this 17th day of October, 2016.

THE BOARD OF COMMISSIONERS
OF DELAWARE COUNTY, INDIANA

 PRESIDENT
Signature

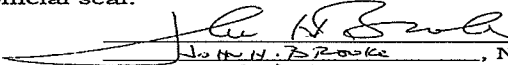
SHANNON HENRY
Printed Name

STATE OF Delaware Indiana
Delaware COUNTY

Before me, the undersigned Notary Public in and for said County and State, this 17th day of October, 2016; Shannon Henry, Pres personally appeared and

acknowledged the execution of said Right-of-Way Easement as her voluntary act and deed.

WITNESS my hand and official seal.


 _____, Notary Public
 Resident of Delaware County
 My commission expires: 3-15-18

This instrument prepared by Joseph I. Rhettts, Brooke-Stevens, P.C., Attorneys at Law, 112 East Gilbert Street, Muncie, Indiana 47305, (765) 741-1375. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Joseph I. Rhettts



MONTHLY/WEEKLY REPORTS

MONTHLY REPORT – CLERK OF THE CIRCUIT COURT – SEPTEMBER, 2016

PAYMENTS OF CLAIMS

MOTION: Commissioner Riggin made a motion to approve claims in the amount of \$1,236,118.84.

SECOND: Commissioner King

MOTION PASSED UNANIMOUSLY

RECESS

MOTION: Commissioner King made a motion to recess until November 7, 2016.

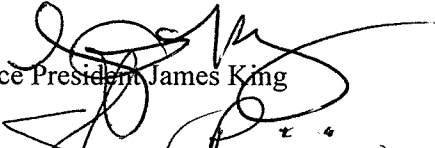
SECOND: Commissioner Riggin

MOTION PASSED UNANIMOUSLY

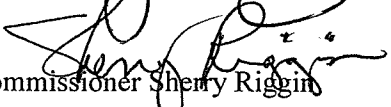
Commissioners October 17, 2016

A stylized, cursive handwritten signature in black ink, likely belonging to Shannon Henry.

President Shannon Henry

A cursive handwritten signature in black ink, likely belonging to James King.

Vice President James King

A cursive handwritten signature in black ink, likely belonging to Sherry Riggan.

Commissioner Sherry Riggan

A cursive handwritten signature in black ink, likely belonging to Steven G Graycraft.

Auditor, Steven G Graycraft