

**DELAWARE COUNTY COMMISSIONER'S MEETING
TUESDAY, JANUARY 3, 2017 @ 9:00 A.M.
ROOM 309 A, 100 WEST MAIN STREET
MUNCIE, IN 47305
CALL TO ORDER
PLEDGE TO FLAG
ROLL CALL**

ORIGINAL

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

REORGANIZATION OF THE BOARD OF COMMISSIONERS

Election of Officers of the Board of Commissioners

MOTION: Commissioner Riggin made a motion to nominate Mr. James King as 2017 President of Commissioners.

SECOND: Commissioner Henry

MOTION PASSED UNANIMOUSLY

MOTION: Commissioner Henry made a motion to nominate Ms. Sherry Riggin as 2017 Vice President of Commissioners.

SECOND: Commissioner King

MOTION PASSED UNANIMOUSLY

PUBLIC HEARING

A public hearing for rates charged by the Delaware County Regional Wastewater Authority is scheduled for January 3, 2017 at 2:30 PM in the Commissioners Courtroom.

January 3, 2017

NOTICE TO THE PUBLIC

Please take notice that the Commissioners of Delaware County, as District Authority of the Delaware County Regional Wastewater District will hold a public hearing on the 3rd day of January, 2017 at 2:30 p.m. in the Commissioners Court, Room 309A, Delaware County Building, Muncie, Indiana, to hear objections set forth in a Petition objecting to the rates and charges of the District which was filed on December 19, 2016.

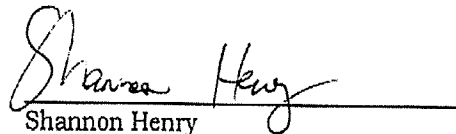
SUBJECT

The purpose of the public hearing is to allow the District Authority to hear evidence and determine whether the Board of Trustees of the Delaware County Regional Wastewater District followed proper procedure in adopting their ordinance increasing sewer rates and whether the increased rates are just and equitable charges.

Interested citizens are invited to provide evidence regarding this subject either at the public hearing or through prior written statement.

Information concerning the proposed rate increase by the Regional Sewer District may be obtained from Delaware County Regional Wastewater District.

By order of the Delaware County Commissioners through Shannon Henry.

A handwritten signature in cursive script, appearing to read "Shannon Henry", is written over a horizontal line.

Shannon Henry
President, Delaware County Board of Commissioners

ANNUAL APPOINTMENTS

MOTION: Commissioner Henry made a motion to approve 2017 annual appointments (see below).

SECOND: Commissioner Riffin

MOTION PASSED UNANIMOUSLY

List of Appointments

Annual Appointments [these are appointments with a 1 year appointment term and these are usually done annually at the first meeting of the year.]

Position	Name	Date of Term
Emergency Management Director	Jason Rogers	12/31/2017
Emergency Medical Services Director	Jason Rogers	12/31/2017
County Attorney	John Brooke	12/31/2017
Human Resources Director	Rick Spangler	12/31/2017
Highway Superintendant	Robert Jessee	12/31/2017
Maintenance Director of Buildings	Charles Walker	12/31/2017
Executive Assistant Commissioners' Office	VACANT	
Veteran's Affairs Officer	Nate Jones	12/31/2017
Director, Weights and Measures	Jeff Brandon	12/31/2017
Delaware County Emergency Communication Executive Board	James King	12/31/2017
Alcohol, Tobacco Commission	Tom Simpson	12/31/2017
Drainage Board	Shannon Henry	12/31/2017
	Clarence Hensley	12/31/2017
	John Landers	12/31/2017
	Bill Whitehead	12/31/2017
	Richard McIntire	12/31/2017
County Redevelopment Commission	James King	12/31/2017
	Ed Carroll	12/31/2017
	Tom Roberts	12/31/2017
Delaware Advancement Corporation	Sherry Riffin	12/31/2017
Community Revitalization Economic Enhancement District [CREED]	VACANT	
	VACANT	
	VACANT	
	VACANT	
Property Tax Board of Appeal [PTBOA]	Sharyn Black	
	Robert Adams	

January 3, 2017

List of Appointments

Appointments with Term of Office

[These offices have a set term established by statute, ordinance or regulation.]

Board or Commission	Name	Length of Term	Expiration of Term
Airport Authority	VACANT	4 years	12/31/2020
Board of Health	Dr. Anthony Dowell	4 years	12/31/2020
Convention and Tourism Board	James Mochal	2 years	12/31/2018
Fairgrounds Board	Mark DiFabio	3 years	12/31/2019
	Pam McCammon	3 years	12/31/2019
	James Glore	3 years	12/31/2019
	Jeff Smoot	3 years	12/31/2019
	VACANT	3 years	12/31/2019
	Caryl Acree King	3 years	12/31/2019
	VACANT	3 years	12/31/2019
Metropolitan Plan Commission	Jesse Landess	3 years	12/31/2019
Delaware County Regional Wastewater District	John H. Brooke	4 years	12/31/2020

January 3, 2017

TABLED BUSINESS

RESOLUTION 2016-048, TO TRANSFER PROPERTY TO MUNCIE SANITARY DISTRICT

MOTION: Commissioner Riggin made a motion to remove Resolution 2016-048, Transfer Property to Muncie Sanitary District.

SECOND: Commissioner Henry

MOTION PASSED UNANIMOUSLY

MOTION: Commissioner Henry made a motion to approve Resolution 2016-048, Transfer Property to Muncie Sanitary District from the table.

SECOND: Commissioner Riggin

MOTION PASSED UNANIMOUSLY

RESOLUTION NO. 2016.048

BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA
RESOLUTION TO TRANSFER PROPERTY TO
MUNCIE SANITARY DISTRICT

WHEREAS, the Delaware County Commissioners own a certain piece of property located in the City of Muncie, Indiana, pursuant to a Deed which was recorded on August 29, 1980, book 1980, page 2811;

WHEREAS, the Delaware County Commissioners desire to transfer said property to the Muncie Sanitary District, subject to its acceptance of said property;

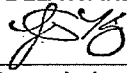
WHEREAS, said property is listed as follows:

1. Tax ID No.: 18-11-10-501-040.000-003
Parcel No.: 1110501040000
Legal: Whitely Land Company's 2nd Add, Part Lot 1, Block 19

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of Delaware County that the Commissioners shall transfer such property to the Muncie Sanitary District subject to the acceptance by the Sanitary District of such properties.

Passed and Adopted by the Commissioners on the 3 day of January, 2017.

COMMISSIONERS OF DELAWARE COUNTY

By: 
James King, Commissioner

By: 
Shannon Henry, Commissioner

By: _____
Sherry Riggin, Commissioner

ATTEST:

By: 
Steven Graycraft, Auditor

CONTRACTS
GENERAL SERVICES AGREEMENT-TRIAD ASSOC.
AGREEMENT FOR GENERAL ENGINEERING SERVICES (AS NEEDED)
NTE \$15,000.00

January 3, 2017

MOTION: Commissioner Henry made a motion to remove Triad Assoc. agreement from the table.

SECOND: Commissioner Riggin

MOTION PASSED UNANIMOUSLY

MOTION: Commissioner Henry made a motion to approve Triad Assoc. contract.

SECOND: Commissioner Riggin

MOTION PASSED UNANIMOUSLY

DELAWARE COUNTY, INDIANA
GENERAL SERVICES AGREEMENT BETWEEN
THE DELAWARE COUNTY BOARD OF COMMISSIONERS
AND TRIAD ASSOCIATES, INC.

ORIGINAL

THIS AGREEMENT, made and entered into the 3 day of Jan, 2017, by and between DELAWARE County Board of Commissioners, hereinafter referred to as the "COUNTY", and Triad Associates, Inc., 5835 Lawton Loop East Drive, Indianapolis, Indiana 46216 hereinafter referred to as the "CONSULTANT".

WITNESSETH

WHEREAS, the COUNTY desires to contract for General Engineering Services required for projects and tasks under the jurisdiction of the COUNTY, and

WHEREAS, the CONSULTANT has expressed a willingness to provide said Engineering Services:

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto mutually covenant and agree as follows:

ARTICLE 1. GENERAL ENGINEERING SERVICES

1.1 Design and Recommendations

Upon notification by the COUNTY, the CONSULTANT shall make an inspection/analysis of each project or task. This inspection analysis shall be in sufficient detail to determine the type and degree of work required. The CONSULTANT shall prepare a report with recommendations, including any necessary sketches and plan details, and estimated costs of the improvements, based on the inspection/analysis. The report shall be submitted to the COUNTY for review and approval. The CONSULTANT will be available to the COUNTY for advice, consultation and assistance in implementation of any planned improvements. If required by the COUNTY, the CONSULTANT will prepare plans and documents necessary for construction of the project under contract.

1.2 Inspection of Construction

Upon notification by the COUNTY, the CONSULTANT will provide qualified inspection personnel for observation of construction and field work at various locations on projects or operations at the request of the COUNTY. These inspection/observation services will include all reports and record keeping, measurement and verification of quantities and testing services required for each location.

1.3 General Consultation and Review

Upon notification by the COUNTY the CONSULTANT shall provide consultation and review services to the County Highway Department and Project Director for various duties and responsibilities for which the COUNTY determines consultation and review services are required to be performed by the CONSULTANT.

January 3, 2017

ARTICLE 2. INFORMATION AND SERVICES TO BE FURNISHED OR CAUSED TO BE FURNISHED, BY THE COUNTY

- 2.1** The COUNTY shall furnish the CONSULTANT with the following:
All records and plan documents available for each project or task.

ARTICLE 3. THE CONSULTANT'S COMPENSATION FOR SERVICES RENDERED

- 3.1** The CONSULTANT'S compensation for services rendered shall be paid on the basis of hours of work performed by essential personnel incurred in the accomplishment of the project or task, exclusively.

The following hourly costs shall be used in determining the CONSULTANT'S compensation:

Project Engineer, P.E.	\$150.00
Design Engineer	\$120.00
Cad Technician	\$ 85.00
Inspectors	\$ 90.00
Clerical	\$ 60.00

The total compensation shall not exceed \$15,000.00 unless approved in writing by the COUNTY.

- 3.2** The CONSULTANT shall be reimbursed for travel expenses at the rate of .38 per mile.
- 3.3** The CONSULTANT shall be reimbursed for actual costs of any special tests or services of special consultants required by the project.
- 3.4** If requested by the COUNTY, all cost records (including time records and payroll records) will be made available to the COUNTY for the purpose of verification of the compensation.
- 3.5** The CONSULTANT shall submit invoices to the COUNTY not more often than once per month during the progress of the work, for partial payment on account for the work completed to date.

ARTICLE 4. EFFECTIVE AND EXPIRATION DATE

- 4.1** This Agreement will become effective from the date of execution by the CONSULTANT and the COUNTY and will expire on December 31, 2017.
- 4.2** Either party may cancel this contract with thirty (30) days written notice to the other party.

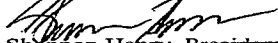
January 3, 2017

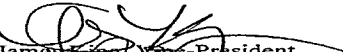
Dated this 3 day of January, 2017.

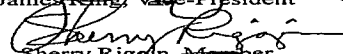
Triad Associates, LLC

By: _____

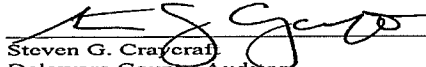
DELAWARE COUNTY BOARD OF COMMISSIONERS


Shannon Henry, President


James King, Vice-President


Sherry Riggan, Member
Vice Pres

ATTEST:


Steven G. Craycraft
Delaware County Auditor

Ms. Angie Moyer, Project Manager will provide the Auditor's office with Triads signature.

DECEMBER 19, 2016 MINUTES

MOTION: Commissioner Riggan made a motion to approve the Commissioner minutes for December 19, 2016.

SECOND: Commissioner Henry

MOTION PASSED UNANIMOUSLY

January 3, 2017

PRESENTATIONS TO COMMISSIONERS

TORCH PRESENTATION PRESENTED BY INDIANA OFFICE OF TOURISM DEVELOPMENT

Ms. Nancy Carlson, Volunteer Chairman of Delaware County Celebration of Indiana Bicentennial gave an update on events within Indiana and Delaware County and presented the torch to the Delaware County Commissioners.

President King, Commissioner Henry and Commissioner Riggins presented a “letter of gratitude” to Ms. Carlson.

January 3, 2017



**DELAWARE
COUNTY
COMMISSIONERS**

James King
District #1

Sherry K. Riggan
District #2

Shannon Henry
District #3

Patricia Lackey
Executive Assistant

100 West Main Street
Room 309 County Building
Muncie, Indiana 47305
Telephone 765.747.7730
Fax 765.747.7899
www.co.delaware.in.us

An Equal Opportunity Employer

January 3, 2017

Dear Nancy Carlson,

The Delaware County Commissioners would like to express our gratitude for your work on the Bicentennial event this past year. Your commitment to our community now and in the past is very much appreciated.

Sincerely,

Shannon Henry, President

James King, Vice President

Sherry Riggan, Member

SH/hr

January 3, 2017

COUNTY ATTORNEY CONTRACT FOR 2017

MOTION: Commissioner Riffin made a motion to approve the contract for County Attorney, Mr. John Brooke.

SECOND: Commissioner Henry

All of the Commissioners thanked Mr. Brooke for his work and assistance.

Mr. Brooke thanked the Commissioners for the opportunity to serve as Commissioners Attorney.

MOTION PASSED UNANIMOUSLY

ORIGINAL

AGREEMENT FOR EMPLOYMENT OF DELAWARE COUNTY ATTORNEY

THIS AGREEMENT is made and entered into by and between the Commissioners of Delaware County, Indiana, hereinafter referred to as "Commissioners" and John H. Brooke, attorney at Brooke Stevens, PC, 112 East Gilbert St., Muncie, Indiana, hereafter referred to as "Attorney."

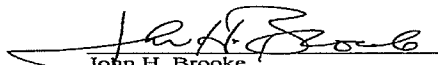
NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

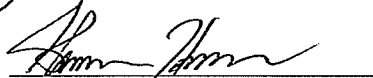
1. That the commissioners hereby employ Attorney to perform legal services and give legal advice, excluding litigation services, in relation to legal matters involving Delaware County and the Commissioners. Attorney hereby accepts said appointment and will render services described above during the term of the Agreement.
2. As compensation for services rendered by Attorneys pursuant to this Agreement, the Commissioners agree to pay Attorney the sum of Twenty-six Thousand One Hundred Ninety-three Dollars (\$26,193.00) annually for the year 2015, payable in the same manner as other employees of Delaware County. The Attorney shall not accept the County's Health Insurance and specifically waives said insurance coverage for the reason that he presently has his own health insurance coverage.
3. The Commissioners agree to pay as additional compensation to Attorneys the amount of One Hundred Sixty-five Dollars (\$165.00) per hour as reasonable attorney fees for legal services provided by said Attorneys or their firm for any legal work involving litigation issues or extraordinary work tasks such as bond financings or major revisions to personnel policies, assigned by the Commissioners. The Commissioners also agree that to help reduce costs, they shall pay the rate of Seventy-Five Dollars (\$75.00) for work performed by paralegals of the law firm on matters assigned. Nothing in this Agreement obligates Commissioners to assign extraordinary work tasks to the Attorneys. This additional compensation will be billed monthly to the Commissioners by invoices from Brooke Stevens, PC.

January 3, 2017

4. Delaware County and the Commissioners will be responsible for payment of any and all discovery related costs, expert witness fees, other consultation services, deposition costs, witness fees, court costs, and other costs which may be necessary in the defense of Delaware County or to prosecute on behalf of Delaware County or any of their officers, agents or assigns.
5. This Agreement shall be effective as of January 1, 2017, and shall continue in effect until termination.

Dated this 3 day of January 2017.


John H. Brooke


President,

Attest:


County Auditor

ORDINANCES FOR SECOND READING

ORDINANCE TO VACATE A CERTAIN STREET IN DELAWARE COUNTY, INDIANA ORDINANCE NO 2016-020

MOTION: Commissioner Riggin made a motion to approve Ordinance 2016-020, To Vacate a Certain Street in Delaware County.

SECOND: Commissioner Henry

MOTION PASSED UNANIMOUSLY

January 3, 2017

ORDINANCE NO. 2016-020**ORDINANCE TO VACATE A CERTAIN STREET
IN DELAWARE COUNTY, INDIANA****ORIGINAL**

WHEREAS, Marlan B. Harris has filed his petition with the Board of Commissioners of Delaware County, Indiana, to vacate a certain public street, more specifically described as follows:

A part of an unnamed public street more particularly described as follows:

Beginning at a point on the north line of Lot Numbered Twenty-eight (28) in Harris Addition, an Addition to the Town of Selma, Indiana, twenty-five (25) feet east of the northwest corner of said Lot 28; thence north twelve and five tenths (12.5) feet; thence east and parallel with the north line of said Lot 28 seventy-five (75) feet to a point which is twelve and five tenths (12.5) feet north of the northeast corner of said Lot 28; thence south twelve and five tenths (12.5) feet to said northeast corner of said Lot 28; thence west seventy-five (75) feet on and along the north line of said Lot 28 to the place of beginning.

WHEREAS, Marlan B. Harris, as the owner of Lot Numbered Twenty-eight (28) in Harris Addition, an Addition to the Town of Selma, Indiana, will be the owner of all land that comprises the street sought to be vacated;

WHEREAS, notice of the filing of the petition and date of hearing on said petition has been given to all interested persons and published as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood or of Delaware County, Indiana;

WHEREAS, the vacation will not hinder the use of any public way by the neighborhood in which it is located;

WHEREAS, the vacation will not make access to the lands of any person difficult or inconvenient; and

WHEREAS, the vacation will not hinder the public's access to any church, school or other public building or place;

January 3, 2017

AN ORDINANCE REPEALING ORDINANCE 2007-007
ORDINANCE NO. 2016-021

Mr. Brooke said in 2007 a fifth member was added to the Airport Authority Board through Ordinance 2007-007. After reviewing the statute, Mr. Brooke said there was some question rather the fifth member should have even been added.

MOTION: Commissioner Henry made a motion to approve Ordinance 2016-021, Repealing Ordinance 2007-007.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, President King

NAYS: Commissioner Riggin

ORDINANCE 2016-021

ORIGINAL

**BOARD OF COMMISSIONERS
AN ORDINANCE REPEALING ORDINANCE 2007-007**

WHEREAS, the Delaware County Board of Aviation Commissioners (hereafter "Board") originally consisted of four (4) members, and

WHEREAS, the Commissioners of Delaware County enacted Ordinance 2007-007 pursuant to IC 8-22-2-1 expanding the Board to five (5) members in order to avoid tie votes and to give the Board broader representation, and

WHEREAS, the Commissioners of Delaware County have determined that a fifth member of the Board is no longer necessary and the expanded Board is contributing to the increasing size and cost of government operations in Delaware County, Indiana, and

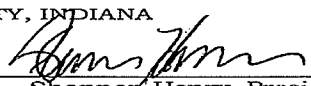
WHEREAS, the Commissioners of Delaware County desire to reduce the Board to its original size of four (4) members in order to reduce the size and cost of government operations in Delaware County, Indiana, and

WHEREAS, the Commissioners of Delaware County have determined that the existing Ordinance 2007-007 should be repealed thereby returning the size of the Board to four (4) members.

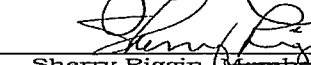
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA that Ordinance 2007-007 is hereby repealed, that the Board of Aviation Commissioners shall be reduced to four (4) members, and that the member currently in the seat created pursuant to Ordinance 2007-007 no longer be considered a member of the Board.

Passed and adopted by the Board of Commissioners on the 3 day of January, 2016. 7

BOARD OF COMMISSIONERS, DELAWARE COUNTY, INDIANA


Shannon Henry, President


James King, Vice President


Sherry Riggin, Member

ATTEST:


Steven Craycraft, Delaware County Auditor

January 3, 2017

ORDINANCES FOR FIRST READING

**AN ORDINANCE AMENDING THE EMS BILLING AND COLLECTION ORDINANCE
ORDINANCE 2017-001**

Mr. Brooke and Mr. Jason Rogers, EMS/EMA Director are reviewing the old ordinance regarding rates and clarification of language.

MOTION: Commissioner Riggan made a motion to introduce Ordinance 2017-001, An Ordinance Amending EMS Billing and Collection.

SECOND: Commissioner Henry

MOTION PASSED UNANIMOUSLY

DEPARTMENT HEADS AND ELECTED OFFICIALS

Mr. Brooke said a highway grievance hearing was held on December 27, 2016. Mr. Brooke sent information to the Commissioners regarding the outcome of the grievance.

MOTION: Commissioner Henry made a motion to accept the grievance regarding the matter.

SECOND: Commissioner Riggan

MOTION PASSED UNANIMOUSLY

Ms. Angie Moyer, Project Manager said bridge 159, located on Windsor Road should be open again on Friday, January 6, 2017.

President King congratulated Mr. Larry Bledsoe, Ms. Jessica Piper, and Mr. Scott Alexander for being elected to Council, Mr. Tom Borchers for Surveyor and Mr. Ed Carroll, Treasurer.

MONTHLY/WEEKLY REPORTS

Weights and Measures November 16-December 15, 2016

County Treasurer's Report – November, 2016

January 3, 2017

PAYMENTS OF CLAIMS

MOTION: Commissioner Henry made a motion to pay claims in the amount of \$977,683.22.

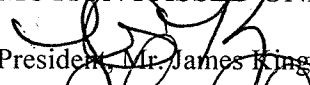
SECOND: Commissioner Riggan

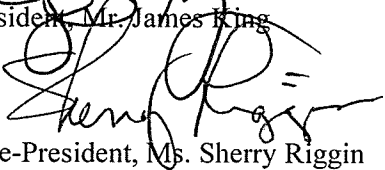
MOTION PASSED UNANIMOUSLY

MOTION: Commissioner Henry made a motion to recess.

SECOND: Commissioner Riggan

MOTION PASSED UNANIMOUSLY


President, Mr. James King


Vice-President, Ms. Sherry Riggan


Member, Mr. Shannon Henry


Auditor, Mr. Steven G Craycraft

January 3, 2017