

DELAWARE COUNTY COMMISSIONER'S MEETING

Monday, May 3, 2021 @ 9:01 A.M.

Commissioner's Courtroom

100 W. Main St. Room 309A

Meetings will also be live streamed via the
Delaware County, Indiana Government Facebook Page

CALL TO ORDER

PLEDGE TO FLAG

WELCOME

ROLL CALL

Mr. Shannon Henry

Mr. James King

Ms. Sherry Riggin

Mr. John Brooke, County Attorney

Mr. Steven G Craycraft, Auditor

APPOINTMENT

President King said the Commissioner have one more appointment available on City and Council for People with Disabilities Board. Those interested should send an email to commissioners@co.delaware.in.us.

Comments regarding today's (May 3, 2021) may send email to commissioners@co.delaware.in.us

President King said the month of June is Brain Cancer Awareness month, President King said his wife had a brain tumor removed in 2015 and he is supporting the "Brain Cancer Awareness" by wearing the T-shirt he has on.

APPROVAL OF MINUTES

MOTION: Commissioner Riggin made a motion to approve April 19 Commissioner Meeting minutes and April 23, 2021 Special Meeting minutes.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner Riggin, President King

PRESENTATION

The Commissioners thanked Mr. Don Finnegan for his work toward the Indiana Run for the Fallen. Additional information is available by going to <http://indiana.usarunforthefallen.org/run/>.

TABLED BUSINESS

Being an Ordinance to Amend the Text of the Delaware County
Comprehensive Zoning Ordinance Regarding Solar Energy
Ordinance No. 2021-013

MOTION: Commissioner Henry made a motion to remove Ordinance No. 2021-013, Being an Ordinance to Amend the Text of the Delaware County Comprehensive Zoning Ordinance Regarding Solar Energy from the table.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin, President King

May 3, 2021 Commissioner meeting

Ms. Marta Moody, Director of Plan Commission spoke but it was inaudible.

MOTION: Commissioner Henry made a motion to approve Ordinance No. 2021-013, Being an Ordinance to Amend the Text of the Delaware County Comprehensive Zoning Ordinance Regarding Solar Energy with revisions.

SECOND: Commissioner Riffin

YEAS: Commissioner Henry, Commissioner Riffin, President King

Full signed ordinance is available at www.co.delaware.in.us

ORIGINAL

ORDINANCE NO. 2021-013

**BEING AN ORDINANCE TO AMEND THE TEXT OF THE DELAWARE COUNTY
COMPREHENSIVE ZONING ORDINANCE REGARDING SOLAR ENERGY
AS REVISED**

- WHEREAS,** the State enabling act for planning and zoning empowers the Board of Commissioners of Delaware County, Indiana to adopt a zoning ordinance and also provides for amendments to said ordinance as deemed necessary from time to time; and
- WHEREAS,** a zoning ordinance may establish one or more districts which may be for agricultural, commercial, industrial, residential, special, or unrestricted uses and any subdivision or combination of these uses and may, in each district, regulate how real property is developed, maintained, and used; and
- WHEREAS,** solar energy systems are an alternative energy source that produces electrical energy in an environmentally beneficial manner without the production of greenhouse gases and can offer economic development benefits to local government and residents such as increases to the tax base, revenue generation for landowners and the creation of temporary and permanent employment; and
- WHEREAS,** amending the zoning ordinance to regulate the location, construction and operation of solar energy systems is necessary and appropriate to achieve and secure the benefits and to avoid and/or minimize the impacts; and
- WHEREAS,** the Delaware-Muncie Metropolitan Plan Commission has given legal notice of a public hearing for consideration of the proposed amendment and, on motion duly made, seconded and unanimously approved, forwards a favorable recommendation regarding said amendment to the County, all as required by law; 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 the 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 Commissioners of Delaware County, Indiana that the text of the Delaware County Comprehensive Zoning Ordinance be amended, changed and supplemented as follows:

SECTION 1. That ARTICLE IX GENERAL PROVISIONS, Section 14 ACCESSORY USES AND STRUCTURES, Subsection 2.. TYPES OF ACCESSORY USES/STRUCTURES shall be supplemented by inserting a new listing, as follows:

- h. Solar collectors, roof mounted or ground mounted.

SECTION 2. That ARTICLE XII F FARMING ZONE, Section 1 PERMITTED USES shall be supplemented by inserting a new permitted use, as follows:

21. Solar Farms. Solar farms are subject to the requirements set forth herein in Article XII, Section 10. Only photovoltaic and thermal solar energy systems may be installed; concentrated solar power systems are not permitted.

CONTRACTS OR AGREEMENTS FOR APPROVAL

Mr. John Brooke, Delaware County Attorney, presented Emergency Declaration 2020-10. The Declaration will be in effect through the end of May 2021.

MOTION: Commissioner Henry made a motion to approve Emergency Declaration 2020-010.

SECOND: Commissioner Riggan

YEAS: Commissioner Henry, President King

NAYES: Commissioner Riggan

PURE STORAGE FINANCE

Mr. Jim Flook, IT Director, presented Pure Storage Finance agreement. This is a 5 year finance agreement. This will increase the storage of the system for Delaware County entities. Mr. Flook has asked that department heads/elected officials have employees to delete files that are no longer needed/used.

Mr. Brooke reviewed the agreement.

MOTION: Commissioner Henry made a motion to approve Pure Storage Finance agreement.

SECOND: Commissioner Riggan

YEAS: Commissioner Henry, Commissioner Riggan, President King

Full signed agreement is available in the Auditor's office



Dated as of April 19, 2021

Lease Number 183236

Delaware County Indiana
100 W Main Street
Muncie, Indiana 47305

Dear Customer:

Attached is your financing Documentation Package. Please ensure all forms are completed and signed.

Our goal is to help you complete your transaction as quickly as possible, so please following these guidelines for the fastest processing.

- **Lease – Purchase Agreement** – Please have the Authorized Signor execute the documents and provide their title.
Certificate of Acceptance – At the point of delivery, fill out this form and return the original to us. We will be unable to disburse funds until we receive this signed form.
Schedule of Payments – Please sign and provide the title of the signor.
- **Resolution-Certificate of Incumbency** – List your Authorized Representative(s) and their title(s) in the body of the Resolution. Have the Authorized Representatives provide their names, title and signatures(s) on the lines which appear under the Authorized Representative Signature Section near the bottom of the Resolution. Finally, have the Secretary or appropriate Trustee attest to the information of the Authorized Representative(s) by signing and printing his/her name, title and date on the last signature line provided. **The person who validates the signature should not sign the Lease Agreement.** The Resolution must reflect the title(s) of the individual(s) who have authorization to sign the documents.
- **Insurance Request Form** – Fill in your insurer's information and sign. Please contact your insurer, prior to delivery, to obtain a certificate of insurance. Please enclose the certificate with the signed documentation or have the insurer fax the certificate directly to me.
- **Copy of Vendor Invoices** – Vendor should send invoices directly to PNC with "Ship To" and "Bill To" in Lessee's name.
- If you are tax exempt, please provide a copy of your Tax Exemption Certificate.
- If your financed amount is over \$500,000, we require the original executed documents to be returned to:
PNC Equipment Finance, LLC
655 Business Center Drive, Suite 250
Horsham, PA 19044
- Above documentation can be emailed to: Jacqueline.Howard@leaserv.com.

Thank you for choosing PNC Equipment Finance, LLC for your financing needs. We appreciate your business. If I can be of assistance, please contact me at James Butts.

Sincerely,

Sales Support
Commercial Transaction Coordinator

ASHTON LAND SURVEYOR / 3321 S. HOYT AVENUE

Ms. Kathy Vannice, Ashton Land Surveyor, presented a drainage issue (see attached letter).

Ms. Angie Moyer, Project Manager, said the engineer reviewed the plan and supports the request for the variance. Ms. Moyer asked that it be on record that it is the sole responsibility of the property owner to maintain their drainage system.

MOTION: Commissioner Henry made a motion to approve the drainage request.

SECOND: Commissioner Rigglin

YEAS: Commissioner Henry, Commissioner Rigglin, President King



Delaware County Commissioner
100 W Main St
Suite 309
Muncie, IN 47305

April 21, 2021

RE: 3321 S Hoyt Ave, Muncie, IN.

Sirs:

Our client, Mr. Jason Walker, owner of the aforementioned parcel has hired our company to perform drainage calculations and plans for a new 3,000.00 square foot building. By the Delaware County Drainage Ordinance, it is required for the property to contain a detention area to be 0.04 acre/feet in size. The Ordinance also has a restriction of the detention area being no closer than 50 feet from a building. With the new building, the existing buildings and asphalt parking surface there is only enough area remaining on the property to place two 0.02 acre/feet detention areas that would outlet into an existing private drain across the property that outlets into the easterly side ditch of Hoyt Avenue. To create enough acre/feet per ordinance, the detention area needs to be at the dimensions shown on the drawing in rectangle boxes. The detention area to the north would be 2 feet deep and 1.64 feet from the back side of the new building. The second detention area would also be 2 feet deep and would be 5.84 feet from the east side of the new building. This neighborhood has no visible storm drain system, but does not appear to have any long-standing flooding issues. As drawn, these detention areas will be a dry, seeded, mowable grassy area. For this reason, a variance of the drainage ordinance is being sought to allow the new building and detention areas to be built within the 50 foot setback.

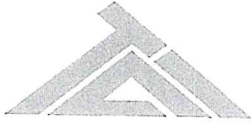
Thank you for your consideration on this matter,

Haldon Ashton
Ashton Land Surveyors

A handwritten signature in black ink, appearing to read "Haldon Ashton", with a stylized flourish below it.

325 W. WASHINGTON STREET • MUNCIE, INDIANA • 47305
PHONE: (765)282-5594 • FAX: (765)282-5596
WWW.ASHTONLANDSURVEYORS.COM

May 3, 2021 Commissioner meeting



TRIAD ASSOCIATES, INC.

ENGINEERING • ARCHITECTURE

5835 LAWTON LOOP EAST DRIVE, INDIANAPOLIS, IN 46216-1064

TELEPHONE: (317) 377-5230

FAX: (317) 377-5241

WEBSITE: www.triadassoc.net • E-MAIL: triad@triadassoc.net

April 27, 2021

Ms. Angela Moyer
Project Director/Administrator
Delaware County Engineering Department
7700 E. Jackson Street
Muncie, IN 47302

Re: Jason Walker
Drainage Design Review

Dear Ms. Moyer:

Triad Associates, Inc has completed the review of the drainage calculations for the Jason Walker drainage plan and has no further comment and recommends approval by the drainage board.

The proposed detention ponds require a variance due to their close proximity to the existing and proposed buildings. The Drainage Ordinance requires detention ponds to be a minimum of 50 feet from a structure; however, there is not sufficient room on the property to meet the required release rate for the proposed improvements without some detention. The proposed detention system consists of two interconnected 0.02 ac-ft dry ponds. The second basin has an emergency overflow weir set at elevation 951.54; the elevation of both buildings is 953.0. The property drains towards South Hoyt Road; therefore, in the event of an overtopping event of the pond, the water will flow towards the road. Based on this fact, I recommend approving the variance contingent upon the property owner understanding it is his sole responsibility to maintain the drainage system in good working order and the County is not responsible for the private drainage system.

If you have any questions, please feel free to contact me.

Very truly yours,

TRIAD ASSOCIATES, INC.
Engineering • Architecture

Jonathan P. Moen, P.E.

cc: Project file

INTERLOCAL GOVERNMENT AGREEMENT (LEEVE MINTENANCE UNDER COUNTY BRIDGES)

Mr. Brooke said the request is from Muncie Sanitary District for bridges within the City of Muncie. The City would like to gain access to maintain levee and the banks.

MOTION: Commissioner Henry made a motion to approve the interlocal agreement with Muncie Sanitary District.

Commissioner Riffin said she appreciates this because they will do some cutting for the area.

Ms. Moyer said it is required anyways to maintain the levee.

SECOND: Commissioner Riffin

YEAS: Commissioner Henry, Commissioner Riffin, President King

Mr. Brooke will provide the interlocal agreement with signatures once he receives all signatures.

ORIGINAL

INTERLOCAL GOVERNMENT AGREEMENT
(Levee Maintenance Under County Bridges)

THIS AGREEMENT ("Interlocal Agreement") is made between the **Muncie Sanitary District** ("MSD"), by and through its Board of Sanitary Commissioners, and **Delaware County** (the "County"), by and through its Board of Commissioners, and for their agreement state as follows:

RECITALS

WHEREAS, both MSD and the County are two (2) separate and distinct political subdivisions of the State of Indiana;

WHEREAS, MSD is responsible, through local agreement, for the maintenance and upkeep of the flood levee that runs along the White River in the City of Muncie, Indiana (the "Levee").

WHEREAS, that the Levee intersects with or runs under certain bridges within the City of Muncie.

WHEREAS, in order to effectively maintain the Levee, MSD needs to perform upkeep, landscaping, and maintenance of the surface area near or under certain bridges within the City of Muncie.

WHEREAS, the bridges are under the jurisdiction of the County for upkeep, maintenance, and landscaping;

WHEREAS, MSD and the County desire that MSD shall have authority and responsibility for the upkeep, landscaping, and maintenance of the surface area of the Levee that runs under, intersects with, or runs tangent to the bridges within the City of Muncie described herein.

NOW, THEREFORE, MSD and the County agree to the following terms, conditions and mutual consideration for this Interlocal Agreement:

1. **Recitals.** The parties adopt and incorporate all of the above Recitals as a part of this Interlocal Agreement as if set forth in their entirety.

2. **Bridges.** MSD shall have authority and responsibility for the upkeep, landscaping, and maintenance of the surface area of the Levee that runs under, intersects with, or runs tangent to the following bridges:

- a) S. Tillotson Avenue Bridge, BR #516;
- b) S. Nichols Avenue Bridge, BR #504;
- c) W Jackson Street Bridge, BR #513;
- d) E Washington Street Bridge, BR #503;
- e) N High Street / N. Wheeling Avenue Bridge, BR #512;
- f) N Walnut Street Bridge, BR #510;
- g) N Elm Street, BR #506;
- h) Dr. MLK Jr. Blvd., BR #514;

Responsibility for all other costs associated with the bridges, not enumerated above, shall remain the responsibility of the County.

3. **Upkeep, Landscaping, And Maintenance of the Surface Area, Defined**

- a) Upkeep, Landscaping, and Maintenance of the Surface Area of the Levee will, for the purposes of this Agreement, shall include, but not be limited to: clipping of plants, trimming, mowing, hedging, soil maintenance, erosion control, etc.

4. **Termination**

- a) This Agreement may be terminated by either party upon thirty days (30) written notice, pursuant to the notice requirements of Section 5.

5. **Miscellaneous Provisions.**

- a) **Counterparts.** This Interlocal Agreement may be executed in counterparts and by facsimile or electronic signatures, each of which will be deemed an original, but all of which together will constitute a single instrument.
- b) **Governing Law.** This Interlocal Agreement will be governed by and construed in accordance with the laws of the State of Indiana.
- c) **Marginal Headings.** The titles to the Sections of this Interlocal Agreement are not a part of this Interlocal Agreement and shall have no effect on the construction or interpretation.
- d) **Time.** Time is of the essence of this Interlocal Agreement.
- e) **Successors and Assigns.** This Interlocal Agreement binding on the successors, and assigns of the parties.
- f) **Prior Agreements; Amendment; Waiver.** This Interlocal Agreement contains all of the agreements of the parties hereto with respect to any matter covered or mentioned in this Interlocal Agreement, and no prior agreements or understanding pertaining to any such matters shall be effective for any purpose. No provision of this Interlocal Agreement may be amended or added to except by an agreement in writing signed by the parties hereto or their respective successors in interest.
- g) **Severability.** Any provision of this Interlocal Agreement which shall be held invalid, void or illegal shall in no way affect, impair or invalidate any of the other provisions hereof and such other provisions shall remain in full force and effect.
- h) **Presumptions.** This Interlocal Agreement shall be construed without regard to any presumption or other rule requiring construction against the party drafting the document. It shall be construed neither for nor against either party, but shall be given reasonable interpretation in accordance with the plain meaning of its terms and the intent of the parties.
- i) **Meaning of Terms.** Whenever required by the context of this Interlocal Agreement, the singular shall include the plural and the plural shall include the singular, and the masculine, feminine and neuter genders shall each include

the others, and the word "person" shall include corporations, partnerships or other entities.

- j) **Notices.** All notices, demands or communications required or permitted under this Interlocal Agreement ("Notices") shall be in writing and shall be personally delivered or sent by certified mail, return receipt requested, postage prepaid. Notices served pursuant shall be effective on the earlier of delivery and two (2) days after they are mailed in accordance with this section.
- k) **Attorney Fees.** The non-breaching party to this interlocal Agreement shall be entitled to recover its reasonable attorney fees in the enforcement of any provision of this Interlocal Agreement from the breaching party.

IN WITNESS WHEREOF, the Board of Commissioners of the Muncie Sanitary District, by its undersigned members hereby approve this Interlocal Government Agreement previously authorized by Resolution of the Board, this 5 day of May, 2021.

MUNCIE SANITARY DISTRICT
BOARD OF SANITARY COMMISSIONERS

By: _____

Stephen Brand, President

By: _____

Brian Stephens-Hotopp., Vice President

By: _____

Tonya Brothers-Bridge, Secretary

By: _____

David Smith, Commissioner

By: _____

Joseph Evans, Commissioner

ATTEST:

Mark R. McKinney

Attorney for Muncie Sanitary District

IN WITNESS WHEREOF, the Board of Commissioners of Delaware County,
Indiana, hereby approves this foregoing Interlocal Government Agreement this 3 day
of May, 2021.

Delaware County Board of Commissioners

By: _____

James King, Commissioner

By: _____

Sherry Riggan, Commissioner

By: _____

Shannon Henry, Commissioner

ATTEST:

Steven G. Craycraft, County Auditor

PETITION TO CANCEL TAXES ON PROPERTY OWNED BY THE TOWN OF ALBANY
PETITION TO CANCEL TAXES ON PROPERTY OWNED BY THE CITY OF MUNCIE

Mr. Joe Rhetts, Attorney, presented the request to cancel taxes on two properties. One is owned by Town of Albany and the other is City of Muncie. Town of Albany and City of Muncie has asked that taxes be removed. These properties are owed my municipalities so they do not go back on tax rolls.

MOTION: Commissioner Henry made a motion to cancel taxes on both requests (see below).

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin, President King

Mr. Rhetts will record documents.

BEFORE THE
BOARD OF COMMISSIONERS OF
DELAWARE COUNTY, INDIANA

ORIGINAL

IN RE:)	
THE CANCELLATION)	Parcel No: 18-08-02-231-006.000-005
OF TAXES ON CERTAIN REAL)	County: Delaware
PROPERTY OWNED BY THE)	Assessment Years: 2019 and 2020
TOWN OF ALABNY, INDIANA)	

**PETITION TO REQUEST THE CANCELLATION OF PROPERTY TAXES,
DELINQUENCIES, FEES, SPECIAL ASSESSMENTS, AND PENALTIES ASSESSED
AGAINST REAL PROPERTY OWNED BY THE TOWN OF ALBANY, INDIANA**

COME NOW the Auditor, Treasurer, and Assessor of Delaware County, in the State of Indiana (the "Petitioners") and, pursuant to Ind. Code § 6-1.1-36-7, petition the Board of Commissioners of Delaware County, Indiana (the "Commissioners"), as the county executive for Delaware County, Indiana, to cancel taxes, penalties, and interest assessed or assessable against certain real property acquired by the Town of Albany, Indiana. In support of their Petition, the Petitioners would state as follows:

1. On February 17, 2021, the Town of Albany, Indiana acquired the above-referenced real property for the purpose of developing and redeveloping the property and other properties in and around the surrounding area (the "Property").

2. The Property is more particularly described as:

Parcel Number: 18-08-02-231-006.000-005

Brief Legal Description: STRONG HRS 0.0000Acres STR: 022111 IN: 70-71 OUT:



BEFORE THE
BOARD OF COMMISSIONERS OF
DELAWARE COUNTY, INDIANA

ORIGINAL

IN RE:)	
)	
THE CANCELLATION)	Parcel Nos: See <u>Exhibit A</u>
OF TAXES ON CERTAIN REAL)	
PROPERTY OWNED BY THE)	County: Delaware
CITY OF MUNCIE, INDIANA)	Assessment Years: 2020 and Prior

**PETITION TO REQUEST THE CANCELLATION OF PROPERTY TAXES,
DELINQUENCIES, FEES, SPECIAL ASSESSMENTS, AND PENALTIES ASSESSED
AGAINST REAL PROPERTY OWNED BY THE CITY OF MUNCIE, INDIANA**

COME NOW the Auditor, Treasurer, and Assessor of Delaware County, in the State of Indiana (the "Petitioners") and, pursuant to Ind. Code § 6-1.1-36-7, petition the Board of Commissioners of Delaware County, Indiana (the "Commissioners"), as the county executive for Delaware County, Indiana, to cancel taxes, penalties, and interest assessed or assessable against certain parcels of real property acquired by the City of Muncie, Indiana. In support of their Petition, the Petitioners would state as follows:

1. The City of Muncie, Indiana acquired the above-referenced parcels of real property for various purposes, some of which are held by various departments within the City of Muncie, Indiana (the "Properties").
2. The Properties, including Parcel Identification Numbers and Common Addresses, are more particularly described in Exhibit A, attached hereto.
3. Upon receipt of a petition submitted by the auditor, assessor, and treasurer of the county in which the Properties are located, the Commissioners:

[M]ay cancel any property taxes, delinquencies, fees, special assessments, and penalties assessed against real property owned by a ☐ city, . . . regardless of



RITTER STRATEGIC SERVICES, LLC

Mr. Brooke said this is to continue services for 911 Center. Changes of operations and call volume has changed and Mr. Ritter will provide a new analysis. This is an addendum to the original contract.

MOTION: Commissioner Henry made a motion to approve Ritter Strategic Services, LLC.

SECOND: Commissioner Riffin

YEAS: Commissioner Henry, Commissioner Riffin, President King



Ritter Strategic Services, LLC
115 South Woodpecker Road
Hagerstown, Indiana 47346

Exhibit "B"
Managed Services

Ritter Strategic Services, LLC (RSS) is pleased to offer this Managed Services - Scope of Work (Exhibit A) to the Delaware County, Indiana Board of Commissioners, and the Public Safety Answering Point. Exhibit B is provided in accordance with the Master Agreement dated November 20, 2017 between Ritter Strategic Services, LLC and the Delaware County, Indiana Board of Commissioners.

RSS Managed Services

- Interlocal Agreements
- Workload Assessments
- Strategic Planning
- Project Management
- Staffing Analysis & Utilization Rates
- RFP Development & Purchasing
 - Call Handling Equipment
 - CAD
 - Radio
 - Audio Logging
 - Workstation Furniture
 - Backup PSAPs
- Consolidation Feasibility
- Budgeting
- Regulatory Support
- Policy Development
- Recruiting

ORIGINAL

Ritter Strategic Services (RSS) tailors its project assignments to meet and exceed client expectations so that specific client needs dictate the structure and project team assignments. As such, Ritter Strategic Services maintains no employees as defined by the IRS. Our approach to executing projects is to collaborate with other industry professionals and experts who have extensive experience and proficiency in 911 service and in conducting strategic planning studies.

Scope of Work

RSS and PSAP Management collaboratively develop the Scope of Work for any project RSS is engaged to perform. The Scope of Work will include the project description, schedule, and deliverables. RSS and PSAP Management shall mutually agree to the Scope of Work prior to work being performed.



ORIGINAL

Ritter Strategic Services, LLC
115 South Woodpecker Road
Hagerstown, Indiana 47346

Scope of Work Exhibits will be attached to Exhibit B as Addendums in numerical order.

Terms

RSS offers Managed Services in a manner that allows PSAP management to identify their specific need and in cooperation with RSS develop a Scope of Work to manage the project.

RSS Managed Services Rate: \$ 150.00 per hour
Expenses Included

RSS will submit invoices to PSAP Management in accordance with the Master Agreement.

Barry C. Ritter

Ritter Strategic Services

04/08/2021

Date

[Signature]
Delaware County Commissioner

5-03-2021
Date

[Signature]
County Auditor

TERMINATION OF TEMPORARY HIGHWAY EASEMENTS
THIS IS OFF OF COWAN ROAD AND FUSON IN, REMOVE EASEMENT

Mr. Brooke presented the highway easement off of Cowan Road and Fuson Road. This is clean up to remove easements.

MOTION: Commissioner Riggan made a motion to approve termination of both easements.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner Riggan, President King

Mr. Rhett will record the termination of both agreements and get both easements notarized and provide a copy to the Auditor's office.

ORIGINAL

**TERMINATION OF TEMPORARY
HIGHWAY EASEMENT GRANT**

This Certifies, that a certain Temporary Highway Easement Grant (General) ("Easement") dated August 30, 2001, upon the following real property located in Delaware County, Indiana:

Parcel No.: 18-11-32-200-004.000-012
Common Address: Vacant Land off W Fuson Rd
Muncie, Indiana 47302
Legal Description: See Exhibit "A" attached hereto

was entered into by and between Robert Spray, whose interest has since been transferred to GVFarms, LLC, pursuant to Instrument No. 2016R09712 ("Grantor"), and the Board of Commissioners of Delaware County, Indiana ("Grantee"), which said Easement is recorded in Book 2001 page 6861 in the office of the Delaware County, Indiana Recorder as Instrument Number 2001R25254.

Pursuant to the terms of the Easement, **THE AFOREMENTIONED EASEMENT IS HEREBY EXTINGUISHED, RELEASED, TERMINATED, VOID, AND REVERTS TO THE GRANTOR'S SUCCESSOR IN TITLE** due to completion of the Project stated therein.

In Witness Whereof, the Grantee above has executed this Termination of Temporary Highway Easement Grant this _____ day of _____, 2021.

BOARD OF COMMISSIONERS
OF DELAWARE COUNTY, INDIANA


By: James King, President

DEED 2001 6863

EXHIBIT "A"

Project: STP-M140()
Parcel No. 1 Temporary R/W for Drive Construction

Sheet 1 of 1

A part of the East Half of the Northeast Quarter of Section 32, Township 20 North, Range 10 East, Delaware County, Indiana, described as follows: Commencing at the northeast corner of said section; thence North 89 degrees 34 minutes 26 seconds West (assumed bearing) 75.895 meters (249.00 feet) along the north line of said section to the northwest corner of the 1.17-acre tract described in Deed Record 2000, page 5948; thence South 0 degrees 35 minutes 36 seconds East 4.884 meters (16.02 feet) along the west line of said 1.17-acre tract to the point of beginning of this description, which point of beginning is on the south boundary of Fusion Road (Old S.R. 67); thence South 0 degrees 35 minutes 36 seconds East 6.453 meters (21.17 feet) along the east line of the grantor's land; thence North 73 degrees 20 minutes 51 seconds West 22.627 meters (74.24 feet) to the south boundary of said Fusion Road; thence South 89 degrees 55 minutes 00 seconds East 21.611 meters (70.90 feet) along the boundary of said Fusion Road to the point of beginning and containing 0.0070 hectares (0.017 acres), more or less.

Subject to any easements, restrictions and rights of way of record.

ORIGINAL

**TERMINATION OF TEMPORARY
HIGHWAY EASEMENT GRANT**

This Certifies, that a certain Temporary Highway Easement Grant (General) ("Easement") dated August 30, 2001, upon the following real property located in Delaware County, Indiana:

Parcel No.: 18-11-32-200-003.000-012
Common Address: Vacant Land off W Fuson Rd
Muncie, Indiana 47302
Legal Description: See Exhibit "A" attached hereto

was entered into by and between Robert Spray, whose interest has since been transferred to GV Farms, LLC, pursuant to Instrument No. 2016R09712 ("Grantor"), and the Board of Commissioners of Delaware County, Indiana ("Grantee"), which said Easement is recorded in Book 2001 page 6852 in the office of the Delaware County, Indiana Recorder as Instrument Number 2001R25251.

Pursuant to the terms of the Easement, **THE AFOREMENTIONED EASEMENT IS HEREBY EXTINGUISHED, RELEASED, TERMINATED, VOID, AND REVERTS TO THE GRANTOR'S SUCCESSOR IN TITLE** due to completion of the Project stated therein.

In Witness Whereof, the Grantee above has executed this Termination of Temporary Highway Easement Grant this 3 day of May, 2021.

BOARD OF COMMISSIONERS
OF DELAWARE COUNTY, INDIANA


By: James King, President

DEED 2001 6854

EXHIBIT "A"

Project: STP-M140()
Parcel No. 2 Temporary R/W for Drive Construction

Sheet 1 of 1

A part of the East Half of the Northeast Quarter of Section 32, Township 20 North, Range 10 East, Delaware County, Indiana, described as follows: Commencing at the northeast corner of said section; thence North 89 degrees 34 minutes 26 seconds West (assumed bearing) 75.895 meters (249.00 feet) along the north line of said section to the northwest corner of the grantors' land; thence South 0 degrees 35 minutes 36 seconds East 4.884 meters (16.02 feet) along the west line of the grantors' land to the point of beginning of this description, which point of beginning is on the south boundary of Fusion Road (Old S.R. 67); thence South 89 degrees 55 minutes 00 seconds East 5.790 meters (19.00 feet) along the boundary of said Fusion Road to the southwestern boundary of the intersection of said Fusion Road and Cowan Road; thence South 77 degrees 27 minutes 48 seconds East 15.269 meters (50.10 feet) along the boundary of the intersection of said Fusion Road and said Cowan Road; thence South 81 degrees 22 minutes 21 seconds West 20.864 meters (68.45 feet) to the west line of the grantors' land; thence North 0 degrees 35 minutes 36 seconds West 6.453 meters (21.17 feet) along said west line to the point of beginning and containing 0.0076 hectares (0.019 acres), more or less.

Subject to any easements, restrictions and rights of way of record.

BAKERTILLY

Mr. Brooke said this is an engagement letter for Baker Tilly for advisory services. The advisory services is for Jail financing and other services.

MOTION: Commissioner Henry made a motion to approve the engagement letter/agreement with Baker Tilly.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin, President King

Full signed agreement is available in the Auditor's office

UNIFORM EASEMENT ACQUISITION OFFER

Mr. Brooke received the Uniform Easement Acquisition offer from I & M, however the one that was sent had already been approved in March 2021. This will be on the agenda at the next Commissioners meeting on May 17, 2021.

ORDINANCES FOR FIRST READING

CREATING A NEW FUND FOR GRANT MONIES TO SUPPORT COVID-19 RESPONSE (DCHD COMMUNITY FOUNDATION COVID FUND) ORDINANCE NO. 2021-014

Commissioner Henry said this grant was received from Community Foundation COVID Fund.

MOTION: Commissioner Henry made a motion to introduce Ordinance 2021-014, Creating a New Fund for Grant Monies to Support COVID-19 Response.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin, President King

MOTION: Commissioner Henry made a motion to suspend the rules on Ordinance 2021-014, Creating a New Fund for Grant Monies to Support COVID-19 Response.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin, President King

MOTION: Commissioner Henry made a motion to approve Ordinance 2021-014, Creating a New Fund for Grant Monies to Support COVID-19 Response.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin, President King

ORIGINAL

ORDINANCE NO. 2021-014

**Creating a New Fund for GRANT MONIES TO SUPPORT COVID-19 RESPONSE
(DCHD COMMUNITY FOUNDATION COVID FUND)**

WHEREAS, the Delaware County Health Department receives funds from various grant sources, including the Community Foundation of Muncie and Delaware County, Inc.;

WHEREAS, it is necessary to establish a new fund in the Auditor's Office into which the proceeds will be deposited;

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF DELAWARE COUNTY, INDIANA THAT:

The Delaware County Health Department shall be permitted to establish a fund entitled **DCHD Community Foundation COVID Fund** and has issued a budget fund number of _____ with respect to these funds and such funds shall be non-reverting.

Dated this 3 day of May, 2021

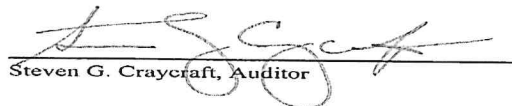

James King


Shannon Henry


Sherry Riggins

Delaware County Commissioners

ATTEST:


Steven G. Craycraft, Auditor

RESOLUTIONS FOR APPROVAL

**A RESOLUTION ALLOWING THE PRESIDENT OF THE BOARD OF COMMISSIONERS
TO SIGN ELECTRONICALLY CONTRACTS INVOLVING
INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) FUNDED PROJECTS FOR THE COUNTY
RESOLUTION NO. 2021- 009**

Mr. Brooke said INDOT has a new procedure for signatures electronically. INDOT only has a requirement of one signature. A Resolution is needed, giving the President of Commissioners authorization to electronically sign.

MOTION: Commissioner Riggin made a motion to approve Resolution 2021-009, A Resolution Allowing the President of the Board of Commissioners to Sign Electronically Contracts Involving Indiana Department of Transportation Funded Project for the County.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner Riggin, President King

ORIGINAL

RESOLUTION NO. 2021- 009

**A RESOLUTION ALLOWING THE PRESIDENT OF THE BOARD OF
COMMISSIONERS TO SIGN ELECTRONICALLY CONTRACTS INVOLVING
INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) FUNDED PROJECTS
FOR THE COUNTY**

WHEREAS, INDOT has enacted rules to allow the electronic signature of contract participants for work that is being performed by INDOT contractors, engineers or INDOT funded transportation projects; and

WHEREAS, the Board of Commissioners of Delaware County has had a practice of requiring all three commissioner signatures for each and every contract; and

WHEREAS, the Board of Commissioners believe that with the advent of electronic signatures on grants, contracts and other obligations, the best practice would be to authorize the President of the Board of Commissioners to execute said documents upon approval by the Board of Commissioners in their public meetings.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA, THAT:

1. The President of the Board of Commissioners shall execute any and all contracts, grants, applications or other documents that require an electronic signature without the necessity of having all three Commissioners also sign same said document.
2. The President of the Board of Commissioners may only execute said contracts, grants, applications or other documents after approval by a majority of the members of the Board of Commissioners.
3. The approval of the contract, grant, application or other document to be signed via electronic signature shall be made a part of the minutes of the Board of Commissioner meetings.

DULY ADOPTED by the Board of Commissioners of Delaware County at a regularly scheduled public meeting held on this, the 3 day of May, 2021.

*DELAWARE COUNTY
BOARD OF COMMISSIONERS*

James King, Commissioner

Sherry Riggin, Commissioner

Shannon Henry, Commissioner

ATTEST:

*Sтивен Craycraft, Auditor
Delaware County, Indiana*

RESOLUTION IDENTIFYING CERTAIN PROPERTY TO BE TRANSFERRED TO A NONPROFIT ENTITY
RESOLUTION NO. 2021-011

Mr. Brooke said this is the process for transferring real estate to East Central Indiana Planning. A Public Hearing will take place at 9:00 a.m. on May 17, 2021.

MOTION: Commissioner Henry made a motion to approve Resolution 2021-011, Resolution Identifying Certain property to be transferred to a Nonprofit Entity.

SECOND: Commissioner Riggins

YEAS: Commissioner Henry, Commissioner Riggins, President King

RESOLUTION NO. 2021-011

ORIGINAL

A RESOLUTION OF THE DELAWARE COUNTY, INDIANA BOARD OF COMMISSIONERS IDENTIFYING CERTAIN PROPERTY TO BE TRANSFERRED TO A NONPROFIT ENTITY PURSUANT TO IND. CODE § 36-1-11-1 ET SEQ.

WHEREAS, the Board of Commissioners of Delaware County, Indiana (the "Board of Commissioners") is the county executive of Delaware County, Indiana (the "County"); and

WHEREAS, Ind. Code § 36-1-11-1 *et seq.* sets forth the procedures by which a county executive may transfer property to a nonprofit entity; and

WHEREAS, the Board of Commissioners has identified property for which it now desires to transfer to a nonprofit entity to be used for the public good; and

WHEREAS, the property the Board of Commissioners now desires to transfer to a nonprofit entity to be used for the public good is identified on Exhibit A, attached hereto; and

WHEREAS, the Board of Commissioners intends to accept written applications from eligible nonprofit entities that desire to have the identified property transferred to the nonprofit entity and will conduct a public hearing to consider all submitted applications and hear any opposition to a proposed transfer.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA THAT:

SECTION 1. The Board of Commissioners hereby identifies the property listed on Exhibit A, attached hereto, as those for which the Board of Commissioners desires to transfer to nonprofit entities to be used for the public good.

SECTION 2. The Board of Commissioners will conduct a public hearing to consider the transfer of the property to a nonprofit entity and said public hearing shall be set to occur on the 17th day of May, 2021, at 9:00 a.m. in the Delaware County Commissioner's Courtroom, 100 West Main Street, Room 309, Muncie, Indiana 47305.

SECTION 3. The Board of Commissioners shall cause to be published a notice regarding the public hearing and, prior to said public hearing, will accept written applications from nonprofit entities that are not otherwise ineligible pursuant to Ind. Code § 36-1-11-16 and desire to have the identified property transferred to them.

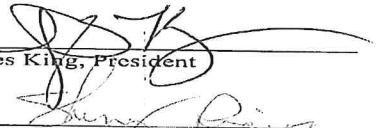
SECTION 4. The Board of Commissioners will consider any written applications submitted by eligible nonprofit entities and, immediately following the public hearing, will make a final determination concerning the transfer of the identified property.


Resolution No. 2021-011


Page 1 of 2

DULY ADOPTED by the Board of Commissioners of Delaware County at a regularly scheduled public meeting held on this, the 13 day of May, 2021.


*DELAWARE COUNTY
BOARD OF COMMISSIONERS*


James King, President


Sherry Riggan, Commissioner


Shannon Henry, Commissioner

ATTEST:


Steven Craycraft, Auditor
Delaware County, Indiana

Resolution No. 2021-011

Page 2 of 2

DEPARTMENT HEADS AND ELECTED OFFICIALS

Mr. Tom Fouch, Building Commissioner, presented an order to abate and/or demolish/rehab structure in Oakville, Indiana. The building now is secured, however he is living in an RV on the property. This is a problem and the building is unsafe. Taxes have not been paid.

Commissioner Henry asked that Ms. Moody and Mr. Fouch review ordinances to see what additions can be adopted to assist Mr. Fouch regarding these issues and to update an ordinance.

President King asked that they research to see how long someone has to bring a building up to code.

Mr. Brooke said there is a number of situations that the Plan Commission needs additional procedures in place to assist them. Mr. Brooke said fines of \$2500 per day add up quickly and could/should be enforced. Fines, notices and civil penalties will be reviewed and the process can begin.

MOTION: Commissioner Henry made a motion for the Plan Commission to review more enforcement and then bring the findings back to the Commissioners.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin, President King

The Commissioners thank Mr. Fouch for the work he is doing.

MONTHLY/WEEKLY REPORTS

Weights & Measures Monthly Report

PAYMENTS OF CLAIMS

MOTION: Commissioner Riggin made a motion to approve claims in the amount of \$1,705,537.40.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner Riggin, President King

PUBLIC COMMENTS, QUESTIONS, OTHER BUSINESS & DISCUSSION

Mr. Brian Kuehl spoke regarding Meeker Avenue closure. Accidents due to the closure is a concern and how EMS will assist in the area.

President King said INDOT can be contacted direct, however, INDOT pretty much does what they want and the county is not in control of INDOT. Even though the Public Hearing was canceled once President King agreed that it should have been rescheduled.

Ms. Moody said discussion took place during the Transportation Policy Committee meeting. Accidents can be monitored and counters can be set to start collecting data.

Mr. Brooke said when he was in office, objections had been filed, however INDOT still closed Centennial.

Commissioner Henry said Public Hearings had been scheduled but COVID was very bad during that time.

Melanie Marshall, Recorder, thanked the Commissioners for taking the lead within Delaware County during COVID 19.

Mr. Brooke submitted one question from the public regarding the inpatient treatment services to be provided at the Justice Center.

May 3, 2021 Commissioner meeting

Mr. Brooke and President King said they are still working on information regarding the inpatient treatment center. They will work together with Ms. Lisa Scroggins, Mayor of Muncie, City President and Sherriff Skinner.

RECESS

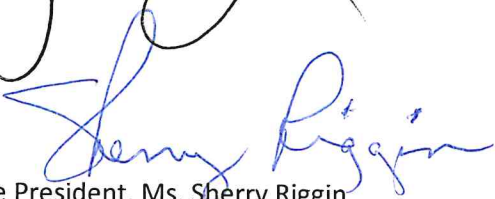
MOTION: Commissioner Henry made a motion to recess until Monday, May 17, 2021,

SECOND: Commissioner King

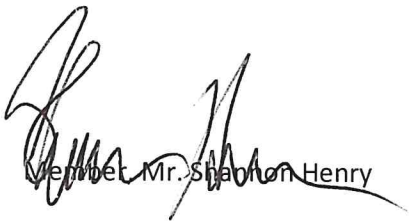
YEAS: Commissioner Henry, Commissioner Riggan, President King



President, Mr. James King



Vice President, Ms. Sherry Riggan



Member, Mr. Shannon Henry



Auditor, Mr. Steven G Craycraft