

DELAWARE COUNTY COMMISSIONER'S MEETING

Monday, April 5th, 2021 @ 9:03 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
Comments may be directed to commissioners@co.delaware.in.us

Mr. Shannon Henry

Mr. James King

Ms. Sherry Riggin

Mr. John Brooke, County Attorney

Mr. Steven G Craycraft, Auditor

PUBLIC HEARING CUMULATIVE BRIDGE FUND

President King said he spoke with Council President, Mr. Scott Alexander, and this is something that could be done this year.

No comments from the public.

MOTION: Commissioner Henry made a motion to close the Cumulative Bridge Fund Public Hearing.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin, President King

CONFIRMATION



Classified Advertising 345 S. High Street P.O. Box 2408 Muncie, IN 47307 (765)213-5777

BROOKE / STEVENS, P.C. 112 E GILBERT ST MUNCIE IN 47305-

Account MNI-060322	<u>AD#</u> 0004662460	Net Amount \$17.21	Tax Amount \$0.00	Total Amount \$17.21	Payment Meth Credit Car		nt Amount \$0.00	Amount D
Sales Rep: mweb	per		Order Taker: mwebe	ar .		Order Created	03/25/202	1
Product		Placement		Classification	# Ins	Start Date	End Date	
MNI-The Muncle MNI-thestarpress	s.com	MNI-Public MNIW-Publ	ic Notices	Legal Notices Legal Notices	1	03/29/2021 03/29/2021	03/29/2021	
LL TRANSACTIONS	S CONSIDERED PAID	IN FULL UPON CLE	ARANCE OF FINANCIA	AL INSTITUTION				
ext of Ad:	03/25/2021							
NOTICE TO TAXP	AYERS OF HEARING O	N PROPOSED CUMI	DLATIVE					
will hold a public 309A of the Coun- cie Indiana 47305	given to the taxpayord of Commissioners hearing in the Com ty Building, located a i at 9:00 a.m. ET on / of the Cumulative B § 8-16-3-1 et seq.	missioners' Courtro	y, Indiana om, Room reet, Mun-					
sessed valuation be 2022. Taxpayers as heard thereon an	ied on all taxable rea rict at a rate not to de- beginning with taxes ppearing at such hear d the proposal for e is subject to approval ce.	due and payable in fing shall have the	100 of as- the year ight to be					
the Board of Compublication of the taxing district later than noon the	fter the date of the dof Commissioners will publist Notice of Adoption, may file a petition hirty (30) days after g forth their objection	h a Notice of Adopt ten (10) or more ta with the County A	/, Indiana, ion. Upon xpayers in uditor not					
Dated this 29th da								
Goard of Commissi		CONTRACTOR AND CONTRACTOR CONTRAC	1					

Board of Commissioners of Delaware County, Indiana (MNI - 3/29/2021 - 0004662460)

APPOINTMENTS

City and County Council for People with Disabilities

MOTION: Commissioner Henry made a motion to approve Ms. Brandy Webb, Mr. Conner Polk, Ms. Tammy Greenwell to City and County Council for People with Disabilities.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin, President King

MOTION: Commissioner Henry made a motion to approve Ms. Sherry Riggin to City and County Council for People with

Disabilities.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner Riggin, President King

One other appointment is needed, information was provided.

APPROVAL OF MINUTES

MOTION: Commissioner Henry made a motion to approve March 15, 2021 Commissioner Minutes, March 16th, 29th and 31st, 2021 Executive Session Meetings.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin, President King

PRESENTATIONS

DELAWARE COUNTY FAIRGROUNDS

Mr. Mark Difabio, President of Fair Board, said all plans, as of date, is that the Delaware County Fair will be held July 12 through July 24, 2021. The Queen contest will be June 12, 2021.

Mr. Difabio thanked the Commissioners for their ongoing support with the Fair Board.

UNITED CONSULTING - DELAWARE COUNTY BRIDGE INSPECTIONS/INVENTORY

Mr. Jeff Larrison and Mr. John SanGiorgio, United Consulting, presented information of Bridge Inventory construction services from 2017 to 2021. Bridge Inventories are required by FHWA and INDOT. Inspections are contracted on a four-year basics.

Mr. SanGiorgio commended Ms. Angie Moyer, Project Manager, for her assistance with the bridges in Delaware County.

Commissioner Riggin asked about the additional staffing needed in Bridge Department.

Mr. SanGiorgio said maintenance staff has been assisting bridge staff. Mr. SanGiorgio said he felt Ms. Moyer would have more knowledge of what is needed in staffing.

Ms. Moyer said they could use more staffing.

President King said he has spoken with Mr. Tommy Humbert, Highway Superintendent regarding the matter and three additional employees would help. Two more employees will be needed on the Highway side. The Commissioners would have to go before Council regarding additional help. President King said federal monies would be considered.

Ms. Moyer thanked Mr. Larrison and Mr. SanGiorgio for their assistance.

HARDEST HIT FUND BLIGHT ELIMINATION PROGRAM

Mr. Zane Bishop, City of Muncie, presented a detailed report of blight elimination program.

4/5/2021

HARDEST HIT FUND
BLIGHT ELIMINATION PROGRAM
APRIL 5, 2021 REPORT TO DELAWARE COUNTY COMMISSIONERS

MUNCEE

PROPERTIES DEMOLISHED

208 FUNDED ORIGINALLY 249 DEMOLISHED (248 PARCELS, 269 UNITS)

MUMBE

FUNDS SPENT \$225,000 TO COUNTY \$2.400,000 TO LOCAL COMPANIES

MUNCE

PROGRAM PARTNERS

MUNCIE REDEVELOPMENT (227 PROPERTIES)
MUNCIE LAND BANK (10)
HABITAT FOR HUMANITY (3)
RELIGIOUS ORGANIZATIONS (5)
INDIVIDUALS (4)

CONTRACTS OR AGREEMENTS FOR APPROVAL EMERGENCY DECLARATION 2020-08

Mr. John Brooke, County Attorney, presented Emergency Declaration 2020-08. The extension will be through the end of April 2021. An update regarding masks are in the declaration.

County Buildings still require masks, businesses may choose how to handle mask within their business.

Commissioner Riggin said she is disappointed that masks are not being required inside of businesses.

MOTION: Commissioner Henry made a motion to approve Emergency Declaration 2020-08.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin

NAYES: Commissioner Riggin

X

Disaster Emergency Declaration 2021-08

Delaware County, Indiana

- WHEREAS, the President of the United States, on March 13, 2020, has declared a nationwide emergency concerning the spread of COVID-19 viral infections, and
- WHEREAS, the Governor of the State of Indiana, on March 16, 2020, has made an emergency declaration in response to the Coronavirus (COVID-19) disease epidemic wherein he has extended the public health emergency for a thirteenth time up to and including April 30, 2021; and
- WHEREAS, the County Health Officer has determined that certain measures should remain in place to lessen the potential spread of the COVID-19 virus including the closing of some local businesses; and
- WHEREAS, pursuant to I. C. 10-14-3-29(a) the Board of Commissioners of Delaware County, IN hereby makes a local disaster emergency declaration; and
- WHEREAS, the trend in Delaware County for the past month has shown an increase in COVID-19 cases and the positivity rate for the last 7 days is 2.6% ending on March 11, 2021 for the County; and
- WHEREAS, there have been a total of 10,138 cases in Delaware County as of April 2, 2021 and including 26 new cases in the last 24 hours with an increase of 207 cases since March 11, 2021 and a total of 182 deaths since the start of the pandemic and more than an average of 11 cases per day; a positivity rate of 5% currently and IU Ball Memorial Hospital has a total of 10 inpatient COVID-19 patients; and
- WHEREAS, Delaware County has a positivity rate and number of cases that have increased from two weeks ago, but the County is still in the "Blue" category according to the State Board of Health metrics; and
- WHEREAS, the Board of Commissioners of Delaware County, Indiana have determined that in response to the emergency believes that an Emergency Declaration is appropriate for the citizens of Delaware County and that the Emergency Declaration should be extended.

NOW THEREFORE WE, THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA HEREBY DECLARE THAT:

 A local public health disaster continues to exist in the County and that we hereby invoke and declare those portions of the Indiana Code which are applicable to the conditions and have caused the issuance of this proclamation, to be in full force and effect in the entire County, including incorporated areas for the exercise of all necessary emergency authority for protection of the lives and property of the people of this County and the restoration of local government with a minimum of interruption. This Emergency Order is effective immediately and shall be in place until the end of business April 19, 2021.

- Governor Eric Holcomb's Executive Orders 20-48, 20-50, 20-53, 21-08 and 21-09 are incorporated in their entirety in this Emergency Declaration.
- 3. All employees in any county facility that is owned or leased by the County or property shall wear a face covering their nose and mouth at all times except while working in their own workspace, provided that the workspace is spaced more than 6' from other work spaces. Additionally, employees shall not be required to wear facial coverings when working outside (if they are working in an environment that allows for social distancing), in a vehicle by themselves or working remotely. Employees of the County shall also wear facial coverings when moving about the hallways, common areas, restrooms or other areas of the County facilities when not at their work space.
- 4. Department heads and Elected officials shall reduce the number of employees and personnel permitted to congregate in break rooms or common areas and to ensure social distancing occurs at all times.
- 5. All members of the public that conduct business in any county building or facility shall maintain a social distance of at least 6 feet between individuals at all times and shall wear a face covering over the nose and mouth when inside any public building or other indoor space open to the public. This does NOT apply to private offices, private workplaces or meetings where

social distancing can be achieved and maintained between people not in the same household.

- 6. Members of the public are required to wear a face covering which may consist of a face mask or shield or other covering which covers the person's mouth and nose during their business in any County Building or facility unless the member of public has an underlying health condition prohibits wearing a face covering.
- Members of the public are required to wear a face covering at any COVID-19 testing or vaccination site.
- 8. In instances where an individual must visit a retail business, the business shall follow the proper social distancing requirements in Executive Order 20-48, 21-06 and the guidelines from the Center for Disease Control (CDC).
- 9. Members of the public may be required to wear a face mask for those schools, universities and businesses that require a face mask and members of the public should honor those requests.
- 10. Citizens are not required to wear a mask so long as they can continue to maintain social distance from each other.
- 11. Pursuant to Executive Order 21-06; Delaware County currently is placed in the "Blue" zone because community spread is occurring and the County has a point score of .5 according to the Indiana Department of Health.
- 12. Delaware County has the ability to increase the threat level to a "Red" zone where the community spread is high and the County could achieve a point score of 3.0 or higher by the Indiana Department of Health.
- 13.In the event that the County achieves a "Red Zone" level from the State Health Department, then social gatherings and events of greater than 25 people are prohibited from occurring.

- 14. All businesses are required to place clearly visible signage at their public and employee entrances notifying that face coverages may be if the business so chooses required for all individuals entering the business. Businesses also shall continue to maintain their COVID safety plan.
- 15. Religious services shall be governed by Executive Order 2020-48, section 7(a).
- 16.This Emergency Declaration shall supersede and replace all prior Emergency Declarations made the by Board of Commissioners prior to this Emergency Order.
- 17. The Commissioners determine that all government operations are essential and the government operations from March 23, 2020 to the present and all essential governmental functions are operating and available to the public through remote or electronic access, as needed.
- 18. This Emergency Order shall remain valid until the end of business on April 19, 2021 unless superseded.

In witness, whereof, we have hereunto set our hand this 5th day of April, 2021.

Delaware County Board of Commissioners

Sheny Riggin

Shannon Henry

10 .

Attest: Steven G. Craycraft, County Auditor 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

Mr. Brooke said City of Muncie has filed a petition requesting that cancellation of owed property taxes, fees (see below) be dismissed.

MOTION: Commissioner Henry made a motion to approve Petition to request the Cancellation of Property Taxes, Delinquencies, Fees, Special Assessments and Penalties Assesses.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin, President King

BEFORE THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA

	100
_6	EP/BP
F	66666000
1	60 11 11 11 100 0
	CON A
	6/2

IN RE:

THE CANCELLATION
OF TAXES ON CERTAIN REAL
PROPERTY OWNED BY THE
CITY OF MUNCIE, DEPARTMENT
OF REDEVELOPMENT

Parcel No: 18-11-05-355-006.000-003

County: Delaware

Assessment Years: 2017, 2018, 2019 and 2020

ORDER

Pursuant to Ind. Code § 6-1.1-36-7:

- A petition signed by the Auditor of Delaware County, Steven G. Crayeraft, Assessor of Delaware County, James D. Carmichael, and Treasurer of Delaware County, Edward. E. Carroll, Jr., was filed with the Board of Commissioners of Delaware County, Indiana requesting an order for the removal of property taxes assessed against certain real property located in Delaware County (the "Petition" attached and incorporated by reference).
- The real property subject to the Petition (the "Real Property") is legally described as follows:

Parcel Number:

18-11-05-355-006.000-003

Brief Legal Description:

PT OF SW QTR OF SW QTR 18.52 Acres

Common Address:

3211 West Mansfield Drive Muncie, Delaware County, Indiana

 The Petition included the following as evidence, all of which is attached and incorporated by reference:

Exhibit A: Legal Description of the Real Property.

Exhibit B: Limited Warranty Deed for the Real Property.

Exhibit C: Property Tax Statement for Real Property, printed March 15, 2019.

OBIGINAL

BEFORE THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA

IN RE: THE CANCELLATION OF TAXES ON CERTAIN REAL PROPERTY OWNED BY THE) Parcel No: 18-11-05-355-006.000-003 County: Delaware	
PROPERTY OWNED BY THE CITY OF MUNCIE, DEPARTMENT OF REDEVELOPMENT)	20

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 real property acquired by the Muncie Redevelopment Commission, as the governing body of the City of Muncie, Department of Redevelopment. In support of their Petition, the Petitioners would state as follows:

1. On June 1, 2020, the Muncie Redevelopment Commission 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").

Full agreements located in Auditor's Office

Mr. Dan Ridenour, Mayor of Muncie, said he appreciated the Auditor, Treasurer and Assessor for working on a solution. This was not taxes due by City of Muncie but taxes owed from previous owners.

President King and Mayor Ridenour both agree that working together in the future can make a lot of things happen.

Mr. Ridenour thanked Mr. Bishop for his efforts in the matter.

ORDINANCES FOR SECOND READING

AN ORDINANCE TO RE-ESTABLISH A CUMULATIVE BRIDGE FUND FOR DELAWARE COUNTY, IN AND INCREASING THE TAX RATE FOR THE FUND PURSUANT TO IN CODE 6-1.1-41 & 8-16-3

ORDINANCE 2021-007

MOTION: Commissioner Riggin made a motion to adopt Ordinance 2021-007, An Ordinance to Re-Establish a Cumulative Bridge Fund for Delaware County, IN and Increasing the Tax Rate for the Fund Pursuant to IN Code 6-1.1-41 & 8-16-3.

SECOND: Commissioner Henry

Council will actually oppose or approve the rate.

Mr. Ron Quakenbush, Councilmember, said this is a transfer of tax rate from general fund to bridge fund. In past history Quakenbush did not recall Commissioners going to Council.

President King said per his understanding is was a penny, however, it is up to County Council to decide on rate.

Commissioner Henry said Council asked Commissioners to hold off last year. More rehab is needed on bridges and this was the thought from Commissioners.

YEAS: Commissioner Henry, Commissioner Riggin, President King

ORDINANCE 2021-007

AN ORDINANCE TO RE-ESTABLISH A CUMULATIVE BRIDGE FUND FOR DELAWARE COUNTY, INDIANA AND INCREASING THE TAX RATE FOR THE FUND PURSUANT TO IND. CODE §§ 6-1.1-41 & 8-16-3

WHEREAS, the Delaware County Board of Commissioners previously established a Cumulative Bridge Fund for Delaware County, Indiana (the "Fund"), and set the tax rate for the Fund pursuant to Ind. Code §§ 6-1.1-41 and 8-16-3; and

WHEREAS, the Board of Commissioners has now determined that it is in the best interest of the County to re-establish the Fund and increase the Tax Rate for the Fund to provide additional resources for the adequate maintenance of the County's aging bridge infrastructure.

 $NOW\ THEREFORE,\ BE\ IT\ ORDAINED$ by the Board of Commissioners of Delaware County, Indiana:

SECTION 1. The Board of Commissioners hereby re-establishes the Delaware County Cumulative Bridge Fund pursuant to Ind. Code § 6-1.1-41, to be used for the purposes allowed and set forth in Ind. Code § 8-16-3.

SECTION 2. An ad valorem property tax levy is hereby imposed at a rate not to exceed ten cents (\$0.10) on each one hundred dollars (\$100) of assessed valuation. Said tax rate will be levied beginning with taxes for the 2021 payable in 2022 tax year and the revenues from said levy shall be retained in the special fund to be known as the Bridge Fund. The Board of Commissioners shall adhere to the provisions of Ind. Code § 8-16-3-1 et seq.

SECTION 3. The Delaware County Auditor is hereby directed to submit proofs of publication of the public hearing held on the 5th day of April, 2021, a certified copy of this Ordinance, and all other relevant and required documentation to the Department of Local Government Finance of the State of Indiana requesting approval of the Delaware County Cumulative Bridge Fund as provided by law. This Cumulative Fund is subject to the approval of the Department of Local Government Finance

SECTION 4. The provisions of this Ordinance shall become effective upon adoption, publication as required by law, and all necessary approvals have been received and shall remain full force and effect until repealed.

DULY ADOPTED by the Board of Commissioners of Delaware County following a vote with _______ of its members in favor and ______ of its members against, at a regularly scheduled public meeting held on this, the ______ day of _______ day of _______, 2021.

2

DELAWARE COUNTY BOARD OF COMMISSIONERS

James King President

Sherry Riggin, Commissioner

Shannon Henry, Commissioner

ATTEST:

Steven Craycraft, Auditor Delaware County, Indiana

ORDINANCES FOR FIRST READING CREATING A NEW FUND FOR THE RECEIPT OF FUNDING FROM THE AMERICAN RESCUE PLAN AS ADOPTED BY CONGRESS IN 2021 ORDINANCE 2021-008

MOTION: Commissioner Henry made a motion to introduce with amendments Ordinance No. 2021-008, Creating a New Fund for the Receipt of Funding from the American Rescue Plan as Adopted by Congress in 2021. State Board of Accounts would like some wording to be changed. This is the first reading.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin, President King

AN ORDINANCE PROHIBITING DEADLY WEAPONS FROM THE DELAWARE COUNTY JUSTICE CENTER AND THE DELAWARE JUVENILE COURT ORDINANCE NO. 2021-009

Ms. Emily Anderson, Court Administrator, presented Ordinance 2021-009. The Security Committee recommended that this ordinance be approved for the new facility.

MOTION: Commissioner Henry made a motion to introduce Ordinance 2021-009 Prohibiting Deadly Weapons from the Delaware County Justice Center and the Delaware Juvenile Court.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin, President King

MOTION: Commissioner Henry made a motion to suspend the rules Ordinance 2021-009 Prohibiting Deadly Weapons from the Delaware County Justice Center and the Delaware Juvenile Court.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin, President King

MOTION: Commissioner Henry made a motion to approve Ordinance 2021-009 Prohibiting Deadly Weapons

from the Delaware County Justice Center and the Delaware Juvenile Court.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin, President King

ORDINANCE 2021 - 009

AN ORDINANCE PROHIBITING DEADLY WEAPONS FROM THE DELAWARE COUNTY JUSTICE CENTER AND THE DELAWARE COUNTY JUVENILE COURT

WHEREAS, the Board of Judges of the Delaware Circuit Court and the Delaware County Courthouse Security Committee has determined that the carrying in of deadly weapons into the Delaware County Justice and Rehabilitation Center presents significant security and other issues related to the proper functioning of the Courts; and

WHEREAS, the Delaware County Commissioners are responsible for the Delaware County Justice and Rehabilitation Center and the items that may be brought into the Justice and Rehabilitation Center by members of the public.

NOW, THEREFORE, THE DELAWARE COUNTY COMMISSIONERS HEREBY ISSUE AND DIRECT THE FOLLOWING ORDINANCE:

- 1) A "deadly weapon" means: a loaded or unloaded firearm; a weapon, device, laser or electronic stun gun, equipment, chemical substance, knife or other material that in the manner it is used, could ordinarily be used or is intended to be used, is readily capable of causing serious bodily injury. "Firearm" means any weapon which is capable of, designed to or that may readily be converted to expel a projectile by means of an explosion.
- 2) A person shall not possess a deadly weapon as defined in this Ordinance within in the Delaware County Justice and Rehabilitation Center or Delaware County Juvenile Court, including its lobby. Any person in violation of this section shall be subject to a fine up to one thousand dollars (\$1,000.00) per violation and confiscation of the deadly weapon. The County Attorney is hereby authorized to enforce this ordinance through the Delaware County court system.
- Excepted persons: The prohibition of Section 2 does not apply to marshals, sheriff, deputy sheriff, police officers, law enforcement officers, judges, magistrates, master commissioners, bailiffs, prosecuting attorneys, deputy

prosecuting attorneys, investigators duly appointed by the prosecuting attorney, law enforcement agents of the United States duly authorized to carry deadly weapons, former police or law enforcement officers, if serving as security for any agency or function of County government, and any employee who works within the Delaware County Justice and Rehabilitation Center so long as the employee holds a valid personal protection gun permit, is granted permission by their supervisor and/or department head, and is not otherwise prohibited by state or federal law from possessing a firearm.

Effective date: 4/5/2001

James King, Commissioner

Shannon Henry, Commissioner

Shorni Biggin Garania

Attest: 4-5-2021

Steven Craycraft, Auditor

MONTHLY/WEEKLY REPORTS

Weights & Measures Monthly Report

PAYMENTS OF CLAIMS

MOTION: Commissioner Riggin made a motion to approve claims in the amount of \$1,563,688.27.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner Riggin, President King

PUBLIC COMMENTS, QUESTIONS, OTHER BUSINESS & DISCUSSION

Mr. Brooke said one question from the public ask about enforcement masks within businesses.

Mr. Tony Skinner, Delaware County Sheriff, said if a business owner ask that someone leave their property due to not wearing a mask, action will be taken regarding trespassing.

RECESS

MOTION: Commissioner Henry made a motion to recess until April 19, 2021.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner Riggin, President King

President, Mr. James King

Vice President, Ms. Sherry Riggin

ber, Mr. Shannon Henry

Auditor, Mr. Steven G Craycraft

Commissioner meeting April 5, 2021

og. 19