

DELAWARE COUNTY COMMISSIONERS MEETING
MONDAY, DECEMBER 6, 2021 @ 9:02 A.M.
COMMISSIONERS' COURTROOM
100 W. MAIN ST. ROOM 309A
CALL TO ORDER
PLEDGE TO FLAG
WELCOME

Meetings will also be live streamed via the
Delaware County, Indiana Government Facebook Page
Comments may be made to the Commissioners via their email at commissioners@co.delaware.in.us

ROLL CALL

Mr. Shannon Henry
Mr. James King
Ms. Sherry Riffin
Mr. John Brooke, County Attorney
Ms. Donna Patterson, Deputy Auditor

APPROVAL OF MINUTES

MOTION: Commissioner Riffin made a motion to approve November 15 Commissioners meeting and November 22, 2021 Special meeting.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner Riffin, President King

PRESENTATIONS

Commissioner Henry introduced Dr. Lynn Witty.

Dr. Witty said she has been actively involved with addiction issues within Delaware County. Ms. Witty is on Mayors committee for addiction. Dr. Witty spoke in regards to the Jail addiction program and a diversion program for those addicts with misdemeanors or borderline rehabilitation issues. As a physician, it is important that during that time period that there is aggressive treatment. This is considered a voluntary program but it is important who is going to administer the program. Ms. Witty is interested in how the program can be combined for the betterment of the community.

Mr. Travis Jester works with Indiana Recovery Network.

Commissioner Henry has been working with Mr. Jester for the last few months.

Commissioner Riffin often sees Dr. Witt on the zoom meetings.

Mr. Jester is 3 ½ years clean and is in recovery and is a certified addiction peer recovery coach.

JAY COUNTY

**PEER RECOVERY
COACHES
ARE HERE!**

WE ARE:

- Motivator/Cheerleader
- Ally/Confidant
- Resource Broker
- Advocate
- Lifestyle Consultant

WE ARE NOT:

- Priest/Minister/Rabbi
- Sponsor
- Counselor
- Nurse/Doctor
- Attorney/Lawyer

FOUR GOALS:

- Promote recovery
- Remove barriers
- Connect people with recovery support services
- Encourage hope, optimism and healthy living

CONTACT:
JAY COUNTY DRUG PREVENTION
COALITION
TRAVIS@JCDPC.ORG
260-251-3259

**TO GET HELP OR SPEAK WITH A
COMMUNITY NAVIGATOR 24/7/365
DIAL 2-1-1**



Mr. Jester said it is important to have somebody that lived the experience to help after rehab and to have someone that has walked this walk. The flyer states Jay County, however it is a federal free program helping all counties.

A map and flyer has been provided to peer recovery coaches being available in all areas including Delaware County.

Commissioner Henry said when he has had someone in need from drugs or a drug overdose he has worked with Mr. Jester and he is always reliable and dependable.

Commissioner Riggins has been on Coalition Board of Mental Health for five years. She is familiar with Ms. Witty and Mr. Jester's program. Recently Commissioner Riggins said at the Commissioner conference they spoke regarding what Brown County has done. Commissioner Riggins said when these people get off of the high and it is important to have a companion for support.

CONTRACTS OR AGREEMENTS FOR APPROVAL
LOCAL ROADS & BRIDGES MATCHING 50% GRANT AGREEMENT

Ms. Angie Moyer, Project Manager, presented the 50% matching grant agreements for the local roads and bridges.

COWAN RD BETWEEN 23RD ST AND MUNCIE BYPASS PAYMENT PRESERVATION PROJECT \$211,978.72
BR #269 – FLOYD DRIVE @ NO NAME CREEK – MONROE TOWNSHIP \$208,000
CR 500 N WEST OF CR 725 EAST – DELAWARE TOWNSHIP STRUCTURAL REPLACEMENT \$53,625

MOTION: Commissioner Henry made a motion to approve Bridge #269, \$208,000, CR 500 N West of CR 725 East \$53,625 and 23rd Street and Muncie Bypass for \$211,978.72.

SECOND: Commissioner Riggins

YEAS: Commissioner Henry, Commissioner Riggins, President King

ASHTON LAND SURVEYOR – THORBRO PLAT, PENROD SUBDIVISION AND LISA ADDITION

Ms. Kathy Vannice, Ashton Land Surveyor, presented Thorbro Plat, Penrod Subdivision and Lisa Addition. Dedicating of Right of way for all three need to take place. Plat Committee has approved all three.

MOTION: Commissioner Henry made a motion to approve the request from Ms. Vannice regarding Thorbro Plat, Penrod Subdivision and Lisa Addition.

SECOND: Commissioner Riggins

YEAS: Commissioner Henry, Commissioner Riggins, President King

A SHERMAN
IN SECTION 17, TOWNSHIP 23 NORTH, RANGE 11 EAST,
LIBERTY TOWNSHIP, DELAWARE COUNTY

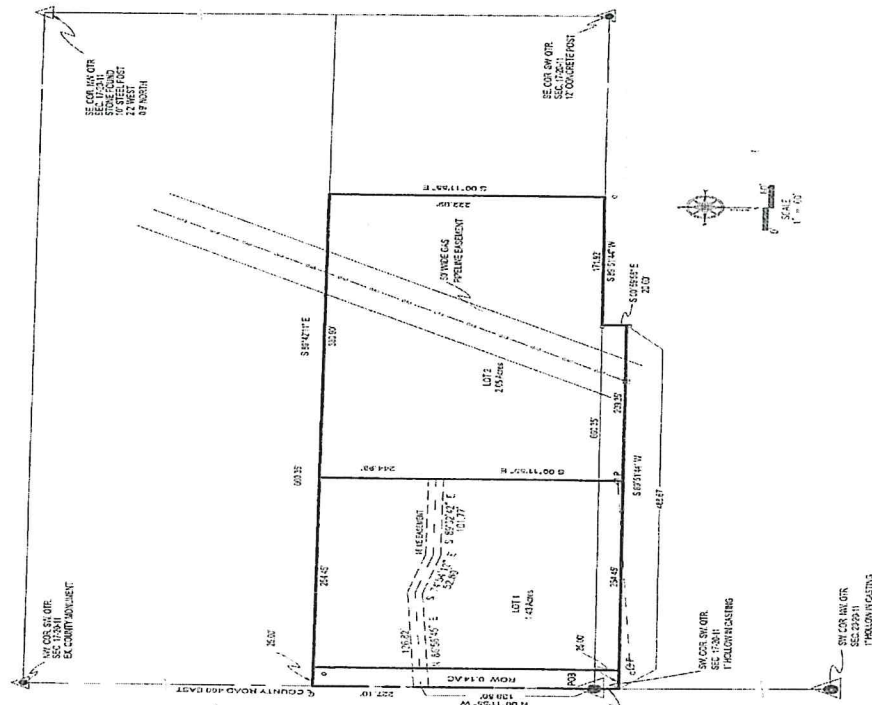
Journal of Business Ethics

THE INFORMATION-DETERMINED INFORMATION-DETERMINED

Penrod Subdivision

DELAWARE COUNTY, INDIANA

AS SHOWN ON THE PLAT OF THE
PENROD SUBDIVISION, RANGE 11 EAST,
TOWNSHIP 36 NORTH, DELAWARE COUNTY



12-6-2021

[Handwritten signature]
Dennis Patton, Jr.

ORIGINAL

Sheet 1 of 2



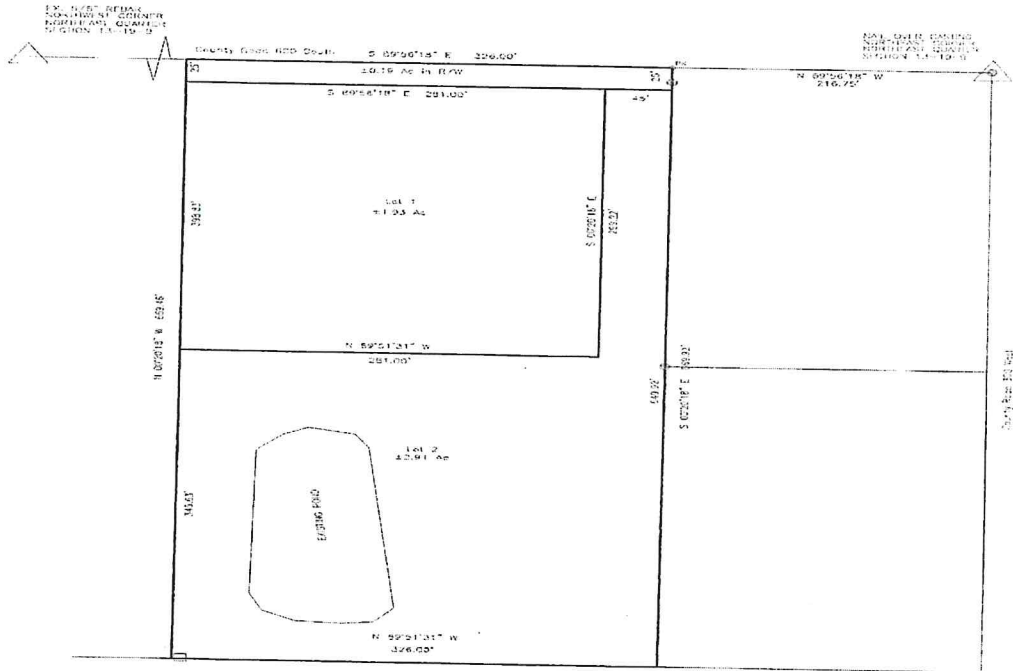
I certify under the penalties for perjury and I have been duly sworn that the foregoing is a true and correct copy of the original survey as shown on the plat of the Penrod Subdivision, Range 11 East, Township 36 North, Delaware County, Indiana.

The Surveyor General of Indiana, L. J. Allen

Thornbro Subdivision

DELAWARE COUNTY, INDIANA
A SUBDIVISION
IN SECTION 33, TOWNSHIP 19 NORTH, RANGE 9 EAST,
SALCO TOWNSHIP, DELAWARE COUNTY

ORIGINAL



12.6.2021

[Handwritten signatures]
Dana Patterson
Chris [unclear]

Sheet 1 of 2



This instrument prepared by: Nelson L. Ashton

AGREEMENT FOR EMPLOYMENT OF DELAWARE COUNTY ATTORNEY

Mr. John Brooke, County Attorney, presented the annual agreement for 2022 employment of services for Delaware County.

MOTION: Commissioner Henry made a motion to approve the annual 2022 agreement for Mr. Brooke.

SECOND: Commissioner Riffin

Commissioner Henry thanked Mr. Brooke and Mr. Joe Rhett for the great work that they provide for Delaware County. President King agreed.

YEAS: Commissioner Henry, Commissioner Riffin, President King

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, 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 Thirty Thousand Four Hundred Forty-three Dollars (\$30,443.00) annually for the year 2022, payable in the same manner as other employees of Delaware County.
3. The Commissioners agree to pay as additional compensation to Attorneys the amount of One Hundred Ninety-five Dollars (\$195.00) per hour as reasonable attorney fees for legal services provided by said Attorneys or the 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 Eighty-five Dollars (\$85.00) 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.
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, 2022, and shall continue in effect until termination.

Dated this 6 day of December, 2021.

John H. Brooke

President, Delaware County Commissioners

Delaware County Commissioner

Delaware County Commissioner

Attest:

Steven G. Craycraft,
Delaware County Auditor

ORDINANCES FOR FIRST READING
ORDINANCE AMENDING TITLE 1, CHAPTER 4, OF THE DELAWARE COUNTY CODE
ORDINANCES REGARDING ELECTION DISTRICTS FOR COUNTY COUNCIL
ORDINANCE 2021-033

Mr. Brooke said US does a census every 10 years and the districts have to review the census numbers. An adjustment of population was approximately 5,000. Due to populations shifts this changes County Council districts. The Commissioners have the obligation to review the districts. Mr. Kyle Johnson, Chief Information Officer, will put the maps on the website for review.

MOTION: Commissioner Henry made a motion to introduce Ordinance 2021-033, Ordinance Amending Title 1, Chapter 4, of the Delaware County Code Regarding Election Districts for County Commissioner.

SECOND: Commissioner Riggins

YEAS: Commissioner Henry, Commissioner Riggins, President King

ORDINANCE AMENDING TITLE 1, CHAPTER 4, OF THE DELAWARE COUNTY CODE
ORDINANCES REGARDING ELECTION DISTRICTS FOR COUNTY COMMISSIONERS
ORDINANCE 2021-034

Mr. Brooke said Commissioners are a little different than Council members because everyone votes for Commissioners but live in a particular district.

MOTION: Commissioner Henry made a motion to introduce Ordinance 2021-034, Ordinance Amending Title 1, Chapter 4, of the Delaware County Code Regarding Election Districts for County Commissioner.

SECOND: Commissioner Riggins

YEAS: Commissioner Henry, Commissioner Riggins, President King

SECOND READING

AN ORDINANCE AMENDING TITLE 1, CHAPTER 1, SECTION 1-2-3, SUBSECTION N AND ORDINANCES 2021-009 AND 2021-021 CONCERNING WEAPONS AND OTHER MATTERS IN OR ON COUNTY OWNED OR OPERATED PROPERTY
ORDINANCE NO. 2021 – 032

Mr. Brooke said this ordinance addresses issues brought up by courts. Mr. Brooke said after review this issue is fixed.

MOTION: Commissioner Henry made a motion to approve An Ordinance Amending Title 1, Chapter 1, Section 1-2-3, Subsection N and Ordinances 2021-009 and 2021-021 concerning Weapons and Other Matters in or on County Owned or Operated Property.

SECOND: Commissioner Riggins

YEAS: Commissioner Henry, Commissioner Riggins, President King

ORDINANCE 2021- 032

ORIGINAL

AN ORDINANCE AMENDING TITLE 1, CHAPTER 1, SECTION 1-2-3, SUBSECTION N AND ORDINANCES 2021-009 AND 2021-021 CONCERNING WEAPONS, AND OTHER MATTERS IN OR ON COUNTY OWNED OR OPERATED PROPERTY

WHEREAS, the Delaware County Board of Commissioners has adopted a County Code with various section concerning the use and conduct in or on county buildings and operations; and

WHEREAS, as a result of additions of county facilities and changes in operations, Delaware County Code, Title 1, Chapter 1, sections 1-2-3(N) should be amended as a result of amendments made by the Legislature to Indiana law; and

WHEREAS, the Board of Commissioners adopted ordinances 2021-09 and 2021-021 with regard to weapons and other matters at County owned facilities; and

WHEREAS, the Board of Commissioners wish to amend the County Code, and Ordinances 2021-09 and 2021-021 to make them consistent and clearly understood by all persons with regard to County buildings and facilities.

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

1. Title 1, Chapter 1, section 1-2-3, subsection N shall be amended in its entirety as follows:

USE OF COUNTY BUILDINGS

Section 1. This section shall apply to any and all buildings that are owned, leased, rented or used by any Delaware County government operation, department, entity, board or commission.

Section 2. The following definitions shall apply

- A. "Weapon" shall mean 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 and also as defined in I. C. 35-31.5-2-86.
- B. "Firearm" means any weapon which capable of, designed to or that may readily be converted to expel a projectile by means of an explosion.
- C. "Mechanical means of transportation" shall mean any device used by an individual to assist with transportation that is not prescribed or required by a person with physical disabilities to ambulate. This shall include, but shall not be limited to skateboards, Segway's®, hoverboards, roller blades, roller skates, shoes with wheels in the sole or similar type devices.
- D. "Exempt person" shall mean a marshal, court bailiffs, judges, magistrates, master commissioners, prosecutor and deputy prosecutors; prosecuting attorney investigators; security personnel hired or retained for the purpose of providing security for any agency or function of County Government; sheriff and deputies; commissioner of the Department of Corrections or persons authorized by the Commissioner of the Department of Corrections in writing to carry firearms; judicial officers; law enforcement officers, members of the armed forces or the national guard or organized reserves while they are on active duty; regularly enrolled members of an organization duly authorized to purchase or receive such weapons from the United States or from this state who are at or going to or from

the their place of assembly or target practice; employees of the United States duly authorized to carry handguns; employees of express companies as excepted pursuant to I. C. 35-47-2-2.

- E. Employees may possess a handgun so long as the employee has a valid license to carry a handgun on or about their body as required in I. C. 35-47-2-1(a) and I. C. 36-47-2-2.1; and permission is granted by their department head or elected official, in writing and make part of their personnel file and is not otherwise prohibited from possessing a firearm.

Section 3. Consent to Search.

- A. Any person that enters the Delaware County Justice and Rehabilitation Center is consenting to a reasonable search of their person and effects to insure that they shall comply with the requirements of the County's ordinances concerning safety and weapons in the Center.
- B. The Sheriff, law enforcement officers, court security personnel may detain any person who they have reason to believe possesses any weapon or other prohibited item for a period of time sufficient to obtain their name, address, date of birth, social security number and/or seize any weapon or prohibited item.

Section 4. Prohibited Conduct

- A. Weapons and Firearms Prohibited. No person shall possess any type of weapon or firearm while inside any county owned, leased or operated facility at any time unless they are an exempt person.
- B. No person shall possess in their vehicle any weapon or firearm while on county property unless they are an exempt person.
- C. No person shall possess or carry a weapon or firearm into any of the offices or courtrooms in the County unless permission is granted by the judge of the court.
- D. Use of mechanical means of transportation prohibited. No person shall use or operate any type of mechanical means of transportation to move themselves throughout any county owned, leased or occupied building. Motorized means of transportation is permitted for individuals that need assistance while they are in any county building or facility. This permits mechanized wheelchairs for approved individuals.
- E. Smoking and Vaping are prohibited. No person shall smoke or vape inside any county owned, operated, leased or occupied building or structure at any time. Smoking and/or vaping shall also be prohibited on any of the grounds or locations of the county except in designated areas.
- F. Domestic animals on County property.
1. No domestic animal shall be permitted into any County owned, leased or occupied building or facility at any time unless the animal is a certified service dog for the visually or physically impaired.
 2. No dog, cat or other domestic animal shall be permitted on the grounds of any County owned, leased or occupied property unless that animal is on a leash and in the control of the owner or person that possesses the domestic animal at the time.

Section 5. Penalties

- A. Any violation of this ordinance shall be punishable by a fine of up to \$2,500.00 as a maximum.
- B. Each day or occurrence shall constitute a separate offense.
- C. The County may enforce this ordinance by any and all reasonable means, including injunctive relief.
- D. Any person that violates this ordinance and the violation is directly or indirectly the cause of an injury to a person or damage to County owned property shall be responsible for all costs associated with said damage or injury.
- E. Each and every person that is found to have violated this ordinance shall be responsible for the costs of enforcement including investigation, enforcement, attorney fees and costs.

Section 6. Effective Date and Repeal of Prior Ordinances.

- A. This ordinance shall be effective ten (10) days after publication pursuant to I. C. 5-3-1.
- B. Any and all ordinances that were previously adopted by the Board of Commissioners and which contradict this ordinance are hereby repealed.
- C. Ordinances 1997-034, 1993-30, 2021-009 and 2021-021 are hereby repealed.

Passed and adopted by the Board of Commissioners on the 6 day of December, 2021.

BOARD OF COMMISSIONERS, DELAWARE COUNTY, INDIANA

[Signature]
James King, President

[Signature]
Sherry Riggan, Vice President

[Signature]
Shannon Henry, Member

ATTEST:

[Signature]
Steven Craycraft, Delaware County Auditor

DEPARTMENT HEADS AND ELECTED OFFICIALS

Mr. James Carmichael, Assessor, said according to Indiana Code, every four years proposals must be accepted. Publication took place October 6, 2021. Tyler Technologies and PSC Associates proposals were received, however PSC Associates was the only proposal received by the deadline. Mr. Carmichael asked that proposals be taken under advisement to review specifications.

Mr. Brooke opened the proposal from PSC Associates LLC for \$1,573,400 and recommended proposal to be taken under advisement.

MOTION: Commissioner Henry made a motion to take under advisement until the next Commissioners meeting on December 20, 2021.

SECOND: Commissioner Riggan

YEAS: Commissioner Henry, Commissioner Riggan, President King

OPENGOV

Mr. Ed Carroll, Treasurer, presented OPENGOV software. This is a one-year term that will utilize tracking monies received from ARP in the next five years. Software must be used for five-years however at this time a one-year agreement is taking place to make sure this fits all of Delaware County's needs. No counties within Indiana are currently using this software. There are 2,000 government entities using the software. Additional staff should not be needed. Allocation of 10% has been appropriated for administrative costs.

MOTION: Commissioner Riggan made a motion to approve OPENGOV software agreement.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner Riggan, President King

INSURANCE

Ms. Pam McCammon, Human Resource Director, said open enrollment will take place until December 15, 2021 for employees of Delaware County. Online scheduling is available.

Ms. Donna Patterson, Deputy Auditor, said the Auditors office is closed to employees only due to health issues within the Auditor's office.

Mr. Steve Foster, County Superintendent, will be spraying the buildings for safety against COVID.

Ms. Marta Moody, Plan Commission Director, announced that "Together DM" is ending soon. The Plan Commission will have a Public Hearing December 9, 2021 at 6:00 p.m. A recommendation would then go to the Commissioners on January 3, 2022. ADA assessment is a federal requirement that will need to be updated to the existing plan for the new Justice Center Building. Ms. Angie Moyer, Project Manager will assist with the assessment.

MONTHLY/WEEKLY REPORTS WEIGHTS & MEASURES MONTHLY REPORT

PAYMENTS OF CLAIMS

MOTION: Commissioner Riggan made a motion to approve claims in the amount of \$3,521,592.45.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner Riggan, President King

PUBLIC COMMENTS, QUESTIONS, OTHER BUSINESS & DISCUSSION

Mr. Brooke answered a question that was posted on Facebook regarding administrative costs.

Commissioners meeting December 6, 2021