

**DELAWARE COUNTY COMMISSIONER'S MEETING**  
**Monday, May 21, 2018 @ 9:00 A.M.**  
**COMMISSIONER'S COURTROOM**  
**100 W. MAIN ST.**  
**MUNCIE, IN 47305**

**ROLL CALL**

Mr. Shannon Henry  
Mr. James King  
Ms. Sherry Riggin  
Mr. Charlie Richmond  
Mr. John Brooke, Attorney

**TABLED BUSINESS**

**APPOINTMENT**

**MOTION:** Commissioner Riggin made a motion to remove from the table the Yorktown Public Library Board.

**SECOND:** Commissioner Henry

**YEAS:** Commissioner Riggin, Commissioner Henry, President King

**MOTION:** Commissioner Riggin made a motion to appoint Ms. Kim Pike to the Yorktown Public Library Board. The term is through March 31, 2022.

**SECOND:** Commissioner Henry

**YEAS:** Commissioner Riggin, Commissioner Henry, President King

**MEDICAID FOR INMATES AGREEMENT**

Mr. John Brooke, County Attorney said the state is revising portions of the agreement. Mr. Brooke should be receiving the agreement back soon.

**APPROVAL OF MINUTES**

**MOTION:** Commissioner Riggin made a motion to approve May 7, 2018 minutes.

**SECOND:** Commissioner Henry

**YEAS:** Commissioner Riggin, Commissioner Henry, President King

**PRESENTATIONS TO COMMISSIONERS**

Mr. Jason Donati, Stormwater/Recycling Education, provided information for Mississinewa River clean-up on August 18, 2018 from 8:00 a.m. until 12:00 p.m. Volunteers are needed. They are partnering with Soil and Water District of Delaware County. Lunch will be provided, drop off will be determined at a later date.

Mr. Donati provided information for Camp Perry Creek. This is a free camp for 1<sup>st</sup> through 8<sup>th</sup> grade from July 23-July 27, 2018. Free shuttle is provided from Heekin Park to location of camp.

Information is available at <https://www.munciesanitary.org/stormwater-management>

**CONTRACTS OR AGREEMENTS FOR APPROVAL**

JOINT USE AND MAINTENANCE AGREEMENT BETWEEN THE INDIANA DEPARTMENT OF TRANSPORTATION AND THE DELAWARE COUNTY REDEVELOPMENT COMMISSION  
Mr. Brad Bookout, Delaware County Economic Development, said this is regarding Morrison Road sidewalk.

Mr. Brooke said he reviewed the agreement.

MOTION: Commissioner Henry made a motion to approve the INDOT/Joint use and maintenance agreement.

SECOND: Commissioner Riggan

YEAS: Commissioner Riggan, Commissioner Henry, President King

**ORIGINAL**

**AGREEMENT**

Between

**THE INDIANA DEPARTMENT OF TRANSPORTATION**

And

**THE COMMISSIONERS OF DELAWARE COUNTY**

Concerning

**THE DEVELOPMENT AT S.R. 28 IN DELAWARE COUNTY**

EDS #A249-\_\_\_\_\_

This Agreement is made and entered into this 7 day of May 2018 by and between the State of Indiana through the Indiana Department of Transportation (hereinafter referred to as "INDOT") and the Board of Commissioners of Delaware County, Indiana (hereinafter referred to as the "COUNTY"), and jointly referred to as the "PARTIES".

**RECITALS**

WHEREAS, the COUNTY has applied for a commercial driveway approach permit #T0000111120, located off of S.R. 28, as shown in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, the COUNTY shall provide to INDOT information regarding anticipated construction permits related to the commercial development, which shall include any traffic projections related to each anticipated commercial use; and

WHEREAS, the COUNTY agrees to perform a traffic signal analysis at the intersection of the driveway approach with S.R. 28 upon INDOT's request; and

WHEREAS, INDOT may require COUNTY and its successors, or assigns to design and install a traffic signal at the above location when the minimum traffic volume warrants the installation of a traffic signal; and

WHEREAS, INDOT may require COUNTY and its successors, or assigns to design and construct auxiliary lane(s) at the above location when the minimum traffic volume warrants the installation of auxiliary lane(s); and

WHEREAS, the COUNTY and its successors, or assigns, agree to dedicate any necessary right-of-way needed for the construction of auxiliary lane(s) and/or traffic signal and equipment if deemed warranted; and

WHEREAS, the COUNTY shall be responsible for the costs of the warrant analysis, costs associated with the design and installation of a traffic signal, cost of construction of traffic signal and appurtenances, costs of construction of auxiliary lane(s), costs to acquire any required right-

INTERLOCAL COOPERATION AGREEMENT BETWEEN THE TOWN OF YORKTOWN AND DELAWARE COUNTY FOR STREETS AND ROADS MAINTENANCE AND IMPROVEMENTS

Ms. Angie Moyer, Project manager, said this is continuous agreement to cover the roads in Mt. Pleasant Township.

MOTION: Commissioner Henry made a motion to approve the Interlocal agreement between Town of Yorktown and Delaware County for Streets and Roads Maintenance and Improvements.

SECOND: Commissioner Riggini

YEAS: Commissioner Riggini, Commissioner Henry, President King

Ms. Angie Moyer, Project Manager, will be getting Yorktown's signature.

Interlocal agreement is available in the Auditor's office

**ORIGINAL**

INTERLOCAL COOPERATION AGREEMENT  
BETWEEN THE TOWN OF YORKTOWN  
AND DELAWARE COUNTY FOR  
STREETS AND ROADS MAINTENANCE AND IMPROVEMENTS

THIS INTERLOCAL COOPERATION AGREEMENT (hereinafter "Agreement") is entered into on this 21 day of May 2018 but effective as of January 1, 2019 by and between the Town of Yorktown, Indiana ("Town") and the Board of Commissioners of the County of Delaware, Indiana ("County").

WITNESSETH THAT:

WHEREAS, IC 36-1-7 provides for the joint exercise of governmental powers and entering into voluntarily an agreement providing for such powers; and

WHEREAS, pursuant to IC 36-1.5 et seq., Mount Pleasant Township and the Town adopted mirror resolutions and an ordinance, effective June 23, 2011 ("Plan of Reorganization"), to reorganize their respective units into the Town ("Reorganization"); and

WHEREAS, the Plan of Reorganization adopted by Mt. Pleasant Township and the Town was approved by the respective voters of each unit on November 8, 2011; and

WHEREAS, the Plan of Reorganization contemplates and Indiana law requires an Interlocal Cooperation Agreement in order to evidence any agreements on duties and responsibilities for streets and road maintenance and improvements.

NOW, THEREFORE, pursuant to IC 36-1-7-2 and in consideration of the mutual promises and consideration contained herein, the parties hereby agree as follows:

ARTICLE 1. TERM

1.01 The term of this Agreement shall be from January 1, 2019 until December 31, 2022. This Agreement shall automatically renew for additional four (4) year terms upon the expiration of the then current term. However, either party may avoid automatic renewal of this Agreement by providing the other with written notice of termination at least ninety (90) days prior notice to the other party.

ARTICLE 2. PURPOSE

2.01 In addition to the background described in the recitals set forth above, the Town and the County desire to cooperate in the reorganization of the Town, with respect to providing street and road services in the Rural District of the reorganized Town. Representatives of Mt. Pleasant Township and the Town have served on the Transition Committee and have met with representatives of the County to discuss, plan and agree upon the terms of working cooperatively in allocating which governmental body shall provide road and street services in the Rural District following the Effective Date of the Reorganization. It is the understanding, intent, and agreement of the Town and the County to work cooperatively toward continuing to provide similar levels of road and street services in and to the Town and Rural Districts, as such services have been and are currently being provided in such areas prior to the Effective Date of the Reorganization. As the provision of road and street services are governed by Indiana law in IC Title 8, each of the Town and the County shall continue to observe and comply with Indiana law relative to providing road and street services to their respective areas of jurisdiction within the reorganized Town.

PARK ONE RR SPUR – INSPECTION OF RAILROAD GRADE CROSSING WARNING EQUIPMENT  
Ms. Moyer said this agreement expires June 1, 2018 and should be approved.  
MOTION: Commissioner Henry made a motion to approve Park Once RR Spur Inspection.  
SECOND: Commissioner Riggins

Ms. Moyer will be getting signature.

Inspection agreement is available in the Auditor's office  
YEAS: Commissioner Riggins, Commissioner Henry, President King

**ORIGINAL**

#### **Contract for Services Rendered**

This is a contract entered into by **Lines West Railway Services LLC / Timothy D Taylor** (hereinafter referred to as "the Provider") and **Delaware County Board of Commissioners** (hereinafter referred to as "the Client") on this date, **June 1, 2018**, for a term of two years.

The Provider's place of business is **2329 N Olive Church Rd Paragon, IN 46166** and the Client's place of business is **100 W Main St Room 309 County Building Muncie, IN 47305**.

The Client hereby engages the Provider to provide services described herein under "Scope and Manner of Services." The Provider hereby agrees to provide the Client with such services in exchange for consideration described herein under "Payment for Services Rendered."

This contract may be amended by agreement of both parties in response to regulatory changes from the Federal Railroad Administration or other governmental agencies.

This contract may be terminated by either party by providing 90 day notice.

#### **Scope and Manner of Services**

Services To Be Rendered By Provider: Inspection of railroad grade crossing warning equipment located south of the intersection of Indiana SR332 and W Jackson St. in western Delaware County, Indiana near the Park One development.

- Periodic inspections of installed equipment within the 30, 90 and 360 day periods set forth by current FRA standards.
- Minor repairs will be performed at time of inspections. More extensive repairs will be billed at the hourly rate.
- Four year relay testing and ten year cable testing to FRA standards.
- Emergency call outs for issues/failures/malfunctions other than periodic inspections

#### **Payment for Services Rendered**

The Client shall pay the Provider for services rendered according to the Payment Schedule attached, within 30 calendar days of the date on any invoice for services rendered from the Provider.

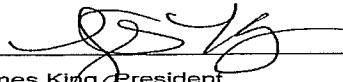
#### **Applicable Law**

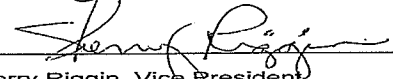
This contract shall be governed by the laws of the County of Delaware in the State of Indiana and any applicable Federal law.


**Signatures**

In witness of their agreement to the terms above, the parties or their authorized agents hereby affix their signatures:

Delaware County Board of Commissioners

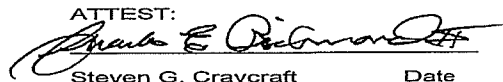
  
\_\_\_\_\_  
James King, President Date

  
\_\_\_\_\_  
Sherry Riffin, Vice President Date

  
\_\_\_\_\_  
Shannon Henry, Member Date

Lines West Railway Services LLC

\_\_\_\_\_  
Timothy Taylor Date

ATTEST:  
  
\_\_\_\_\_  
Steven G. Craycraft Date  
5/31/2018  
Chris Deputy Auditor

### **Payment Schedule**

Periodic Inspections (per visit) - \$225

Four year relay testing - \$225

Ten year cable testing - \$225

On site repair rate - \$50 per hour

Emergency call out - \$75 per hour plus mileage at current IRS rate

Parts/supplies - cost + 10%

**ORDINANCES FOR SECOND READING**  
**AN ORDINANCE ESTABLISHING A MORATORIUM ON CERTAIN USES WITHIN FARMING**  
**ZONES IN DELAWARE COUNTY, INDIANA**  
**ORDINANCE NO. 2018-004**

Mr. Brooke said Ordinance 2018-004 was heard and introduced on May 14, 2018 at the Plan Commission meeting. The one year moratorium will be amended to October 1, 2018. This would require the Plan Commission to make a decision on the CAFO regulations.

MOTION: Commissioner Riggin made a motion to adopt, as amended, Ordinance 2018-004, establishing a Moratorium on Certain Uses within Farming Zones in Delaware County.

This does not include the Light permits that have been granted.

Mr. Brooke said Mr. Light has received all local permits from Delaware County and would take effect upon adoption.

SECOND: Commissioner Henry

YEAS: Commissioner Riggin, Commissioner Henry, President King

**ORIGINAL**

ORDINANCE NO. 2018- *004*

**AN ORDINANCE ESTABLISHING A MORATORIUM ON CERTAIN USES WITHIN**  
**FARMING ZONES IN DELAWARE COUNTY, INDIANA**

WHEREAS, the State enabling act for planning and zoning empowers the Board of Commissioners of Delaware County, Indiana to adopt a zoning ordinance which may, in each district, regulate how real property is developed, maintained, and used; and

WHEREAS, agriculture remains an essential component of Delaware County's economy and, through technology and market trends, agricultural activities dealing with animal feeding operations have increased; and

WHEREAS, Article XII of the Delaware County Comprehensive Zoning Ordinance currently provides that an animal feeding operation of any size is considered a permitted use in any F Farming Zone and a building permit may be issued provided the minimum requirements applicable to all farming uses are met; and

WHEREAS, there is a need to develop additional requirements and regulations applicable to animal feeding operations of a certain size and intensity to achieve and secure positive benefits while avoiding and/or minimizing adverse impacts; and

WHEREAS, in recognition of the significance of this matter in light of the questions and concerns raised by residents of Delaware County, the Board of Commissioners has determined it is necessary to establish a temporary moratorium on new applications for these uses until appropriate regulations can be identified and implemented in order to protect and provide for the public health, safety, and general welfare of Delaware County residents and visitors; and

WHEREAS, it is recognized that any uses that may be affected by the moratorium for which a complete application for a building permit has already been filed as required by the current Ordinances prior to the effective date of a moratorium must be allowed to complete the approval process and be placed in operation pursuant to Indiana Code § 36-7-4-1109; and

WHEREAS, after proper consideration of this matter, including receiving input from the public, the Delaware-Muncie Metropolitan Plan Commission has given its recommendation on the implementation of this moratorium; and

WHEREAS, reasonable regard has been given 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:

**SECTION 1: Moratorium Established.**

The approval of building permits for any new or expanded Confined Feeding Operation (CFO), as defined in 327-IAC 19-2-7, or Concentrated Animal Feeding Operation (CAFO), as defined in 40CFR § 122.23, in Delaware County is prohibited until October 1, 2018 or until repealed by an ordinance establishing appropriate rules and regulations for animal feeding operation within the County, whichever occurs first.

**SECTION 2: No severability.**

No provision of this Ordinance shall be severed from any other provision or provisions of this Ordinance. If any single provision of this Ordinance is held unconstitutional or invalid, the entire Ordinance shall also be deemed unconstitutional or invalid.

**SECTION 3: Repealer.**


All other Delaware County ordinances shall remain in full force, except, any ordinance in conflict with the provisions herein shall be superseded and of no effect unless this Ordinance is repealed, expires, or invalidated.

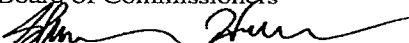
**SECTION 4: Effective Date.**

This Ordinance shall take effect upon adoption and publication as required by law.



***PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA ON THIS, THE 21 DAY OF May, 2018.***

  
James King, President  
Board of Commissioners

  
Sherry Riggins, Vice President  
Board of Commissioners

  
Shannon Henry, Member  
Board of Commissioners

Attest:

  
Steven G. Craycraft, Auditor  
Delaware County, IN  






**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION**

Delaware County Building, 100 West Main Street, Room 206, Muncie, Indiana 47305

**REPORT TO THE BOARD OF COMMISSIONERS OF  
DELAWARE COUNTY, INDIANA**

**ORIGINAL**

To the Honorable:

Board of Commissioners of Delaware County, Indiana

Dear Commissioners:

The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report and recommendation on the attached Ordinance Establishing a Moratorium on Certain Uses within Farming Zones in Delaware County, Indiana.

WHEREAS, the said Plan Commission 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 in the jurisdiction and responsible growth and development; and

WHEREAS, the Plan Commission has formed a committee to develop a proposed amendment to the text of the Delaware County Comprehensive Zoning Ordinance dealing with certain uses within the F Farming Zone in Delaware County, Indiana.

NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission held a special meeting to consider the matter and hereby FAVORABLY RECOMMENDS (5-0, 1 abstention) the Ordinance Establishing a Moratorium on Certain Uses with the F Farming Zone in Delaware County, Indiana.

DATED this 14th day of May, 2018.

DELAWARE-MUNCIE METROPOLITAN  
PLAN COMMISSION

BY:

Andrew Ellis, President


Marta Moody, Secretary

Mr. Jason Rogers, EMS Director, presented items for an auction for surplus items on Govdeals.com. A check for the item will be sent to the GovDeals administrator in the name of the department listed in the auction and then it will be up to that department to place it back into the fund that the item came from originally.

MOTION: Commissioner Henry made a motion to approve Mr. Rogers to sell on-line items through Govdeals.com.

SECOND: Commissioner Riggan

YEAS: Commissioner Riggan, Commissioner Henry, President King



DELAWARE  
COUNTY  
EMERGENCY  
MANAGEMENT  
AGENCY

JASON ROGERS  
*Executive Director*

210 South Jefferson Street  
Muncie, IN 47305

Phone: (765) 747-7719  
Fax: (765) 747-7739  
ema@co.delaware.in.us

May 18, 2018

To: Delaware County Commissioners

Re: County Surplus to be auctioned by GovDeals

Greetings,

The below items have been designated as surplus from department administrators. We would ask that the Commissioners declare the following items as "extra" or "surplus".

Item #	Serial or ID Number	Description
1	1FDWE35P59DA13735	2009, Ford, E-350 Ambulance Chassis
2	2G1WF55K559320713	2005 Impala
3	1FDWE35P96DA91866	2006, Ford, E-350
4	361700294	1985 Ski-doo Bombadier
5	No Serial Plate Present	Jet Sonic Halogen Light Bar
6	35986	All Blue Whelen Edge LED Light Bar
7	No Serial Plate Present	Show-Me brand Red Mini-Light Bar
8	No Serial Plate Present	Show-Me brand Red Mini-Light Bar
9	No Serial Plate Present	Star Sabre Halogen Light Bar
10		

Thank you,

Jason D. Rogers

**ORIGINAL**

## MONTHLY/WEEKLY REPORTS

Weights & Measures April 16, 2018 – May 15, 2018

### PAYMENTS OF CLAIMS

MOTION: Commissioner Riffin made a motion to approve claims in the amount of \$3,730,532.26.

SECOND: Commissioner Henry

YEAS: Commissioner Riffin, Commissioner Henry, President King

### QUESTIONS, PUBLIC COMMENTS (ALL PUBLIC COMMENTS ARE LIMITED TO THREE MINUTES), ANSWERS, OTHER BUSINESS & DISCUSSION

Opponents thanked the Commissioners for passing the moratorium.

Ms. Jennifer Irving said she was disappointed that the Commissioners did not hold a special meeting after the Plan Commission met and voted.

Ms. Linda Hanson, League of Women Voters, said her group is disappointed that the Commissioners did not act and follow up. Ms. Hanson said the citizens of Delaware County were not well served by the lack of the Commissioners due diligence.


Compliments and special thanks from Mr. John Stevenson and Mr. Richard Ramsey were given to Delaware County Commissioners and Highway department for paving their road, located on West Lawn Addition.


### RECESS

MOTION: Commissioner Henry made a motion to recess until June 4, 2018.

SECOND: Commissioner Riffin

YEAS: Commissioner Riffin, Commissioner Henry, President King

  
President James King

  
Vice President Sherry Riffin

Member Shannon Henry

  
Auditor, Steven G Craycraft

