

MONDAY AUGUST 19, 2019 @ 9:02 A.M.  
COMMISSIONER'S COURTROOM  
COMMISSIONER MEETING  
100 W. MAIN STREET  
MUNCIE, IN 47305  
PLEDGE TO FLAG

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

**APPROVAL OF MINUTES**

MOTION: Commissioner King made a motion to approve August 5, 2019 Commissioner minutes.  
SECOND: Commissioner Henry  
YEAS: Commissioner Henry, Commissioner King, President Riggin

**PRESENTATIONS TO COMMISSIONERS**  
UNITED WAY PRESENTATION

Ms. Pam McCammon, Human Resources, introduced United Way co-chairs, Ms. Elizabeth Ludwick, Mr. Damon Elmore and United Way President & CEO Ms. Jenny Marsh.

Ms. Marsh explained the Pathway to Success through United Way Funding and how it helps Delaware County. Ms. Marsh asks Delaware County Government to take part in the campaign.

President Riggin thanked Muncie Power Products for allowing two of their executives to lead the United Way Campaign.

AR Engineering / ABC-DG Plat

Ms. Maura Hoff, Attorney with DeFur Voran LLP, represented AR Engineering and stated that the real objection to the plat being considered was the identity of the tenant and lot size. The lot size meets the standards in code and it received unanimous approval from the Plat Committee. The right of way was the only thing that was not accepted as part of the plat. The action that came before the Commissioners was only acceptance of the additional 18 foot of right of way. Ms. Hoff said to deny the right of way, based on who the tenant may be, is contrary to Indiana law. Ms. Hoff asked that the Commissioners reconsider the motion of denial.

Commissioner Henry asked surrounding neighbors to speak of their concerns.

Mr. John Stevens, 7000 S. CR 300 W, Muncie, Indiana, said for CR 300 W, he is concerned due to the high volume of traffic, the narrow road, condition of the road, turn lanes, no shoulders etc.

Ms. Hoff said the developer is willing to remove any egress or ingress on 300W. The developer already has INDOT permits for Highway 67.

Mr. Don Hansing, 7005 S. CR 300 W, Muncie, Indiana, lives adjacent to the property. Dollar General is asking for a 15 foot easement, this would be 35 foot from Mr. Hansing's property line. The drainage basin and air conditioner would be so close to his property. Thirty landowners have signed a petition. He asked that the petition be entered into record. Dollar General is not a good fit for the area.

*Petition was not presented to Auditor's office.*

Mr. Andrew Rozelle, AR Engineering, said no variance will be sought in the revised plan, the discussion is regarding the right of way. This is a traditional layout, access from both roads. The developer is willing to remove egress and ingress on 300W, and per ordinance, they are here to discuss the acceptance of the right of way. On the matter of the opinion on the size of lot, this is within standards.

Mr. John Brooke, County Attorney, asked Ms. Marta Moody questions dealing with Dollar General and the plat.

Ms. Marta Moody, Director of Plan Commission, agreed that the official action at today's meeting is to accept the right of way. The Plat has been reviewed by the Plat Committee and the criteria stating what needs to be done to the plat drawing has been completed. In order for the plat to be approved, the right of way needs to be accepted by the Commissioners. Ms. Moody does not know of any "gift" standards that all gifts must be accepted. If the Commissioners accept this, then the plat would be approved and the project could be started. Ms. Moody said if the plat is approved, evidently no variances would be needed. Ms. Moody stated that in the subdivision ordinance, the adjoining property owners would be notified of the approval, they then would have the option to appeal the approval to the Plan Commission. The Plan Commission then would rehear the plat and make their decision. The approval of a plat with the requirement for dedication of right of way is absolutely the norm.

MOTION: Commissioner Henry made a motion to refuse to accept the dedication of the land of right of way.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner King, President Riggins

#### **CONTRACTS OR AGREEMENTS FOR APPROVAL**

Ms. Angie Moyer, Project Manager, presented LPA-consulting contract for Bridge #127 with GAI Consultants. This is an 80% reimbursement, not to exceed \$165,000. The letting is February 2020.

MOTION: Commissioner Henry made a motion to approve LPA consulting contract for Bridge #127.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner King, President Riggins

*The full agreement is available in the Auditor Office*



LPA - CONSULTING CONTRACT

This Contract ("this Contract") is made and entered into effective as of August 19, 2019 ("Effective Date") by and between Delaware County, Indiana, acting by and through its proper officials ("LOCAL PUBLIC AGENCY" or "LPA"), and GAI Consultants, Inc ("the CONSULTANT"), a corporation organized under the laws of the Commonwealth of Pennsylvania.

Des. No.: 1700681

Project Description: Construction Inspection Services (CE) for Delaware County Bridge #127 Replacement, CR 600W over York Prairie Creek

RECITALS

WHEREAS, the LPA has entered into an agreement to utilize federal monies with the Indiana Department of Transportation ("INDOT") for a transportation or transportation enhancement project ("the Project"), which Project Coordination Contract is herein attached as Attachment 1 and incorporated as reference; and

WHEREAS, the LPA wishes to hire the CONSULTANT to provide services toward the Project completion more fully described in Appendix "A" attached hereto ("Services");

WHEREAS, the CONSULTANT has extensive experience, knowledge and expertise relating to these Services; and

WHEREAS, the CONSULTANT has expressed a willingness to furnish the Services in connection therewith.

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

The "Recitals" above are hereby made an integral part and specifically incorporated into this Contract.

**SECTION I SERVICES BY CONSULTANT.** The CONSULTANT will provide the Services and deliverables described in Appendix "A" which is herein attached to and made an integral part of this Contract.

**SECTION II INFORMATION AND SERVICES TO BE FURNISHED BY THE LPA.** The information and services to be furnished by the LPA are set out in Appendix "B" which is herein attached to and made an integral part of this Contract.

**SECTION III TERM.** The term of this Contract shall be from the date of the last signature affixed to this Contract to the completion of the construction contract which is estimated to be May 30, 2021. A schedule for completion of the Services and deliverables is set forth in Appendix "C" which is herein attached to and made an integral part of this Contract.

**SECTION IV COMPENSATION.** The LPA shall pay the CONSULTANT for the Services performed under this Contract as set forth in Appendix "D" which is herein attached to and made an integral part of this Contract. The maximum amount payable under this Contract shall not exceed \$165,200.00.

**SECTION V NOTICE TO PROCEED AND SCHEDULE.** The CONSULTANT shall begin the work to be performed under this Contract only upon receipt of the written notice to proceed from the LPA, and shall deliver the work to the LPA in accordance with the schedule contained in Appendix "C" which is herein attached to and made an integral part of this Contract.

ORDINANCES FOR SECOND READING

ORDINANCE ESTABLISHING DELAWARE COUNTY SHERIFF'S JAG GRANT

ORDINANCE NO. 2019 -014

MOTION: Commissioner King made a motion to approve Ordinance 2019-014 Ordinance Establishing Delaware County Sheriff's JAG Grant.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggins

ORDINANCE ESTABLISHING DELAWARE COUNTY SHERIFF'S JAG GRANT

GRANT ACCOUNT.

ORDINANCE NO 2019- 014

ORIGINAL

DELAWARE COUNTY COMMISSIONERS

WHEREAS, the Delaware County Sheriff's Office has applied for and received a grant from the Bureau of Justice Assistance, US Department of Justice, to be used for paying overtime to currently employed law enforcement officers and necessary support personal to increase the number of hours worked by such personnel; and

WHEREAS, it is necessary to account for the use of said funds and to expend said funds for the proposed use for which they were granted. It is necessary that the Auditor of Delaware County be authorized to establish an account known as "The Delaware County Sheriff's 2018 J.A.G. Grant "2018-DJ-BX-0830"; and

WHEREAS, the grant award is in the amount of \$24,767.00 and the portion to the Delaware County Sheriff's is in the sum of \$11,145.00. The Commissioners find that the acceptance of said grant should be approved.

IT IS THEREFORE ORDAINED BY THE DELAWARE COUNTY COMMISSIONERS, that the Auditor shall establish a fund entitled 2018-J.A.G. Grant 2018-DJ-BX-0830 and shall issue a budget fund number with respect to those funds. Said funds shall be exempt from needing appropriation.

DATED THIS 19 DAY OF August, 2019

  
Sherry Riffin Delaware County Commissioner

  
Shannon Henry Delaware County Commissioner

  
James King Delaware County Commissioner

ATTEST:

  
Steve Craycraft Delaware County Auditor

**ORDINANCES FOR FIRST READING**  
ORDINANCE AMENDING SECTION 1-7-4 OF THE DELAWARE COUNTY CODE OF  
ORDINANCES REGARDING THE DELAWARE COUNTY TAX SALE FUND  
ORDINANCE NO. 2019-016

MOTION: Commissioner King made a motion to introduce Ordinance 2019-016 Ordinance Amending Section 1-7-4 of Delaware County Code of Ordinances Regarding Delaware County Tax Sale Fund.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Rigglin

MOTION: Commissioner King made a motion to suspend the rules of Ordinance 2019-016 Ordinance Amending Section 1-7-4 of Delaware County Code of Ordinances Regarding Delaware County Tax Sale Fund.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Rigglin

MOTION: Commissioner King made a motion to approve Ordinance 2019-016 Ordinance Amending Section 1-7-4 of Delaware County Code of Ordinances Regarding Delaware County Tax Sale Fund.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Rigglin

**ORDINANCE 2019- 016**

**ORDINANCE AMENDING SECTION 1-7-4 OF THE DELAWARE COUNTY CODE OF ORDINANCES REGARDING THE DELAWARE COUNTY TAX SALE FUND**

WHEREAS, the Delaware County Board of Commissioners (the "Commissioners") previously established the "Tax Sale Expense Fund" for the purpose of creating a dedicated source of funds to be used to pay various tax sale-related expenses and to expedite contractual payments to vendors associated with the County's annual tax sales; and

WHEREAS, the Tax Sale Expense Fund, codified at Section 1-7-4 of the Delaware County Code of Ordinances, is funded with payments received by the County for tax sale fees assessed to tax sale buyers during the County's annual tax sales and property owners upon redemption; and

WHEREAS, the Commissioners have determined a need to amend Section 1-7-4 of the Code of Ordinances to broaden the scope of tax sale-related expenses that may be paid for out of the Tax Sale Expense Fund; and

WHEREAS, the Commissioners hereby desire to amend Section 1-7-4 of the Code of Ordinances to ensure that money in the Tax Sale Expense Fund may be used to pay all tax sale-related expenses in addition to those expenses related to contractual or professional services.

IT IS THEREFORE ORDAINED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA that:

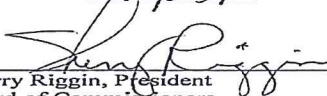
1. Section 1-7-4 of the Delaware County Code of Ordinances shall be amended to state as follows:

"1-7-4. Tax Sale Fund.

- A. There is hereby established the Tax Sale Expense Fund. Said fund shall receive the payments received by the County from annual tax sales and deed sales from fees assessed by the County to cover advertising, abstract, and other necessary expenses including, but not limited to, contractual and professional expenses directly related to the County's annual tax sales and deed sales.
- B. Receipts shall be accepted at the time of the payment of taxes and expenses before, during, or after the annual tax sales or deed sales. The funds generated or received from fees assessed by the County shall be deposited in the Tax Sale Expense Fund and may be used to pay tax sale-related expenses upon presentation to the Auditor of a written claim form approved in the usual fashion by the Delaware County Commissioners.


- C. Payments made from the Tax Sale Expense Fund shall not require an appropriation by the Delaware County Council and shall be spent according to the general rules for which other funds of the County are subject.
  - D. All amounts placed in the Tax Sale Expense Fund shall be invested and reinvested pursuant to the standard procedures followed by the County and amounts remaining in the Tax Sale Expense Fund shall not revert to the County General Fund at the end of the year unless so decreed by ordinance adopted by the Delaware County Commissioners.”
2. Any and all existing ordinances, orders, and/or resolutions, or any parts thereof, which may be in conflict with this Ordinance, are hereby superseded.
  3. This Ordinance shall take effect upon adoption and publication as required by law.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS, DELAWARE COUNTY, INDIANA ON THIS, THE 14 DAY OF August, 2019.**

  
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Sherry Riggin, President  
Board of Commissioners

  
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Shannon Henry, Member  
Board of Commissioners

  
\_\_\_\_\_  
James King, Member  
Board of Commissioners

Attest:  
  
\_\_\_\_\_  
Steven G. Craycraft, Auditor  
Delaware County, IN



**DEPARTMENT HEADS AND ELECTED OFFICIALS**

Mr. Brooke presented the first revised Economic Development Income Tax Capital Improvement Plan of Delaware County, July 1, 2019 through June 30, 2022.

MOTION: Commissioner King made a motion to amend EDIT first revised plan.  
 SECOND: Commissioner Henry  
 YEAS: Commissioner Henry, Commissioner King, President Riggins

**FIRST REVISED  
 ECONOMIC DEVELOPMENT INCOME TAX  
 CAPITAL IMPROVEMENT PLAN OF DELAWARE COUNTY  
 JULY 1, 2019 THROUGH JUNE 30, 2022**

**ORIGINAL**

**INTRODUCTION:**

This Plan is intended for adoption by the Board of Commissioners of Delaware County in conformance with Ind. Code § 6-3.5-7-1 *et seq.* It is intended to create the Commissioners' three-year plan from July 1, 2019 through June 30, 2022. This Plan will cover only the projects for which distributions have been certified. This Plan should not be considered as final approval for expenditures on any of these specific projects. The timing of performance of each project and final approval of release of funds must be obtained by specific application to the Delaware County Board of Commissioners.

**STATUS OF CAPITAL PROJECTS UNDER ORIGINAL PLAN:**

Certain Capital Projects described in the Commissioners prior plans have been completed.

**BOND ISSUES:**

Under existing bond issues, EDIT revenues are committed at the annual amount of approximately \$978,000.00, payable in June and December of each year at the rate of approximately \$489,000.00 per payment. In addition, there is one final payment in the amount of \$30,600.00 due in December, 2013, to pay off the 2004 bond issue.

**PROJECTS:**

<b>Project 1 - Bond Issues</b>	\$683,235.00 for 2019 \$1,363,896.25 for 2020 \$393,432.60 for 2021 \$200,433.75 for 2022
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Description of Project: This project concerns the payment of obligations incurred over the course of time for bonds and projects prior to July 1, 2019. 2013 Bond for various projects payable semi-annually at amounts set forth in the schedule and 2014 Bond for various projects payable semi-annually at amounts set forth in the schedule. The 2013 Bond will be retired at the end of 2020.

<b>Project 2 - Delaware County Justice Center and Jail</b>	\$ 0.00 for 2019 \$ 0.00 for 2020 \$3,214,193 for 2021 \$1,607,560 for 2022
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Description of Project: The renovation and construction of a new justice center Courthouse and jail complex at 3100 S. Tillotson, Muncie, IN 47302, payments for which are scheduled to begin in July 2021.

<b>Project 3 - Delaware County Redevelopment Commission</b>	\$375,000.00 for 2019 \$400,000.00 for 2020
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Description of Project: Annual payment to the Delaware County Redevelopment Commission for operating expenses, salaries and other expenses of the Commission that are not reimbursable from Redevelopment projects/funds



**Project 4 - Economic Development:** \$ 83,333.00 for 2019  
 \$166,667.00 for 2020  
 \$166,667.00 for 2021  
 \$ 83,333.00 for 2022

Description of Project: Economic incentive funds for economic development projects and expenses related thereto.

**Project 5 - Town of Albany** \$125,000 for 2020

Description of Project: Assistance provided to the Town of Albany for maintenance and upgrades to the Town's sidewalk infrastructure.

**Project 6 - Town of Yorktown:** \$143,000.00 for 2019  
 \$286,000.00 for 2020  
 \$286,000.00 for 2021  
 \$143,000.00 for 2022

Description of Project: Assistance provided to the Town of Yorktown for its downtown redevelopment project, which will take place during the term of the Plan.

**Project 7 - Town of Eaton** \$100,000.00 for 2019  
 \$100,000.00 for 2020

Description of Project: Assistance provided to the Town of Eaton for maintenance and upgrades to the Town's sidewalk infrastructure and for maintenance and upgrades to the Town's water system.

**Project 8 - Town of Selma** \$100,000.00 for 2019  
 \$100,000.00 for 2020

Description of Project: Assistance to the Town of Selma for maintenance and upgrades to the Town's stormwater infrastructure, maintenance and repairs to Town-owned buildings, the purchase and installation of new street lights, the purchase and installation of a new Town welcome sign, and the purchase and installation of new park equipment.

**Project 9 - Town of Daleville** \$100,000.00 for 2019  
 \$350,000.00 for 2020

Description of Project: Assistance provided to the Town of Daleville for design development and construction of its new Town Hall facility.

**Project 10 - Town of Gaston** \$100,000.00 for 2019  
 \$100,000.00 for 2020

Description of Project: Assistance to the Town of Gaston for maintenance and improvements to the Town's water plant and water system infrastructure.

<b>Project 11 - Building Upgrade and/or Maintenance:</b>	<b>\$ 83,500.00 for 2019</b>
	<b>\$467,000.00 for 2020</b>
	<b>\$167,000.00 for 2021</b>
	<b>\$ 83,500.00 for 2022</b>
<b>Description of Project:</b> Building maintenance, upgrades and repairs to existing County buildings in Delaware County, including maintenance and upgrades to the County's telecommunication system.	
<b>Project 12 - Brownfield Remediation</b>	<b>\$15,000.00 for 2019</b>
	<b>\$30,000.00 for 2020</b>
	<b>\$30,000.00 for 2021</b>
	<b>\$15,000.00 for 2022</b>
<b>Description of Project:</b> Economic development funding assistance for costs associated with grant monies and/or removal of contaminants on real property.	
<b>Project 13 - Delaware County Fairgrounds</b>	<b>\$50,000.00 for 2019</b>
	<b>\$50,000.00 for 2020</b>
<b>Description of Project:</b> Assistance with broad visioning planning session for future uses of the fairgrounds and facilities and related maintenance and improvements to fairground facilities.	
<b>Project 14 - Bridge #141 (Tiger Drive):</b>	<b>\$40,000.00 for 2019</b>
	<b>\$14,286.25 for 2020</b>
<b>Description of Project:</b> Assist with rebuilding and upgrading bridge # 141 to improve bridge safety and connect to the Town of Yorktown's greenway trail system adjacent to Tiger Drive.	
<b>Project 15 - Bridge #161 (Smithfield):</b>	<b>\$189,000.00 for 2019</b>
	<b>\$400,000.00 for 2020</b>
<b>Description of Project:</b> Assist with the design and construction of bridge # 161 located in the area of Perry Township known as "Smithfield."	
<b>Project 16 - IT Software Maintenance and Equipment:</b>	<b>\$125,000.00 for 2019</b>
	<b>\$275,000.00 for 2020</b>
<b>Description of Project:</b> The purchase and maintenance of software and hardware utilized by the County Information Technology Department.	
<b>Project 17 - Demolition/Site Cleanup Funds:</b>	<b>\$25,000.00 for 2019</b>
	<b>\$50,000.00 for 2020</b>
	<b>\$50,000.00 for 2021</b>
	<b>\$25,000.00 for 2022</b>
<b>Description of Project:</b> Provide funding for County Building Commissioner to tear down structures that are condemned or unsafe. Also provide funds for site cleanup and mowing.	
<b>Project 18 - Animal Control</b>	<b>\$ 75,000.00 for 2019</b>
	<b>\$150,000.00 for 2020</b>
	<b>\$150,000.00 for 2021</b>
	<b>\$ 75,000.00 for 2022</b>

Project Description: Payment to the City of Muncie Animal Shelter to provide animal control services to unincorporated areas of the County as needed.

**SEVENTY-FIVE PERCENT (75%) TEST:**

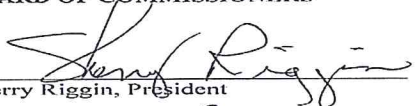
In accordance with Ind. Code § 6-3.5-7-15, this Plan incorporates projects, the costs of which when taking into consideration funds already pledged for repayment of obligations from prior Projects, are at least seventy-five (75%) of the certified distribution the County expects to receive during the term of the Plan.

THIS ECONOMIC DEVELOPMENT INCOME TAX CAPITAL IMPROVEMENT PLAN OF DELAWARE COUNTY, INDIANA FOR JULY 1, 2019 THROUGH JUNE 30, 2021 IS HEREBY ADOPTED ON THIS, THE 19 DAY OF AUGUST, 2019.

*AUGUST*

*DNS*

DELAWARE COUNTY, INDIANA  
BOARD OF COMMISSIONERS

  
Sherry Riggan, President

  
Shannon Henry, Commissioner

  
James King, Commissioner

ATTEST:

  
Steven G. Craycraft, Auditor  
Delaware County, Indiana

#### EMS SERVICE

Commissioner Henry, Mr. Jason Rogers, Mr. Mike Ashley and Mr. Brooke met with the new EMS Chief, Ms. Rachel Clark. Mr. Henry said the 3 hour meeting was a good meeting.

Mr. Rogers said Ms. Clark will propose an interlocal agreement and present it to Commissioners.

Mr. Paul Singleton, Director of 911, said as of August 19, 2019, Muncie Fire Department will be doing non-medical lift assist in the city of Muncie.

#### WSP AND HERITAGE ENVIRONMENTAL

Mr. Brad Bookout, Economic Development, confirmed with Commissioner King that only one meeting took place with Waetz Sustainable Products (WSP and Heritage Environmental). Due to the location of the facility being located within city limits, Mr. Bookout forwarded City of Muncie contact information to WSP. The county could not offer incentives and discussion no longer took place.

Commissioner King and Commissioner Henry agreed that since the company will be located within Delaware County, it is due diligence, as elected officials, to keep Muncie safe. Both Commissioner Henry and Commissioner King are seeking to set up a tour at the Alabama facility. They would like to meet with local officials, leaders, pastors and/or anyone wanting to be involved. Mr. Jammie Bane, Delaware County Health Director, should attend the meeting at the facility. More plant production information is needed. A venue is what the Commissioners would like and not a public hearing. Mr. Brooke will look into scheduling a meeting.

President Riggan said there was a tour of Heritage, WSP is not the same company and President Riggan does not agree that the Commissioners should go to Alabama since it is a city issue.

Mr. Bookout said any interested companies wanting to come into the county, an environmental questionnaire is required now. Another question/concern will be what these companies could do concerning brownfields.

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Mr. Robert Jesse, Highway Superintendent, provided information about paving. Due to the rain, this has been a tough year. Chip and Seal is being done and the new paver is working well.

President Riggan asked about farmers breaking culverts end. Could a post be placed up?

Ms. Moyer said a claim would be filed then due to damage of their vehicles.

Mr. Jesse agreed that they would run over the post too. The biggest problem is corn stalks and bean stubbles. There should be an ordinance in which a barricade around the pipe should be placed by the farmer to discontinue the problem.



**MONTHLY/WEEKLY REPORTS**  
Weights & Measures Monthly Report

**PAYMENTS OF CLAIMS**

MOTION: Commissioner King made a motion to approve claims in the amount of \$2,239,614.07.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggin

**QUESTIONS, PUBLIC COMMENTS, ANSWERS, OTHER BUSINESS & DISCUSSION**

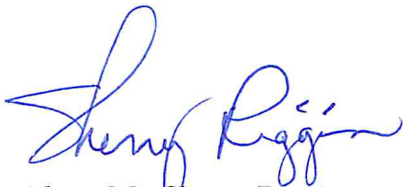
None

**RECESS**

MOTION: Commissioner King made a motion to recess until September 3, 2019.

SECOND: Commissioner Henry

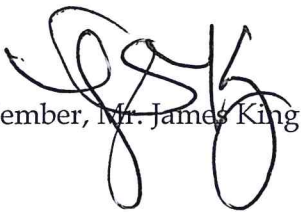
YEAS: Commissioner Henry, Commissioner King, President Riggin



President, Ms. Sherry Riggin



Vice President, Mr. Shannon Henry



Member, Mr. James King



Auditor, Mr. Steven G Craycraft