

DRAINAGE BOARD MEETING:

December 21, 2015

President Clarence Hensley called the meeting to order. Present at the meeting were the following:

Clarence Hensley, President
John Landers, Vice President
Shannon Henry, Member
Charles Whitehair, Member
Phillip Taylor, County Surveyor
Brandon Murphy, Board Attorney
Cindy Harty, Recording Secretary

Mr. Hensley opened the meeting by welcoming the audience and inviting them to participate in the pledge of allegiance.

APPROVAL OF THE MINUTES:

Mr. Hensley entertained a motion for the approval of the November 16, 2015 Drainage Board minutes. Mr. Henry moved for approval. Mr. Whitehair seconded the motion. **Motion passes 4-0.**

OLD BUSINESS:

Proposed Pond Ordinance

Mr. Taylor stated that Marta Moody of the Planning Commission, Toni Cecil of Stormwater and he and Mr. Willis have put together an Ordinance for the Pond Permitting. Mr. Taylor stated it would be good if the Board members would look it over and see if there are any other items they would like to add to the Ordinance. Mr. Taylor stated this Ordinance is just in the pre-stages, and it is something they have been working on for a while. Furthermore, Mr. Taylor stated that this Ordinance is needed. Mr. Taylor advised the Board members that if they have any items they wish to add to it, for them to take it to his office or to the Commissioners. He stated that

once the changes are made to the Ordinance and it is completed, the Commissioners would vote on it, so the county could start using the Pond Permitting Ordinance. Mr. Taylor again advised the members to take a look at the Ordinance and see if anything is needed.

Mr. Henry asked Mr. Murphy if he had taken a look at this Ordinance. Mr. Murphy stated that he had and it looked pretty good. Mr. Murphy stated the only thing that concerned him on the document was the penalty provision listed. Mr. Murphy stated it seemed like some of these issues could be a worse violation than others as far as someone putting in a pond that is not in compliance, which would cause them to be fined \$500.00 per day, which could get out of hand. Furthermore, Mr. Murphy stated there should be a maximum fine, since some of the violations are minor. Mr. Murphy stated it might be better to have specific penalties for different violations, but other than that portion, the Ordinance looks good. Mr. Henry asked if they could change the word from “shall” to “may” in the sentence so it would read, “Any person violating any provisions of this Ordinance may be punished by a fine of \$500.00”. Mr. Murphy stated that they could do that, but the problem they might run into is he assumed the Commissioners would be in charge of enforcing the Ordinance, but if you put “may” and you fine some people and not others, that could become a problem. Mr. Murphy stated it might be good to put a penalty range in the Ordinance as opposed to just saying \$500.00. Mr. Murphy asked if there is a penalty provision in place now.

Mr. Taylor stated he would contact Toni Cecil, Marta Moody, Brandon Murphy, and he and Stan, and they can sit down and tweak the Ordinance, but this is just a good start and then we can always delete or add to where it will be feasible for everyone involved in it. Mr. Taylor stated at least we have one in motion and as stated before, the county needs it dearly.

Mr. Murphy asked about the red versus the black on the document and wondered what the difference is. Mr. Taylor stated he was not sure, and the Board Secretary stated, “Toni Cecil was not sure if those portions were needed, and this is just a proposed Ordinance”. Mr. Murphy stated it is not like there is an existing Ordinance and these are changes, this is the proposed Ordinance. Mr. Taylor agreed.

Mr. Whitehair asked what position the Surveyor has in this and who would do the inspections. Mr. Taylor stated as far as what we have in it and as discussed in the pre-meeting, the prevention of people putting in ponds, whatever type of pond it is, will be to eliminate any problems in the future. Mr. Whitehair asked who would be doing the final inspections of the pond. Mr. Taylor stated that he believed the three entities including Toni Cecil and the Surveyor for the inspections, and then the Plan Commission would handle the permitting process. Mr. Taylor stated it will then go to different agencies for their approval. Mr. Whitehair stated that he does not see the Surveyor mentioned on the permit, only the Metropolitan Plan Commission and Stormwater, and he feels the Surveyor should be mentioned in the permit. Mr. Taylor informed Mr. Whitehair if he would look on the back page, Section 5 of the Pond Permitting Process, a Delaware County Stormwater official must review and approve all applications, and approval from the Delaware County Surveyor, Highway Engineer, and Flood Plain Administrator are required before the completion of approval.

Mr. Willis stated after the first meeting, he thought that all three of them had to sign off on it. **Mr. Whitehair** stated the Surveyor should be the most knowledgeable on water in the county so he was glad the Surveyor is mentioned on the permit. **Mr. Whitehair** stated the sooner they would do it, the better, it is very long overdue. **Mr. Taylor** agreed, and stated that it would not surprise him if later, there would be a Board established to review these with three or four agencies involved, which is also a good idea. **Mr. Taylor** stated we are just baby stepping it, but at least we are getting something done on the issue. **Mr. Whitehair** stated it was a good move. **Mr. Hensley** and **Mr. Whitehair** both asked if a motion was needed on this matter. **Mr. Taylor** stated he felt they should make a motion to approve what is written with the intent of improving the permit as they go, because it will be a learning process for us. **Mr. Whitehair** moved to approve the permit with future improvement on it. **Mr. Henry** stated that he would second the motion with the amendments. **Motion passed 4-0.**

NEW BUSINESS:

Approval of the 2016 Drainage Board Meetings Schedule

Mr. Hensley entertained a motion for the approval of the 2016 Meeting Schedule. **Mr. Henry** so moved. **Mr. Whitehair** seconded. **Motion passed 4-0.**

The 2016 Drainage Board Meetings will be as follows:

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|----------------|--------------------|
| Tuesday | January 19, 2016 |
| Monday | February 15, 2016 |
| Monday | March 21, 2016 |
| Monday | April 18, 2016 |
| Monday | May 16, 2016 |
| Monday | June 20, 2016 |
| Monday | July 18, 2016 |
| Monday | August 15, 2016 |
| Monday | September 19, 2016 |
| Monday | October 17, 2016 |
| Monday | November 21, 2016 |
| Monday | December 19, 2016 |

Improvements to the Landrey Ditch

Mr. Hensley called for Les Brand with Brand General Construction concerning the restoration of the retaining wall located in the Landrey Ditch. Mr. Hensley asked Mr. Brand to please state his name and address.

Leslie Brand, 3100 S. Walnut Street, Muncie, Indiana, approached and stated that they have a wall that froze in February and it expanded and protruded out. Mr. Brand stated that he had furnished pictures of the same to the Surveyor, and asked if the Board members had received the pictures. All members replied that they did have the pictures. Mr. Brand stated that the building has swelled out approximately 8-inches in the back and that is due to water that irrupted, froze, and then thawed on the rear of the property. He stated that it is approximately 40-feet in length and it is in the ditch. Furthermore, Mr. Brand stated that he had spoken with Ty to get a permit to do what they wanted to do, to remove the wall, doing the footer and put the wall back to get the wall back in place due to the water situation. He stated that Ty informed him that he had to contact the Drainage Board to get an approval in order to do the work.

Mr. Henry asked if his plan was to remove this wall that is facing the ditch, and pour a new footer and re-block it. Mr. Brand stated that was correct and they are actually going to take 8-feet of this wall, or whatever footage is needed, to take it back out of the ditch. Mr. Brand stated they are almost eight blocks high and we had the guide wire removed as a safety precaution because we were afraid the wall could fall into the guide wire, launch the pole, and cause an electrical problem. Mr. Henry asked Mr. Brand if he was going to reduce this building's length by 10-feet to get it out of the ditch. Mr. Brand stated that is correct. Furthermore, Mr. Brand stated this will take approximately four blocks instead of eight, and it will not be as bad because it is a block wall that goes all of the way up to the roofline at this time, and everything would have to be hand moved. Mr. Brand stated that he has a copy of the estimate if they do need to see it.

Mr. Henry moved that the Board allow Mr. Brand to do the necessary improvements to this building, which is located in the county's ditch. Mr. Landers seconded. **Motion passed 4-0.**

Mr. Henry informed Mr. Brand when he is removing the debris, to make sure it is clearly removed from the ditch. Mr. Brand stated he would and he would be on the job himself.

Jay Smith's Request

Mr. Taylor informed the Board that he informed Jay Smith that he would contact him this afternoon after conferring with the Drainage Board to let him know what the Board wants to do on Mr. Smith's request for the county to buy the pipe and Mr. Smith installing it. Mr. Henry stated that he would like the Surveyor to look where the pipe will be laid first, and upon the Surveyor's approval, he would personally give his approval to do it, if Mr. Smith is providing the

labor. Mr. Taylor stated that he feels that Mr. Smith needs to get with Attorney Brandon Murphy and the county needs to get something in writing for the amount of money needed to purchase the pipe. Mr. Henry stated that is okay with him. Mr. Taylor stated Mr. Smith did not give him an indication, but Mr. Whitehair informed Mr. Taylor that they have until May until the crops are put in, so we have a good four months to get the work completed. Mr. Henry asked Mr. Taylor if he knew how many feet of pipe would be needed. Mr. Taylor stated that Mr. Smith told him it would be 2,800-feet of the 15-inch; 400-feet of the 12-inch pipe; and then various sizes of eight to ten inch pipe. Mr. Taylor informed the Board that he estimated the total amount to be approximately \$30,000.00. Mr. Taylor asked if they wanted him to get with each Board member individually or do we want to bring this up at January's meeting. Everyone agreed that it should be discussed at the January, 2016 meeting.

Mr. Whitehair asked Mr. Taylor if Mr. Smith is the only one that wanted the new pipe, or has he had many complaints on sinkholes, or basically why is Mr. Smith wanting it done. Mr. Taylor stated that he was not sure, but stated his main concern was the dollar amount. Mr. Taylor stated that he wanted to get the Board's approval on the dollar amount before they looked at it. Mr. Whitehair stated that it would be Mr. Taylor's call, and if he and Stan said there are twenty sinkholes out there that need fixed, it should be fixed, but if there are only three sinkholes and it would cost a couple of thousand dollars, that would be cheaper than \$30,000.00. Mr. Whitehair stated that if Mr. Taylor feels it is needed it should be done. Mr. Taylor stated that is why he wanted the Board's opinion, because if you fix one tile, it seems to weaken another part of the tile, and where does it end. Mr. Taylor stated that he would contact Mr. Smith today and then will get with him at the first of the year for us to inspect the area. Mr. Whitehair stated that we have done that in the past, having the farmer install the pipe and it is cheaper. Mr. Taylor stated that he is all for that, but at \$30,000.00, he had a problem with the amount. Mr. Henry informed Mr. Taylor that he and Mr. Willis should check it out and if they feel like it is needed, and he believed Mr. Taylor is asking whether this Board is favorable for Mr. Smith to do that, if it is needed, Mr. Henry stated he is in favor of it, and Mr. Whitehair stated he is too. Mr. Murphy stated he would like to hear the final figure before they agree to it.

MAINTENANCE CLAIMS:

Mr. Hensley entertains a motion to approve the maintenance claims as submitted. Mr. Henry moved to approve the claims. Mr. Landers seconded the motion. **Motion passes 4-0.**

ADJOURNMENT:

The meeting adjourned at 2:54 p.m.

Clarence Hensley, President

John Landers, Vice President

Shannon Henry, Member

Charles Whitehair, Member

Cindy Harty, Recording Secretary