

DELAWARE COUNTY COMMISSIONER'S MEETING
TUESDAY, JANUARY 22, 2019 @ 9:00 A.M.
COMMISSIONER'S COURTROOM
100 W. MAIN STREET
MUNCIE, IN 47305
CALL TO ORDER
PLEDGE TO FLAG

ORIGINAL

ROLL CALL

Mr. Shannon Henry
Mr. James King
Ms. Sherry Riggan
Mr. John Brooke, Attorney
Mr. Steve Craycraft, Auditor

TABLED BUSINESS

DELAWARE COUNTY PERMANENT RIGHT-OF-WAY EASEMENT

Mr. John Brooke, County Attorney, provided information about the Right-of-Way easement.

MOTION: Commissioner King made a motion to remove Delaware County Permanent Right-of-Way Easement from the table.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggan

MOTION: Commissioner King made a motion to approve Delaware County Permanent Right-Of-Way Easement.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggan

Mr. Steven Craycraft, Auditor, will provide Right-of Way easement to Ms. Ella Pickett, Plat Room.

INMATE MENTAL HEALTH SERVICES

Mr. Brooke recommended that Inmate Mental Health Services remain tabled. Mr. Tony Skinner, Sheriff is currently reviewing the agreement.

APPROVAL OF MINUTES

MOTION: Commissioner King made a motion to approve minutes for January 7, 2019.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggan

PRESENTATIONS TO COMMISSIONERS

Ms. Peggy Cenova, presented information regarding financial support needed for East Central Indiana Small Business Development Center (see attached).

MOTION: Commissioner King made a motion to table East Central Indiana Small Business Development Center until February 4, 2019. This will give the Commissioners time to review the EDIT Plan and Ms. Cenova's request.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggan

EAST CENTRAL-ISBDC ORIGINAL

Delaware County – 2018

In Delaware County - East Indiana Small Business Development Center continues to help businesses start, grow, and flourish.

We offered 17 local training events with 457 training attendees. These include several Social Media Group events, Business Start-up Basics, and a Financial Education presentation.

Over-all:

- Assistance with opening 9 new business.
- Assistance with creating Full or Part-time Jobs - 35
- Assistance with business investment of \$3,670,300.
- 110 Total Clients served, with 36 worked with more than 5 hours.

We appreciate your support, and look forward to continuing to help small businesses succeed in Delaware County.

We are requesting financial support at the \$5,000 annual level to continue providing these services of business counseling to Delaware County businesses owners and prospective owners. We receive Federal Dollars from the Small Business Administration which we are required to meet with local matches.

You can find additional information about our services at isbdc.org

ORDINANCES FOR SECOND READING
BEING AN ORDINANCE TO AMEND THE TEXT OF THE DELAWARE COUNTY COMPREHENSIVE
ZONING ORDINANCE REGARDING CONFINED FEEDING OPERATIONS AND CONCENTRATED
ANIMAL FEEDING OPERATIONS
ORDINANCE 2019-002

Ms. Marta Moody, Plan Commission Director, presented information to the Commissioners regarding the second reading for Ordinance 2019-002. A committee was created regarding Confined Feeding Operations and Concentrated Animal Feed Operations and the amended ordinance is based upon the committee report. Plan Commission gave 8-0-1 absent, a favorable recommendation. Ms. Moody explained the breakdown of three categories within the ordinance, site review, set-backs, special uses and IDEM requirements.

The Commissioners received questions/concerns/suggestions regarding structure to structure, uses, setbacks, amendments, special uses, sending ordinance back to the committee, etc.

Mr. Brooke said the amendment falls under zoning code 606 with five options available, adopt, amend, reject, table, do nothing and after 90 days it become enacted, as presented. If it is amended or rejected then the ordinance would go back to Plan Commission for review, however, specific in what amendment would be and the reason for the request.

MOTION: Commissioner Henry made a motion to adopt Ordinance 2019-002, and release the moratorium, being an Ordinance to Amend the Text of the Delaware County Comprehensive Zoning Ordinance Regarding Confined Feeding Operations and Concentrated Animal Feeding Operations.

SECOND: Commissioner King for discussion

Mr. Brooke said there is a motion and a second to adopt Ordinance 2019-002. The request from Commissioner King was for discussion. Mr. Brooke said "this is the time for discussion and then call for question for approval of Ordinance 2019-002". This is the second reading for Ordinance 2019-002 and would be the final action.

Commissioner King and Commissioner Henry said they have had complaints from both sides, either set-backs are too much or set-backs not enough. King would like something in place regarding the amendments. Other options are available to review/research set-backs. Commissioner King said it went through a committee and discussion and research had taken place.

Commissioner King called for question.

YEAS: Commissioner Henry, Commissioner King

NAYES: President Riffin

Commissioner meeting can be viewed at www.co.delaware.in.us.

Full signed Ordinance available at www.co.delaware.in.us

ORDINANCE NO. 2019-002

**BEING AN ORDINANCE TO AMEND THE TEXT OF THE DELAWARE COUNTY
COMPREHENSIVE ZONING ORDINANCE REGARDING CONFINED FEEDING OPERATIONS
AND CONCENTRATED ANIMAL FEEDING OPERATIONS**

- WHEREAS,** the State enabling act for planning and zoning empowers the Board of Commissioners of Delaware County, Indiana to adopt a zoning ordinance and also provides for amendments to said ordinance as deemed necessary from time to time; and
- WHEREAS,** a zoning ordinance may, in each district, regulate how real property is developed, maintained, and used; and
- WHEREAS,** agriculture remains an essential component of the Delaware County economy and, through technology and market trends, agricultural activities continue to evolve; and
- WHEREAS,** there is a need to develop additional requirements applicable to animal feeding operations of a certain size and intensity to regulate the location to achieve and secure the benefits and to minimize the impacts; and
- WHEREAS,** the Board of Commissioners of Delaware County, Indiana, 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 the jurisdiction; and responsible growth and development.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Delaware County, Indiana, that the text of the Delaware County Comprehensive Zoning Ordinance shall be amended as follows:

SECTION 1. Amend Article XXXIII, Section 2 TERMS AND MEANING by alphabetically inserting the following new definitions, with appropriate recodification:

Animal Feeding Operation (AFO):

A lot or facility, other than an aquatic animal production facility, where all of the following conditions are met: 1) animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and 2) crops, vegetation, forage growth, or post harvest residues are not sustained in the normal growing season over at least fifty percent (50%) of the lot or facility.

[State definition per 327 IAC 19-2-3]

Animal Unit (AU):

A unit of measurement used to determine separation distances and procedures applicable to CAFO operations with 20,000 or more animal units, based on the total number of single animals or combination of animal types and sizes which are fed, maintained, or stabled at a location/site/property, as follows:

Page 1 of 15
1/8/2019

with the Plan Commission, the Delaware County Health Department, and the Delaware County Zoning Administrator:

- a. Written notice of the anticipated date to cease operation shall be forwarded not less than 60 days prior to closure. At this time, the Commission, the Health Department and/or the Zoning Administrator should forward any local concerns dealing with closure to IDEM.
- b. A copy of the certification submitted by the owner/operator to IDEM that states compliance with all state requirements for the closure or discontinued use of a manure storage structure, a copy of any additional closure requirements imposed on the owner/operator by the state, and a copy of the letter of confirmation from the Indiana Department of Environmental Management verifying that the state requirements for closure have been met.

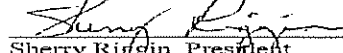
Within 180 days of the notice to discontinue use of the manure storage structure, the owner/operator shall start the process of manure removal and within 365 days of the notice, shall complete the process and meet the IDEM requirement of no remaining potential to discharge. If, at the end of the 365 days, the terms of Item 2 above have not been met, the Delaware County Commissioners may utilize the bond/surety to accomplish proper closure of the manure storage structure. Additional costs in excess of the bond/surety, incurred by the Delaware County Commissioners, shall be assessed as a lien against the property.

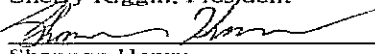
SECTION 6. That Article XXXIII, DEFINITIONS, Section 1 General shall be amended by inserting a new sentence at the end of as follows: Where definitions are based on state or federal definitions and citations may change, the term(s) continues to be defined as set forth in applicable state or federal regulations.

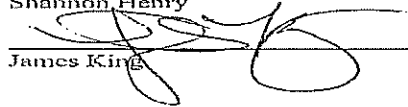
SECTION 7. That this Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Delaware County, Indiana and such publication as required by law.

SECTION 8. That this Ordinance is hereby adopted this 22 day of January, 2018.

BOARD OF COMMISSIONERS
DELAWARE COUNTY, INDIANA


Sherry Riggins, President


Shannon Henry


James King

ATTEST:


Steven G. Craycraft, Delaware County Auditor

ORDINANCES FOR FIRST READING

**DELAWARE COUNTY COMMISSIONERS ORDINANCE FOR JUVENILE COURT FAMILY RECOVERY COURT (COURT REFORM GRANT)
ORDINANCE 2019-003**

Ms. Emily Anderson, Court Administrator, presented Ordinance 2019-003, Ms. Anderson said this ordinance is a grant and a fund will need to be established.

MOTION: Commissioner King made a motion to introduce Ordinance 2019-003, Juvenile Court Family Recovery Court.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggin

MONTHLY/WEEKLY REPORTS

Weights & Measures monthly report

PAYMENTS OF CLAIMS

MOTION: Commissioner Henry made a motion to approve claims in the amount of \$1,475,134.09.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner King, President Riggin

QUESTIONS, PUBLIC COMMENTS, ANSWERS, OTHER BUSINESS & DISCUSSION

Ms. Elizabeth Driscoll, Ms. Linda Hanson, Ms. Tonya Evans, Mr. Don Hendrickson, Mr. Dave Ring, Ms. Constance Rahe and Mr. Mitch Isaacs gave opinions, suggestions, frustrations, disappointments and concerns before the Commissioners regarding Ordinance 2019-002, An Ordinance to Amend the Text of the Delaware County Comprehensive Zoning Ordinance Regarding Confined Feeding Operations and Concentrated Animal Feeding Operations.

MOTION: President Riggin made a motion to consider the moratorium.

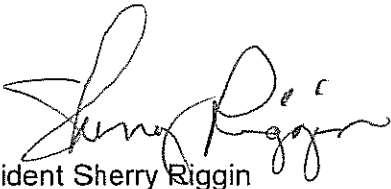
Mr. Brooke said under Indiana Code 36-7-4-1602, amendments to the zoning ordinance can be made by the Plan Commission, or a petition signed by at least 50% of the land involved, but the legislative body can also initiate a proposal and require the Plan Commission to prepare it. The Commissioners could, if they want, and ask the Plan Commission to consider the request. This is how procedurally it would get considered.

RECESS

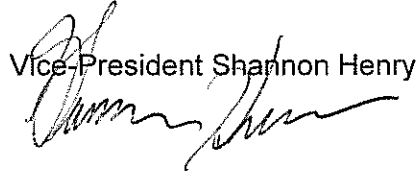
MOTION: Commissioner King made a motion to recess until February 4, 2019.

SECOND: Commissioner Henry

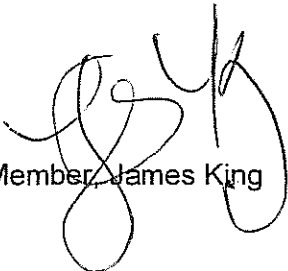
YEAS: Commissioner Henry, Commissioner King, President Riggin



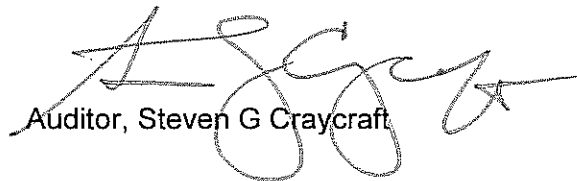
President Sherry Riggin



Vice-President Shannon Henry



Member James King



Auditor, Steven G Craycraft