

**REGULAR MEETING BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY INDIANA
June 30, 2005**

The Board of County Commissioners of Clark County, Indiana met in Regular Session on June 30, 2005 in Room 308, City-County Building, Jeffersonville, Indiana.

Present at the meeting were County Commissioners Vicky Kent Haire and Ralph Guthrie, County Auditor Barbara Bratcher Haas, County Attorney Daniel Moore, Secretary Linda Basham, and Deputy Auditor Theresa James. Commissioner President Meyer was not present at the meeting.

County Auditor Barbara Bratcher Haas stated that she had audited the payroll claims and found that they comply with the local salary ordinance established by the Clark County Council and the signature of proper officials is affixed stating that the hours have been worked and the amounts are due. A motion was made by Commissioner Haire to approve the payroll claims as submitted. The motion was seconded by Commissioner Guthrie and passed 2-0.

County Auditor Barbara Bratcher Haas stated that she had audited the current list of vendor claims and found that they have a properly itemized invoice or contract attached and that the proper official has affixed a signature stating that the services have been provided with the exception of a claim from **Bernardin Lockmuller and Associates** in the amount of eight thousand three hundred thirty two thousand dollars (\$8,332.00) which is to be paid from a reimbursable grant fund, therefore there is no money in the grant. County Auditor Haas agreed to pay the claim with the Board's assurance that someone will file the proper paperwork with the State to drawdown the reimbursement funds. A motion was made by Commissioner Haire to approve the vendor claims as submitted and directed Auditor Haas to pay the claim to Bernardin Lockmuller and Associates from the grant fund with the assurance that Jill Saegesser will file the proper paperwork to drawdown the reimbursement. The motion was seconded by Commissioner Guthrie and passed 2-0.

Commissioner Haire made a motion to approve and sign subrecipient semi-annual reports on the **Center for Lay Ministries** expansion of existing food pantry CF-02-132, **New Hope Service, Inc.** acquisition in support of affordable housing FL-98-002 and **Utica Township Volunteer Fire Department** FL-98-002 grant projects. The motion was seconded by Commissioner Guthrie and passed 2-0.

At the recommendation of Mr. Moore, Commissioner Haire made a motion to approve, and authorize President Meyer's signature outside the meeting, a letter of retention and addendum of agreement to **Sovran Limited** in which Sovran Limited and its associates agree to supervise the implementation of the recommendations presented in the Report "Assessment of the Processes and Practices That impact Admissions and Length of Stay at the **Clark County Jail.**" The motion was seconded by Commissioner Guthrie and passed 2-0. (See a copy of the letter attached.)

At a motion by Commissioner Guthrie, the Board declared an emergency situation to exist that demands immediate action. Pursuant to IC.36-9-15.5-8 (C) the Board found it necessary, to protect the public health, welfare or safety, to expend money from the Cumulative Capital Development Fund in the amount of (\$3,370.50) three thousand three hundred seventy dollars and fifty cents to pay **Federal Field Services, Inc.** for repairing **emergency sirens** around the County. The motion was seconded by Commissioner Haire and passed 2-0.

At a motion by Commissioner Guthrie, the Board declared an emergency situation to exist that demands immediate action. Pursuant to IC.36-9-15.5-8 (C) the Board found it necessary, to protect the public health, welfare or safety, to expend money from the Cumulative Capital Development Fund in the amount of (\$8,016.00) eight thousand sixteen dollars to pay **Simplex** for repair on the **security system in the jail**. The motion was seconded by Commissioner Haire and passed 2-0.

Planning and Zoning Resolution 13-2005 (Lenfert Young LLC) was brought before the Board with a recommendation from the Plan Commission that the real estate should not be reclassified on the zoning maps from A-1 Agricultural Zone to a planned Unit Development (PUD). **Mr. John Secor**, representing adjoining homeowners in attendance at the meeting, stated that they were in attendance to support the Plan Commissions decision to deny Resolution 13-2005. No persons spoke in opposition of the Plan Commissions recommendation. Commissioner Haire made a motion to concur with the Plan Commission and deny the request. Commissioner Guthrie seconded the motion and it passed 2-0.

County Engineer Hyun Lee gave an update on the **Greater Clark School Construction Elementary at Riverside School Project**. Mr. Lee reported that after three meetings in which he and Commissioner President Meyer met with representatives of Whittenburg Construction and Greater Clark Schools, they came up with an agreeable solution to the concerns for the homeowners. After taking the number of houses into consideration, they agreed that the route for the construction traffic would be Utica Pike and Catalpa Drive, with the exception of the wide trucks such as delivery trucks, which will travel on **Fairwood Drive**. Mr. Jack Mull assured the Commissioners that he would infiltrate curb gutters and because the County trimmed the trees along Utica Pike they would be able to use the route along Utica Pike and Catalpa Drive. Mr. Lee reported that he is to be provided a schedule each week on this project. At the recommendation of Mr. Lee and Mr. Moore, Commissioner Haire made a motion to amend Commissioner Resolution 9-2001, eliminating Section F and changing Sections C & D to three days per week, excluding concrete trucks and authorize signature outside the meeting. The motion was seconded by Commissioner Guthrie and passed 2-0.

Commissioner Haire made a motion to approve a three month leave of absence to an employee who was injured in an accident on his way to work. The motion was seconded by Commissioner Guthrie and passed 2-0.

At the recommendation of Mr. Lee, Commissioner Haire made a motion to approve an amount of three hundred dollars per lot donation from the developer of Vienna Estates Subdivision for road improvement. The motion was seconded by Commissioner Guthrie and passed 2-0.

Mr. Lee reported that **KIPDA** approved (\$20,000.00) twenty thousand dollars for the engineering work on the Perry Crossing Road-Phase Two Project. At the recommendation of Mr. Lee, Commissioner Haire made a motion to approve and sign the State-Local Agency Right of Way Agreement and an agreement with **Bernardin Lochmuller and Associates, Inc.** on the Perry Crossing Road- Phase Two Project and forward it to the State for approval. The motion was seconded by Commissioner and passed 2-0.

The Clerk's monthly report for May was entered for the record.

On behalf of the Indiana State Board of Animal Health, Auditor Haas submitted the **BOAH Contract** for the Boards approval. Commissioner Haire made a motion to approve the contract as submitted and the motion was seconded by Commissioner Guthrie. The motion passed 2-0.

Mr. Moore made an official recommendation that the County not have a **tax sale October 2005** because there have been a number of delays concerning the reassessment process that have led to inconsistent issuing of tax bills. Mr. Moore also, advised that there is a standard in which property becomes eligible for tax sale and because of our unique situation and history. The benefits of a tax sale would not out weigh the risk of having the tax sale. At the recommendation of Mr. Moore, Commissioner Haire made a motion to not have a tax sale in 2005. Commissioner Guthrie seconded the motion and it passed 2-0.

Mike, Harris, Jacobi, Toombs and Lanz, addressed the Board concerning the option for Clark County to into an option to purchase fifty six acres of land from **Ron Sanbach**. At the meeting of September 9, 2004 the Board signed a purchase agreement with Ronald Sanbach and Lynn Sanbach for fifty six acres of land with ten percent (10%) to lock in the option. The ten percent (10%) was to go toward the purchase price and be paid from the Landfill Fund. Mr. Harris reported that Mr. Sanbach returned the deposit with a request from his attorney to receive a single check for the entire amount of the purchase price. Commissioner Haire made a motion to accept the deposit of (\$21,280.00) twenty one thousand two hundred eighty dollars and deposit it back into the landfill fund and issue a new check for the total purchase price and instruct Margie Jenkins to submit a new claim to the Auditor in the full purchase amount. The motion was seconded by Commissioner Guthrie and passed 2-0.

Documentation was reviewed by Mr. Moore and he recommended the Board should not contest the position asserted by this company with respect to the bids at issue.

Commissioner Haire made a motion to authorize Mr. Moore to represent Auditor Haas in the Judges vs. Clark County Council and Auditor lawsuit. The motion was seconded by Commissioner Guthrie and passed 2-0.

Craig Whitmer, Pictometry International Corp., gave a presentation on Aerial Photography and uses for Clark County.

Floyd Burroughs, and Kayleen Proctor, MFE Burroughs & Associates Consulting Engineers, gave a presentation and a request for the Board's consideration on future engineering projects.

Commissioner Haire moved to table the appointment to the **Emergency Management Advisory Board** until the next meeting. Commissioner Guthrie seconded the motion and it passed 2-0.

Commissioner Haire made a motion to table action on the proposal from **Kovert Hawkins** regarding the feasibility study of **Magistrate Courtroom & Offices**. The motion was seconded by Commissioner Guthrie and passed 2-0.

At the meeting of June 2, 2005 the Board moved to have **Butler, Fairman and Seifert** prepare and distribute forms and letters to get the policy adopted based on Monroe County's policy for **GAS-B 34**. The motion was also to have Mr. Moore research Umbaugh's contract to do the evaluations for this policy. In response to those instructions Mr. Moore presented a draft of that capital asset policy for Auditor Haas's review. Auditor Haas and Mr. Moore each gave their approval. Commissioner Haire made a motion to approve the proposal and the notification form for the Capital Asset Policy as submitted. The motion was seconded by Commissioner Guthrie and passed 2-0.

Diane Shetto, representing her mother **Nan Justice**, addressed the Board regarding pit bull dogs at the property next to her mother's home. Ms. Shetto made a request that the Board adopt an ordinance to protect the citizens in Clark County from the dangers involved. Mr. Moore informed the Board that he was working on the language for an ordinance that he will bring to the next meeting.

Commissioner Haire reported that she was contacted by **Brenda Nickles** regarding a grant to transport people in the Charlestown area. After discussion, the Board concluded that they were not aware of such a grant.

Mr. Bob Campbell, Allison Lane, Jeffersonville, addressed the Board with concerns for the safety of the citizens in the neighborhoods involved in the Greater Clark School Project. Mr. Campbell stated that he recalled that at the June 16th Commissioner's meeting Mr. Gates stated that he would recommend several steps to be taken to insure the safety of the residents in the construction areas and had contacted the Clark County Commissioner's Office, Clark County Sheriff's Office and Mr. Hobgood in Mr. Gates office. He stated that he was assured that he would contact Mr. Nichols regarding the speed in which his trucks are traveling these roads.

To the extent the Board held an executive session of any type under (I C 5-14-1.5-6) or otherwise, the Board hereby certifies that no subject matter was discussed therein except that posted in the notice for session or meeting (I C 5-14-1.5-6.1).

