

REGULAR MEETING

CLARK COUNTY BOARD OF COMMISSIONERS

March 28th, 2024

The Board of County Commissioners of Clark County, Indiana met in Regular Session on March 28th, 2024, at 5:00 p.m. in Room 103, Clark County Government Building, in Jeffersonville, Indiana.

Present at the meeting were Commissioners – Bryan Glover, Connie Sellers and Jack Coffman, County Attorney R. Scott Lewis, Auditor Danny Yost and Commissioners’ Assistant Sabrina Corbin.

The Pledge of Allegiance was led by Chris Fox. Prayer was led by Commissioner Jack Coffman.

Approval of the Minutes

Commissioner Sellers made a motion to approve the March 14th, 2024 Regular Meeting Minutes. Commissioner Coffman seconded. Motion approved 3-0.

Danny Yost presented the claims and payroll for March 28th, 2024. Commissioner Sellers motioned to approve the claims and payroll. Commissioner Coffman seconded. Motion approved 3-0.

Commissioner Glover asked for any amendments to the agenda. There were no amendments. Motion by Commissioner Coffman to approve the agenda as presented. Commissioner Sellers seconded. Motion approved 3-0.

I. Public Comments: None.

II. New Business:

Kelly Khuri – “I had a question about item D which is the ordinance the Plan Commission is discussing. How much revenue does the Plan Commission earn annually with the permits & fees?” Connie Sellers replied that it could be anywhere from \$300,000.00 - \$350,000.00 but she wasn’t sure off the top of her head of the exact number. Kelly stated “I noticed that the solar fees for the commercial solar facility that was proposed last year were pretty high. It looked

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like in the minutes it averaged almost \$800,000.00 by the time this project is completed. That is over \$1,000,000.00 in the Plan Commission funds. I think we need to put a cap on that and to see if we can add more money to the General fund for operations.” Kelly thanked the Commissioners for their time.

Sandy Basham – Sandy gave the Commissioners a handout which included the Spencer County Solar Ordinance. “I brought to you today a copy of the Spencer County Solar Ordinance. I was going to highlight the things that both Spencer and Clark County have in common so you could compare them but I ran out of highlighters. I wanted to point out that Kosciusko County has a twenty-page Solar Ordinance with a population of 80,106. Wabash County has a Solar Ordinance that consists of twenty-six pages with a population of 30,816 in 2021. Spencer County has a Solar Ordinance of thirty-three pages with a population of 19,798 in 2021. Jay County has a Solar Ordinance of only nine pages with a population of 20,248. I would like to point out that Clark County has a population of 122,738. With that many people, you would think that our Solar Ordinance would fall under somewhere as close as the other Counties with lower population. Clark County’s Solar Ordinance is only five pages long. It fails to address many things that other Counties address. We did have a meeting with a couple of you and a consultant. We provided a list of twenty-four proposed changes to the UDO in regards to Solar. These changes will be discussed at the April 10th, 2024 Plan Commission meeting. Each proposal that was made is included in other Counties UDO within the state of Indiana. In the 2040 comprehensive plan, it was stated that one of the top strategies was to encourage continued use of agriculture land within the County. On page 28, it showed that New Washington is a growth area but if we fill the area up with Solar, I don’t know how they will grow because there won’t be room for housing. The 2040 comprehensive it pretty much stated that we were going to try and better ourselves agriculturally.” Sandy thanked the Commissioners for their time.

Christine Horsley – “We’ve come in to discuss the proposed ordinances that we’ve been battling for about the last six months in the County. We have proposed twenty-four changes that we would like to see implemented. In the posted Ordinance, there is only about ten that are addressed. In my mind, I can’t understand how anyone could handle living next to these Solar Farms.” Christine played a video that showed the noise that is produced from one of the Solar Farms in the County. The videos showed that the Solar Farms produce constant loud noises. “We have seen that storms have hit in Texas that destroyed the entire Solar Fields. There has to be chemical leaking from them. Landowners have a right to do

whatever but when their land infringes on the rights of other residents with the noises and the chemicals that these may leave behind. We aren't even addressing our water and if they test for all harmful chemicals that could be in the water. Spencer County has their setbacks at one thousand feet. Initially Clark County were one hundred and fifty feet and the new proposal is two hundred and fifty feet. Many residents are surrounded on all sides from these Solar Farms. The property values could also drop from being so close to the Solar Farms. We are losing while the Solar companies are gaining." Christine thanked the Commissioners for their time.

William Fehribach – William owns a building in Henryville with an address of 104 North Ferguson Street. William gave a brief history of Dean Alley in Henryville. He asked the Commissioners to upkeep the road or to vacate it. He stated he would submit a written statement. (As of 4/11/24 we have no yet received any written documentation.)

Kaitlin Blessitt – “The Floyd County Commissioners voted to reject the RFP for New Chapel EMS last night. Some people are considering a fire-based EMS. I’ve been collecting information from our EMS subcommittee to try and validate Dr. Yazel’s recommendations that he has made. The letters state a unanimous recommendation but I have yet to verify that information. I have talked to two people on the EMS subcommittee that wish to stay anonymous but they say that no contracts were ever discussed. I would recommend that we have an official subcommittee for documentation. I’m wondering if you all have heard of anything about the EMS subcommittee becoming an official committee?” Commissioner Glover replied that he has heard they discussed it but there is nothing official. Kaitlin stated “I think it would be a great idea to have an official committee just like Floyd County has. When digging through these records, I just can’t understand why we entered into a contract with New Chapel EMS. I dug through three hundred pages that show they have never met the response time. The response times have always been ten minutes or longer. They never met the original requirements for the RFP in 2014. They didn’t meet the financial requirement by turning in financial documentation. They should have never qualified for it but in my opinion, it seems that they are in a total breach of contract. If they are currently not meeting response times, which Dr. Yazel filed a complaint as of January 2024 that they have not met those response times and with the inability to produce financial documents, why are we not having discussions like they are having in Floyd County? Why are we not putting a plan in place? What is the contingency plan?”

- A.** Commissioner Glover presented the Charlestown Fire Protection District Levy Increase Request. Reuben Cummings represented the Charlestown Fire-District. Charlestown Fire was struggling a few years ago because their levy was so low. A formula was introduced that if their population grows over the ten-year previous period then they are granted a max levy increase. They qualified this year which would put a max levy increase in for 2025. There is no discussion of applying it or using it in anyway but to make sure that this is available for the future. Indiana code requires them to submit a petition to the DLGF and that the legislative body has to approve to make that possible. It is also still subject to the County Council when they do the binding budget review where they finalize the approval for the levy and tax rate increase. Motion by Commissioner Sellers to approve the Charlestown Fire Protection District Levy Increase Request. Seconded by Commissioner Coffman. Motion approved 3-0.
- B.** County Attorney R. Scott Lewis presented the Baker Tilly Accounting Agreements for the Auditor's Office. The agreements are for three separate items. The Engagement Letter, the Scope Appendix for Budget Assistance, and the Scope Appendix for GAAP. Beginning in 2020, the State legislature has required Counties of certain population size to adopt GAAP accounting procedures. There was a three-year agreement with Baker Tilly that just expired. The new agreement is a three-year agreement for the years 2023, 2024, and 2025. The Auditor's Office is also switching the Budget Assistance from Association of Indiana Counties to Baker Tilly with a not to exceed amount of \$25,000.00. The GAAP Scope Appendix agreement is a not to exceed amount of \$105,000.00 per year. Motion by Commissioner Coffman to approve the Baker Tilly Accounting Agreements for the Auditor's Office. Seconded by Commissioner Sellers. Motion approved 3-0.
- C.** County Attorney R. Scott Lewis presented the Nyhart Service Agreement for the Auditor's Office. This agreement is to provide a detailed actuary report that has come into effect with the GAAP accounting requirements. Pursuant to the laws that are required, the County has to complete a data collection analysis, and actuary evaluation of our employee's post-employment benefits. The amounted total of the agreement for 2023 is \$7,600.00. The amounted total of the agreement for 2024 is \$4,200.00. Motion by Commissioner Sellers to

approve the Nyhart Service Agreement for the Auditor's Office. Seconded by Commissioner Coffman. Motion approved 3-0.

- D.** County Attorney R. Scott Lewis presented the Ordinance Amending the Non-Reverting Fund Ordinance for the Plan Commission. The Ordinance 14-2007 that created the Non-Reverting fund was originally envisioned where anything up to \$250,000.00 would be put into that fund. The fees above \$250,000.00 would be used for other expenses in the General fund but since then the General fund has become healthier since the maximum levy has been increased. The Plan Commission has requested for this cap to be removed. This helps the Planning and Zoning office be self-sufficient and they won't be reliant on the General Fund which in turn will strengthen the General Fund. This is Ordinance 8-2024. Motion by Commissioners Sellers to approve the Ordinance Amending the Non-Reverting Fund Ordinance for the Plan Commission. Seconded by Commissioner Coffman. Motion approved 3-0.
- E.** County Attorney R. Scott Lewis presented the Interlocal Agreement with the Town of Borden for Ditch Cleaning Services. The Clark County Highway department will provide the labor and materials in order to clean the ditches. This is Resolution 2-2024. Motion by Commissioner Sellers to approve the Interlocal Agreement with the Town of Borden for Ditch Cleaning Services. Seconded by Commissioner Coffman. Motion approved 3-0.
- F.** County Attorney R. Scott Lewis presented the CyberTek Quote for Human Resources Laptop. LeeAnne Howe, Director of HR, was here to provide her stance on why the laptop would be beneficial to her. LeeAnne works half of her time at the Clark County Government Building and half at the Clark County Courthouse. A laptop would help her navigate her daily tasks associated with her moving around so much. The first quote is for a Lenovo Thinkpad E14 Gen 5 in the amount of \$1,125.74 from CyberTek. The second quote is for a Lenovo Thinkpad E14 Gen 2 in the amount of \$1,176.99 from Amazon. The third quote is for a Lenovo Thinkpad E14 Gen 5 14" touch-screen in the amount of \$1,187.68 from Best Buy. The quote will be paid out of the Information Technology fund. Motion by Commissioner Sellers to approve the first quote

for the CyberTek Quote for Human Resources Laptop. Seconded by Commissioner Coffman. Motion approved 3-0.

III. Old Business:

A. Commissioner Glover presented the Tractor and Mower Bid Award for the Highway Department. The bids were opened at the last meeting but they were tabled to take under advisement by the County Engineer Brian Dixon. The accepted quote is with Wright Implement. The equipment purchased is 2 x John Deere 6110M Cab Tractor in the amount of \$221,011.04, and 2 x Open Market Tiger Bengal 22 in the amount of \$183,440.66. The total quote price is an amount total of \$404,451.70. Motion by Commissioner Coffman to approve the Tractor and Mower Bid Award for the Highway Department based on the recommendations of the County Engineer Brian Dixon. Seconded by Commissioner Sellers. Motion approved 3-0.

IV. Reports:

A. Auditor: None.

B. Attorney: None.

C. Highway Department: The MS4 annual permit has been sent and received. The tree clearing at Willinger bridge has been completed and now are waiting on the documents to be prepared before a notice of bids can be issued.

D. Sheriff: The current jail population is 419, 52 are Federal inmates.

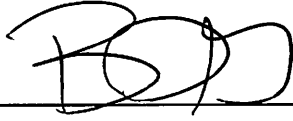
E. Elected Officials & Department Heads: None.

V. Other Business: None.

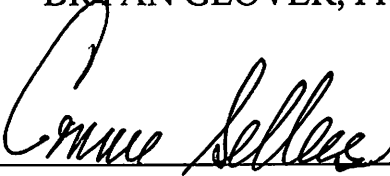
VI. Public Comments: None.

VII. Adjournment: Commissioner Glover entertained the motion to adjourn. Commissioner Coffman motioned to adjourn. Commissioner Sellers seconded. Motion approved 3-0.

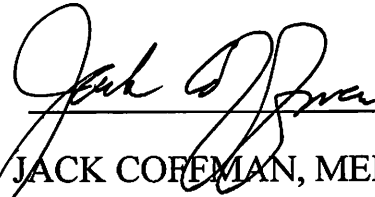
BOARD OF COMMISSIONERS OF
CLARK COUNTY, INDIANA



BRYAN GLOVER, PRESIDENT



CONNIE SELLERS, VICE PRESIDENT



JACK COFFEMAN, MEMBER

SIGNED THIS DAY April 11, 2024

ATTEST: 

DANNY YOST, CLARK COUNTY AUDITOR