

**REGULAR MEETING BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY INDIANA
JULY 1, 2004**

The Board of County Commissioners of Clark County, Indiana met in Regular Session on July 1, 2004 in Room 308, City-County Building, Jeffersonville, Indiana.

Present at the meeting were County Commissioners Vicky Kent Haire, David Lewis, Raymond Parker, County Auditor Barbara Bratcher Haas, County Attorney Scott Lewis, Secretary/Administrative Assistant Pam Smith, and Deputy Auditor Theresa James. All references to "Commissioner Lewis" refer to David Lewis. All references to "Mr. Lewis" refer to Scott Lewis. Commissioner Lewis and Mr. Lewis are not related.

The minutes for the meeting of the May 20, 2004 were sent to County Attorney Scott Lewis and each of the Commissioners for their review prior to the meeting. In the first order of business a motion was made by Commissioner Lewis to approve and sign the minutes. The motion was seconded by Commissioner Parker and passed 3-0.

County Auditor Barbara Bratcher Haas stated that she had audited the payroll claims and found 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. However, there is no approved appropriation against which to charge the amount and there is no approved levy from which to pay claims. A motion was made by Commissioner Parker to approve the payroll claims as submitted. The motion was seconded by Commissioner Lewis and passed 3-0.

Ms. Melissa Woods, River Hills Economic Development, appeared before the Board in regard to the **Center for Lay Ministries Expansion Project**. With approval from County Attorney Scott Lewis, Commissioner Lewis made a motion to approve and sign Change Order # 2 increasing the contract amount twenty two thousand and forty eight dollars (\$22,048.00) which changed the new amount of the contract with **Upton Pry, Inc.** to four hundred forty eight thousand five hundred ninety eight dollars and ninety five cents (\$448,598.95). The motion was seconded by Commissioner Parker and passed 3-0.

Also, with approval from County Attorney Scott Lewis, Commissioner Parker made a motion to approve and sign Draw Request # 5 in the amount of forty thousand eight hundred twenty three dollars (\$40,823.00) for the **Center for Lay Ministries Expansion Project**. The motion was seconded by Commissioner Lewis and passed 3-0.

A motion was made by Commissioner Lewis to approve payment in the amount of eight hundred ten dollars and sixty cents (\$810.60) to the Estopinal Group, Inc. for construction administration on the Center for Lay Ministries Expansion Project. The motion was seconded by Commissioner Parker and passed 3-0.

Ms. Rachele Cummins and Dr. Fred Horlander, representing Clark Memorial Hospital, appeared before the Board requesting approval of the sale of real estate owned by the Hospital. Dr. Horlander explained that the law requires the Commissioners approval before the sale. Commissioner Lewis made a motion to adopt Ordinance No. 9-2004 (An Ordinance Authorizing Clark County Memorial Hospital's Sale of Real Estate). The motion was seconded by Commissioner Parker and passed 3-0. (See a copy of the ordinance attached).

Planning and Zoning Resolution 22-2004 (Sprigler Development Company) which was brought before the Board June 17, 2004 and tabled was again brought before the Board. The resolution is for a zoning change from B-2 to R-1. At that time **Mr. John Kraft, Attorney, Young Lind Endres & Kraft** appeared representing **Mr. Chad Sprigler** who also was present at the meeting. Along with Mr. Kraft and Mr. Sprigler, **Mr. Paul Primavera, Surveyor,** addressed the Board. Pursuant to the conditions listed in the attached agreement-memorandum of understanding, Commissioner Lewis made a motion to follow the recommendation of the Plan Commission and approve Resolution 22-2004. The motion was seconded by Commissioner Parker and passed 3-0. When Mr. Phil Milton addressed the Board with the question of what would happen if Mr. Sprigler was not successful in having the residential real estate removed from the Economic Development District, Commissioner Lewis made a motion to amend his motion to state that in the event that Mr. Sprigler is unsuccessful in having the real estate removed, the request to re-zone shall be deemed to have been denied. The amendment was seconded by Commissioner Parker and passed 3-0. (See a copy of the resolution and the agreement-memorandum of understanding attached.)

Mr. Jack Bedford, Project Manager for the Perry Crossing Road Project, appeared before the Board with a report on the **Perry Crossing Road Project.** **Mr. Bedford** addressed a situation in which utilities have been placed in an existing easement. Mr. Bedford reported that Mr. Benningfield, who is a property owner there, has agreed to allow his driveway to be used if the county will pour a pad for the people to park on. No action was taken by the Board.

At the recommendation of County Engineer Hyun Lee, Commissioner Parker made a motion to approve and sign an agreement between **Bernardin, Lockmueller and Associates, Inc.** and Clark County for right-of-way engineering and right of way services on bridge # 97 located on Bowyer Road. The motion was seconded by Commissioner Lewis and passed 3-0.

At the recommendation of County Engineer Hyun Lee, Commissioner Parker made a motion to approve **Jacobi, Toombs and Lanz** and **R. W. Armstrong** as consultant on the **Salem Noble Road Project.** The motion was seconded by Commissioner Lewis and passed 3-0.

Prior to the meeting **Mr. Brad Lemker** presented the Board with a letter and a petition requesting that the County place stop signs on **Covered Bridge Road** at **Hermitage Trail Road.** Commissioner Lewis made a motion to table approval until the meeting of July 15, 2004. The Board also instructed County Attorney Scott Lewis to prepare the necessary documentation for the Board's consideration at that meeting. The motion was seconded by Commissioner Parker and passed 3-0.

In regard to a **County Noise Ordinance**, County Attorney Scott Lewis and the Commissioners discussed a draft that he had prepared and given to the members of the Board for their review. Commissioner Lewis made a motion to table approval of the ordinance until the next time the Board meets, which will be July 15, 2004, in order to give Mr. Lewis time to meet with Mr. Phil Milton for his input and to change some of the legal language in the draft. The motion was seconded by Commissioner Parker and passed 3-0.

At the meeting of May 20, 2004 **Sheriff Michael Becher** appeared before the Board and explained that when he appeared before the County Council with a request for additional appropriations to cover **inmate medical expenses**, they referred him to the Commissioners for the funding. After discussion, the Board requested that the insurance company come in and discuss the 2002 and 2003 overage claims for which the Sheriff needs the additional appropriation. At the meeting of June 3, 2004, in response to that request, **Mr. Joe Kenworthy** appeared to discuss these claim and **Ms. Connie Kitts, Sheriff Becher's Secretary/Bookkeeper**, attended the meeting and stated that this program has saved the County a significant amount of money each year. At this meeting, upon a motion made by Commissioner Lewis, 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 (\$73,255.00) seventy three thousand two hundred fifty five dollars to pay for the 2002 and 2003 overage claims and the current prescription bills. The motion was seconded by Commissioner Parker and passed 3-0.

Commissioner Lewis made a motion to allow the **County Employee Insurance Committee** to attach an insurance survey to the county employee June 9, 2004 paychecks. County Auditor Barbara Bratcher Haas stated that the survey must be presented to the Auditor's Office by Monday June 7, 2004 to allow her office time to get them ready. The motion was seconded by Commissioner Parker and passed 3-0.

At the meeting of June 3, 2004 County Auditor Barbara Bratcher Haas informed the Board that she received an invoice from J.P. Morgan Institutional Trust Services in the amount of four hundred forty seven thousand, eight hundred and forty four dollars (\$447,844.00) which had a due date of by June 30, 2004. At that time the Commissioners made a motion to authorize County Auditor Haas to pay the bond payment with the understanding that the funds will come in after taxes are collected and the distribution is finished. This is a result of late billing and late distribution of taxes. At this meeting Auditor Haas informed the Commissioners that Mr. Larry Wilder, Attorney for the Clark County Jail Holding Corporation, advised that the invoice was sent to her by mistake and to disregard it. Commissioner Lewis then made a motion to withdraw their request to the council for additional appropriation because these payments will not begin until next year. The motion was seconded by Commissioner Parker and passed 3-0.

Pursuant to Amendment # 2 to County Commissioner Ordinance # 2-2004, Commissioner Parker made a motion to instruct County Engineer Lee to perform an inspection of the **Cedar Creek Subdivision** and the three other subdivisions which letters of credit are about to expire. After the inspection Mr. Lee is to report the results to County Attorney Scott Lewis for him to use in preparing a letter to Bugaboo Developers, Inc. who developed Cedar Creek Subdivision and the developers of the three other subdivisions which have letters of credit about to expire. The motion was seconded by Commissioner Lewis and passed 3-0.

There being no further business to come before the Board and on a motion made by Commissioner Parker, seconded by Commissioner Lewis, and unanimously carried, the meeting was adjourned.

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, INDIANA

VICKY KENT HAIRE, PRESIDENT

RAMOND PARKER, MEMBER

DAVID LEWIS, MEMBER

SIGNED THIS DAY

ATTEST:

BARBARA BRATCHER HAAS
CLARK COUNTY AUDITOR