

REGULAR MEETING
CLARK COUNTY BOARD OF COMMISSIONERS

April 28th 2022

The Board of County Commissioners of Clark County, Indiana met in Regular Session on April 28th, 2022, at 5 p.m. in Room 418, Clark County Government Building, in Jeffersonville, Indiana.

Present at the meeting were Commissioners – Brian Glover, Connie Sellers, and Jack Coffman, County Attorney Scott Lewis, Commissioners Assistant Pamela Armstrong, Clark County Engineer Brian Dixon, and Auditor Danny Yost.

Pledge of Allegiance was led by Brian Dixon and the prayer was led by Jack Coffman.

Approval of the Minutes

Commissioner Sellers made a motion to approve the April 14th, 2022, Regular Meeting Minutes, as presented. Commissioner Coffman seconded. Motion approved 3-0.

Auditor Danny Yost presented the claims and payroll. Attorney Lewis said there were two additions submitted late Wednesday (27th). Family Recovery Court (Fund 8160) submitted two claims/packets in the amount of \$7,270.47 and \$1,584.18, which he reviewed and meets legal requirements. Commissioner Coffman motioned to approve the claims and payroll, as presented by the Auditor, with the two additions by Family Court, as presented. Commissioner Sellers seconded. Motion approved 3-0.

Commissioner Sellers made a motion to approve the agenda as presented, if there were no amendments. There were none. Commissioner Coffman seconded. Motion approved 3-0.

I. Public Comment:

Commissioner Glover read the Sign-In sheet aloud. Jennifer and David Swanson; David Reed; Mark Herrin; and Chris Jackson. All were here to speak

about the rezoning issue. Commissioner Glover said all comments would be covered under New Business.

II. New Business

- A. Commissioner Glover opened the Public Hearing to discuss the Rezoning Plan Commission Resolutions 4-2022 and 5-2022 (Commissioner's Ordinance 10-2022).

Cathy Dennison, Director of Planning and Zoning, presented the Plan Commission Resolutions 4-2022 and 5-2022. The Commission voted, 5-1 for a favorable recommendation for the zoning change. Commissioner Glover welcomed those opposed to the Zoning change to speak first.

Susan Swanson, 1512 Charlestown-Memphis Road, Charlestown, Indiana, presented her opposition with supporting documentation, including petition signed by 171 residents expressing safety concerns; Sheriff's Report regarding Charlestown Memphis Road Activity; photos of road construction damage; and a portion of the County's Comprehensive Plan. She requested the Commission consider how this proposed rezoning is in alignment with the Comprehensive Plan.

David Swanson, 1512 Charlestown-Memphis Road, Charlestown, Indiana, said his concern was with the process of approving the Rezoning change. The Plan Commission staff reviewed and made a favorable recommendation. However, the determination by the staff was not backed in writing by any evidence, whatsoever. It is now before the Commissioners, whose responsibility is it to review and approve such zoning changes? Mr. Swanson does not believe it is in the public's interest.

David Reed, 8609 Redbud Drive, Charlestown, Indiana, said he was concerned that the new development will devalue his property. Based upon his attendance of the Planning Commission meetings, the developer is proposing 1200 – 1700 square feet homes, selling at \$300,000 or more, and by his estimate would be built on 2/10th acre lots. However, the adjacent properties are over 1-acre parcels. Additionally, he evaluated 7 properties which equaled out to \$200 per square foot, thus a value of \$240,000. The new development is not comparable to surrounding properties, thus he is concerned his property will be devalued,

and the financial impact to the community and surrounding area is not being taken into consideration

Mark Herrin, 8505 Hickory Road, Charlestown, Indiana, said he is a Dad, Husband, and Grandpa. Most importantly Grandpa. His grandchildren visit often and they like to ride bikes across and through the streets, and walk to the new pocket park on Sycamore and/or Aberdeen. The streets are not particularly wide, do not have sidewalks, no curbing, and really somewhat rural. He has significant concerns with the additional traffic, and the safety of cyclists and pedestrians.

Steve Despain, 8613 Redbud Drive, Charlestown, Indiana presented a map of his neighborhood. He said the entrance to the new development, via Burdette, is directly across from his home. Some research indicates that in the summer the foot traffic in his area can include 25-30 people with baby strollers; riding bikes; or walking every night, if the weather is good (in Lakeview). They believe traffic cutting through their neighborhood from 403 will increase by 80%. The subdivision was not built to handle that kind of traffic, and he believes a traffic study should be completed prior to approval of the new subdivision development. He believes barricades should be put up to prevent construction access to the new development via Burdette. He hoped this was not a rubber stamp approval, and that due consideration be given to the residents of this area.

Commissioner Glover welcomed those supporting approval of the Rezoning to speak.

Josh Hillman of Dan Cristiani Excavating provided an overview of the packet submitted to the Clark County Plan Commission on behalf of Woodstream Development, LLC. Mr. Hillman welcomed any questions. Commissioner Sellers said, that from previous discussions, she understands that the proposed temporary construction barrier will not be kept after completion of the development. Mr. Hillman said the Burdette entrance is temporary, until the development has two permanent entrances, as required. Burdette would not ultimately be an entrance to the subdivision (no permanent road).

Chris Jackson of Woodstream Development, 1221 Old Highway 131, Clarksville, Indiana, spoke on their behalf. It is unknown what the construction costs and selling price of the new homes will be given today's market.

However, likely \$300,000 and above. The new development will have sidewalks and curbs. The streets should be safer for pedestrians and cyclists and can be utilized by neighboring residents. Given the housing, infrastructure, and land costs, it is virtually impossible to purchase a newly constructed home for less than \$300,000. Commissioner Sellers said that today's focus is on rezoning, and the details and compliance would be determined in the development process, such as drainage, site lines for egress and regress, etc. Also, they (the developer) were not required to seek rezoning of agricultural land due to Conservation Residential Subdivision. Mr. Jackson said they were trying to be good stewards in the community. Those opposed continued to voice their concerns about roadways, safety, and lighting in the existing neighborhoods. Commission Glover said the matter at hand today is rezoning from agricultural to R-2. The public hearing was closed.

Commissioner Glover presented Ordinance (10-2022) An Ordinance Approving an Amendment to The Clark County Zoning Map on Recommendation by the Clark County Plan Commission for consideration. Commissioner Coffman motioned to approve Ordinance 10-2022, changing zoning from Ag-1 to R-2, including both Plan Commission Resolutions 4-2022 and 5-2022, subject to recording of the Voluntary Zoning Commitment. Commissioner Sellers seconded. Motion approved 3-0.

- B. An Ordinance (11-2022) Establishing the Local Health Department Annual Survey Grant Fund (Fund 8229) was presented by Doug Bentfield of the Clark County Health Department. The grant amount is \$1,000 and is a reimbursement for the Data Mining, which requires extensive review of, such things as, how we inspect and issue permits for septic systems. Commissioner Sellers motioned to approve Ordinance 11-2022; Fund Number 8229. Commissioner Coffman seconded. Motion approved 3-0.
- C. Scott Lewis, Attorney, presented the Letter for Community Corrections Grant Application. He said this is a routine and required letter per the grant application. The grant will be administered by Chief Probation Officer, Jamie Hayden. The Attorney reviewed and recommended the submission letter be approved, and signed by the President of the Board. Commissioner Coffman made a motion to approve the Board of Commissioners' letter to the Indiana Department of Corrections for the grant application. Commissioner Sellers seconded. Motion approved 3-0.

- D.** Scott Lewis, Attorney, presented Ordinance No. 12-2022, An Ordinance Amending Article 5, Section 5.2 of Ordinance No. 7-1983 (The Clark County Traffic Control Ordinance) In Order to Alter Certain Speed Limits. The Attorney said this was for a section of CR-311, running from State Road 60 to Nova's Landing, to reduce the speed from 40 mph to 30 mph. Brian Dixon, County Engineer, said the request was placed by the Town of Clarksville, and the County recommends its approval. Commissioner Sellers motioned to approve Ordinance 12-2022. Commissioner Coffman seconded. Motion approved 3-0.

III. Old Business:

- A.** Assured Partners – Health Insurance Plan Renewal was presented by Attorney Lewis. He said the information has been honed down since the April 14th presentation, and today's packet provides the various Plans (such as, medical, dental, vision, life, FSA, HRA, COBRA) and their premium rates. The Attorney recommended the renewals be approved as presented. Commissioner Sellers motioned to approve the Medical Plan renewal, as well as, all other benefit plan renewals, as outlined in the Assured Partners letter of April 26th, 2022, with attachments. Commissioner Coffman seconded. Motion approved 3-0.
- B.** Scott Lewis, Attorney, presented the BMS Section 125 Plan and FSA Annual Renewal. He said the renewals were approved above. A motion is needed to approve and authorize the Board President to execute the Annual Renewal Form (Agreement) for the Health Reimbursement Arrangements (HRA); Section 125 Plan and Flexible Spending Accounts; and COBRA Administration. Commissioner Sellers motioned to approve and authorize the Board President to sign the Annual Renewal Forms (Agreements). Commissioner Coffman seconded. Motion approved 3-0.

IV. Reports - Officeholder/Department Heads Present at Meeting

A. Auditor: None.

B. Attorney:

- 1) Attorney Lewis provided an overview of the Landfill Bids for Earth Work/Excavation. For the record, JTL, had advertised a Request for Bids in the newspaper for the project. Only one bid was received and was opened at a meeting on April 21st, with Jack Coffman, Scott Lewis, Mike Harris and Mark Lacy, both of JTL, in attendance. The single bid was from EcoTech. Attorney Lewis recommended the bid be taken under advisement and reviewed by JTL. Commissioner Sellers motioned to take the bid from EcoTech under advisement. Commissioner Coffman seconded. Motion approved 3-0.

C. Highway Department:

Brian Dixon, County Engineer, said he had three items to discuss:

- 1) Dump Truck Bids. Two Bids were received, both from: Kentucky Truck Sales (KTS), 1403 Truckers Blvd, Jeffersonville, Indiana. Brian Dixon proceeded to open the sealed bids. \$198,315 each for single axle and Edinger body; and \$194,906 each for single axle and W.A. Jones body. Mr. Dixon said the cost is “each” as the County is evaluating whether it can purchase 1 to 6 dump trucks. Commissioner Coffman motioned to take the bids under advisement with review by the County Engineer. Commissioner Sellers seconded. Motion approved 3-0.
- 2) Quotes for Bridge Pavement Repair on CR-403. The County Engineer said that a situation occurred, which required immediate attention by the Highway Department. The bridge on 403 crossing Silver Creek (no bridge number as of yet) was in need of repair and the County consulted INDOT. INDOT recommended mud jacking and/or replacement of the slab. Attorney Lewis interjected that Indiana Code allows alternate means for seeking emergency repairs, versus the normal Request for Bids. Attorney Lewis asked if the County deemed these repairs an emergency. The County Engineer responded affirmatively. The Engineer said the County tried to patch the bridge. However, it did not work, and given the traffic volume, determined this was a safety emergency. Thus, via email on April 21st, he contacted three companies (MAC Construction; IMI Construction; and Dan

Cristiani Construction), requesting quotes, for two options. They also were invited to an on-site meeting for April 25th, with Quotes due by 3:00 pm on April 28th, today. Attorney Lewis said a motion would need to be made on the emergency status of bridge repairs. Commissioner Coffman made a motion to declare the CR-403 bridge repair an emergency situation due to safety. Commissioner Sellers seconded. Motion approved 3-0.

The County Engineer proceeded to open the sole quote from MAC Construction, 1905 Unruh Court, New Albany, Indiana. IMI and Cristiani Construction did not respond. The Engineer said that quotes were requested for two options: 1) mud jacking; and 2) replace concrete, milling and paving. MAC's quote was only for Option 2, in the amount of \$148,200. Commissioner Sellers made a motion to take the quote under advisement. Commissioner Coffman seconded. Motion approved 3-0.

- 3) Quotes for Bridge 89 Repair – Daisy Hill Road near Borden was next. The County Engineer said he received notification from the County Inspector it was a fracture – critical bridge. Scouring was occurring under an abutment and pier. INDOT was contacted and County declared the repairs an emergency. Attorney Lewis stated the Commission would need to move on the emergency declaration. Commissioner Coffman made a motion to declare the Bridge 89 repair an emergency situation due to safety. Commissioner Sellers seconded. Motion approved 3-0.

The County Engineer proceeded to open the sole and only quote requested, as it was a small bridge and he had spoken with the three companies on the CR-403 bridge repair. The quote that was from Excel Excavating is a not-to-exceed amount of \$80,000. Commissioner Glover asked how old this bridge was. The Engineer responded it was likely built in the 1960s. The Engineer provided details of the bridge repair. Commissioner Coffman made a motion to accept and approve the Quote of Excel Excavating in the amount not to exceed \$80,000, and proceed with the Bridge 89 repairs. Commissioner Sellers seconded. Motion approved 3-0.

D. Sheriff: The current jail population is Not reported.

E. Elected Officials: None

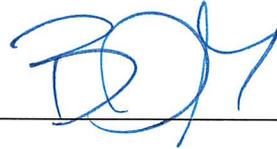
V. Other Business: None

VI. Adjournment

Commissioner Sellers motioned to adjourn. Commissioner Coffman seconded.
Motion approved 3-0.

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

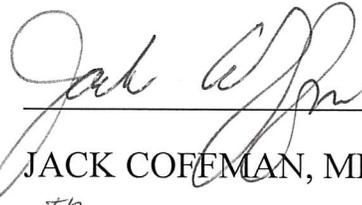
BOARD OF COMMISSIONERS OF
CLARK COUNTY, INDIANA



BRYAN GLOVER, PRESIDENT

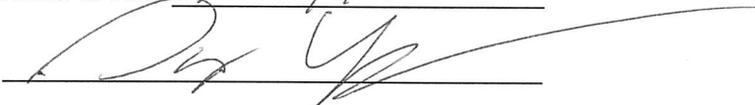


CONNIE SELLERS, VICE PRESIDENT



JACK COFFEMAN, MEMBER

SIGNED THIS DAY May 12th 2022

ATTEST: 

DANNY YOST, CLARK COUNTY AUDITOR