

REGULAR MEETING
CLARK COUNTY BOARD OF COMMISSIONERS

September 01st 2022

The Board of County Commissioners of Clark County, Indiana met in Regular Session on September 01st, 2022, at 5 p.m. in Meeting Chambers, Room 103, Clark County Government Center, in Jeffersonville, Indiana.

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

Pledge of Allegiance was led by Karen Goodwell and the prayer was led by Jack Coffman.

Approval of the Minutes

Commissioner Glover said first on the agenda was approval of the minutes for August 18th, 2022. Commissioner Sellers made a motion to approve the August 18th, 2022, Regular Meeting Minutes, as presented. Commissioner Coffman seconded. Attorney Lewis said there were actually two sets of minutes for approval, August 4th and 18th. The 4th had been tabled at the August 18, 2022 meeting, as Commissioner Coffman was absent at the August 4, 2022 meeting. Commissioner Glover said they would proceed with the August 18th, 2022 minutes. Motion approved 3-0.

Commissioner Sellers made a motion to approve the August 4th, 2022, Regular Meeting Minutes, as presented. Commissioner Coffman seconded. Motion approved 2-0-1. Commissioner Coffman abstained as he was absent from the August 4th meeting.

Auditor Danny Yost presented the claims and payroll. Commissioner Coffman motioned to approve the claims and payroll, as presented by the Auditor. Commissioner Sellers seconded. Motion approved 3-0.

Commissioner Glover asked if there were any amendments to the agenda. Attorney Lewis said there were two amendments: those being; 1) Contract with the Contractor for the Judicial Center Renovations; and 2) a standard notice sent out every year regarding prescription drug coverage and Medicare, called “Credible

Coverage Notice”. Commission Glover Commissioner said the Credible Coverage could be addressed under “New Business”, and the Judicial Center contract could be covered under “New Business” after the Old Salem Road Agreement. Commissioner Sellers made a motion to approve the agenda, as amended. Commissioner Coffman seconded. Motion approved 3-0.

I. Public Comment:

Commissioner Glover welcomed Jen Gatti to address the Commissioners. Jennifer Gatti, 661 Hampton Court, Sellersburg, Indiana, said first she wants her comments to be verbatim on the meeting minutes; over the course of the last several years we have watched failures through our cyber security, everyone is aware of it, 2016-2017-2018-2019-2020 and so forth. She knows that Connie Lawson was determined to get this taken care of with the contractor, FireEye Mandiant, the organization that handled all of the State of Indiana, including Clark County, and elections of course. Those systems have failed. She said the State’s contract with Mandiant is set to expire December 2022. She put together a binder of documentation relative to Clark County for this group (Commissioners). Also, what people do not know is that Todd Rokita, State Attorney General, filed a complaint against Google concerning privacy. Google has acquired Mandiant and is set to take control at year end. She would like the Commissioners to consider who they will contract with for cyber security in Clark County. She wants to leave the binder with the Commissioners. Commission Sellers said it would be given to the Commissioners Assistant, Sabrina Corbin. Commissioners Sellers asked Jennifer Gatti to leave her written comments, so they can be entered into the minutes, as per her request that her comments be entered verbatim. Ms. Gatti, said she has previously attended Board meetings, and the Minutes did not align with what she had said.

Kelly Khuri, 4819 Salem-Noble Road, Jeffersonville, Indiana addressed the Board next. She said, in reference to what Ms. Gatti said, she believes the County’s cyber security contract expires this month. She doesn’t know the current or future contract status, and would welcome any info today. They have spent a great deal of time delving into the cyber security situation, from the General Service Administration (GSA – Federal) all the way down to the local level. The Binder is almost like a novel. There is a lot of information they know is accurate and fact; it has been checked and double checked before being sent to the Commissioners. The information has also

been sent to two State Representative, and various other people throughout the State. They have been to the AIC (Association of Indiana Counties), several, several times. They are taking it (cyber security) seriously. However, they are all about paper ballots and paper poll books, the only sure way of relying our info is not hackable. She restated she wants paper ballots and poll books.

II. New Business

- A. Rezoning – Plan Commission Resolution 8-2022** was next on the agenda. Attorney Lewis said we were contacted by the attorney for the developer who proposed rezoning for apartments on Highway 311. Their attorney said the developer needs more due diligence on the proposed rezoning, and requested the matter be tabled until the next Commissioners’ meeting. Commissioner Coffman made a motion to table the Plan Commission Resolution 8-2022 until the September 15th meeting. Commissioner Sellers said Attorney Lewis would not be in attendance on September 15th, and she preferred to wait. Attorney Lewis said their attorney had been so advised. Commissioner Coffman amended his motion to table the matter until September 29th. Commissioner Sellers seconded. Motion approved 3-0.
- B. Up next was Rezoning – Plan Commission Resolution 9-2022, Clark County Commissioners Ordinance No. 16-2022 (An Ordinance approving Text Amendments to the 2020 Unified Development (“UDO”))** on recommendation by the Clark County Plan Commission. Attorney Lewis said although the agenda refers to rezoning, it is basically language amendments, and the proposed text amendments are attached to the Ordinance. Amy Williams is here to provide additional information. Amy said that periodically minor amendments are needed to address issues that may arise. She provided highlights of the five amendments that had been forwarded from the Plan Commission. Commissioner Glover asked if there was a time frame as to which and when they (the public) have to provide information on these events (fairs and festivals). Amy responded affirmatively, and gave examples thereof. Also, in the future additional matters will be brought before the Commissioners: such as, number of access points to major subdivisions; and potential standards for commercial solar. Ms. Williams welcomed requests for further details. There were none. Commissioner Sellers made a motion to approve Ordinance No. 16-2022 upon the favorable recommendation of the

Clark County Plan Commission. Commissioner Coffman seconded. Motion approved 3-0.

- C. Commissioner Glover said next was the BMS HRA Plan Adoption Agreement; Certificate of Corporate Resolution; and the notice for the prescription drug coverage and Medicare. Karen Goodwell, Director of Human Resources, presented the BMS HRA Plan Adoption Agreement. She said the renewal documents from BMS pertain to the HRA (Health Reimbursement Account). There are no changes; the county contribution remains at \$600 annually per high-deductible participant (pro-rated for those employed less than 12 months), with the exclusion of COBRA and any early retirement. The cap will remain at \$4,000, which very few people have reached. There may be one or two participants who are close after many years of accumulating. The Adoption Agreement requires a signature. She will be distributing step by step instructions, along with a reimbursement form (in the event they do not use their HRA debit card), to all participants. The employee will also receive a copy of the Summary Plan Description and HRA reimbursement arrangement document. Commissioner Coffman made a motion to approve the Adoption Agreement-Health Reimbursement Arrangement, and authorize Bryan Glover, President, to sign the document. Commissioner Sellers seconded. Motion approved 3-0.

Karen Goodwell also presented the standard notice sent out every year regarding prescription drug coverage and Medicare, which was commonly known as "Credible Coverage Notice". The notice must be sent out annually by October 15th, to all employees, and also new employees during this period. Assured Partners and BMS confirmed the format/template has not changed since 2001. Commissioner Sellers made a motion to approve the "Credible Coverage Notice". Commissioner Coffman seconded. Motion approved 3-0.

- D. Gavan Hebner, Emergency Management, presented the Clark County Multi-Hazard Mitigation Plan. He said this grant was received approximately two years ago; the plan has been updated; approved by FEMA, and pending approval of the Indiana Department of Homeland Security. One step in the process is for the Clark County Board of Commissioner to approved the updated plan. The plan is good for a period of five years, and is required in order to receive any federal Multi-Hazard Mitigation Funding. Part of the process is to review all the hazards the county faces and develop mitigation

strategies with each jurisdiction. The County created a planning team consisting of representatives from all municipalities and school districts, with a pretty good turnout. Attorney Lewis said for the records, FEMA has reviewed and approved the Plan. Therefore, the motion would be to approve and adopt the Plan. Commissioner Coffman made a motion to approve and adopt the Clark County Multi-Hazard Mitigation Plan, as updated. Commissioner Sellers seconded. Motion approved 3-0. Commissioner Glover noted the plan was for a period of five years, 2022-2027. Gavan Hebner confirmed that was correct, with an update due in 2027. Kelly Khuri asked where the plan was available. Gavan Hebner said it would be on the County's website, under the Emergency Management tab. Attorney Lewis said it was not an official document until all municipalities had approved it. He noted it was 261 pages.

- E. Commissioner Glover said next on the agenda was Amendment No. 1 to INDOT Old Salem Road Reimbursement Agreement. Attorney Lewis said it was an amendment to close-out the Old Salem Road project with INDOT. Commissioner Sellers made a motion to approve the Reconstruction, Extension and Transfer of Jurisdiction of Clark County Old Salem Road from Utica (4th St.) to S.R. 265. Commissioner Coffman seconded. Motion approved 3-0.

- F. As per the amended agenda, Renovation of the Judicial Center Building was next. Attorney Lewis provided a recap. A public bid opening was held July 26th. On August 4th the Commissioners accepted the low bid of AML, in the amount of \$1,641,500. Since that time the proposed contract/agreement has been under review. The proposed contract is a standard AIA Document. Attorney Lewis recommended approval of the AIA document/contract, to be signed by the President, Mr. Glover. Commissioner Coffman made a motion to approve and execute the contract between the Clark County Commissioners and AML, Inc. in the amount of \$1,641,500, for the Judicial Center renovations. Commissioner Sellers seconded. Motion approved 3-0.

III. Old Business: None

IV. Reports - Officeholder/Department Heads Present at Meeting

A. Auditor: None

B. Attorney: None

C. Highway Department:

Brian Dixon, County Engineer, presented the following updates:

The County was instructed to install additional bridge load limit, and crossing signs by August 31, 2022. This assignment was completed on time.

Bridge #35 was deemed to need emergency repairs. The repairs have been completed and approved by INDOT.

Bridge #145 (Charlestown-Memphis Road) was going as planned. Commissioner Glover asked if the completion date was still late December 2022. Brian Dixon responded affirmatively.

Commissioner Glover thanked Brian for following up on the Bridge #35 project. Commissioner Coffman said he received a call from Christina Yeager, representative for the bus drivers. She was expressing pleasure with how well the County Highway Department had responded to their concerns, and very happy with their performance. Commissioners Glover and Sellers also received a call. Commissioner Glover said he saved the voice mail to play it for Tim Cochran, Highway Department head.

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 COFFMAN, MEMBER

SIGNED THIS DAY _____

ATTEST: _____

DANNY YOST, CLARK COUNTY AUDITOR