

**REGULAR MEETING BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY, INDIANA  
MARCH 14, 2002**

The Board of County Commissioners of Clark County, Indiana met in Regular Session on March 14, 2002 in Room 308, City-County Building, Jeffersonville, Indiana.

Present at the meeting were County Commissioners Raymond Parker, David Lewis and Vicky Kent Haire, Secretary/Administrative Assistant Pam Smith, County Attorney Scott Lewis, County Auditor Barbara Bratcher Haas, 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.

In the first order of business a motion was made by Commissioner Lewis to approve and sign the minutes from the meeting of January 31, 2002. The motion was seconded by Commissioner Haire and passed 3-0.

County Auditor Barbara Bratcher Haas having audited the payroll and vendor claims, found them to be in accordance with Indiana Code 5-11-10-2, and submitted them to the Board for approval. A motion was made by Commissioner Haire to approve said claims. The motion was seconded by Commissioner Lewis and passed 3-0.

Ms. Phyllis Wilkins and a number of others appeared before the Board for the signing of a proclamation for March Red Cross Month.

A motion was made by Commissioner Lewis to approve and sign Resolution 10-2002 (Resolution of the Board of Commissioners of Clark County, Indiana, Authorizing the submittal of the CFF Application to the Indiana Department of Commerce and addressing Related Matters). By signing this resolution the Board authorized the signatures on a cooperation agreement, a readiness to proceed certification, a civil rights certification, a CDBG disclosure report and a format 11 environmental review record. All these documents pertain to the YMCA of Southern Indiana, Inc. obtaining a Community Focus Fund grant from the Indiana Department of Commerce for the addition of a Senior Center at the YMCA of Southern Indiana, Inc. The motion was seconded by Commissioner Haire and passed 3-0.

Planning and Zoning Resolution 13-2002 Michael & Linda Stamper was brought before the Board for public hearing. No persons spoke to the Board in regard to this resolution. A motion was made by Commissioner Lewis to concur with the Clark County Plan Commission and deny this petition. The motion was seconded by Commissioner Haire and passed 3-0.

Planning and Zoning Resolution 14-2002 Michael & Linda Stamper was brought before the Board for public hearing. No persons spoke to the Board in regard to this resolution. A motion was made by Commissioner Lewis to concur with the Clark County Plan Commission and approve this petition. The motion was seconded by Commissioner Haire and passed 3-0.

Planning and Zoning Resolution 15-2002 Lander & Miller Enterprises was brought before the Board for public hearing. No persons spoke to the Board in regard to this resolution. A motion was made by Commissioner Lewis to concur with the Clark County Plan Commission and approve this petition. The motion was seconded by Commissioner Haire and passed 3-0.

Planning and Zoning Resolution 23-2002 Whispering Pines, LLC, c/o Kent Witten was brought before the Board for public hearing. No persons spoke to the Board in regard to this resolution. A motion was made by Commissioner Lewis to concur with the Clark County Plan Commission and approve this petition. The motion was seconded by Commissioner Haire and passed 3-0.

A motion was made by Commissioner Lewis to approve and sign Amendment # 6 to Clark County Ordinance No. 10-1998. The motion was seconded by Commissioner Haire and passed 3-0.

Planning and Zoning Resolution 18-2002 Robert Lynn Company, Inc. was brought before the Board for public hearing. Mr. Robert Lynn, Robert Lynn Company, Inc. was represented by Mr. Alan Applegate, Attorney and Mr. Jack Vissing, Attorney, represented homeowners from the area that opposed the subdivision. Mr. Applegate was first to address the Board presenting Mr. Lynn's position as to why he thought the Board should approve this subdivision. Mr. Lynn followed with a presentation with pictures of the proposed house plans for this development. Mr. Lynn and Mr. Applegate were joined by Mr. Paul Primevera, Engineer on this project for Mr. Lynn. Mr. Vissing followed with a presentation and presented the Board with a findings of fact sheet and pictures of homes and subdivisions by Mr. Lynn. Mr. Vissing was joined by a crowd of interested parties in opposition of this project. Mr. Vissing stated that they had one hundred thirty seven people sign in at the meeting and Ms. Denise Ware who spoke to the Board in opposition also presented the Board with a petition containing four hundred thirty six signatures also in opposition. Ms. Ware also stated that she spoke in opposition at the Planning and Zoning Board meeting where this was approved. Mr. Brad Jacobs, Attorney, spoke to the Board in opposition. Mr. Amil Kleinert addressed the Board in opposition and reported that he was on the committee to create Planned Unit Development (PUD) Ordinance in Clark County. Mr. Kleinert stated that this development does not fit the qualifications for a Planned Unit Development (PUD) as set-out in the Ordinance. Mr. Jerry Biggs a resident of Bethany Farms addressed the Board in opposition to the development. Charlestown Mayor Bob Hall spoke to the Board in opposition to the development and stated that the City of Charlestown is dealing with street and drainage problems in subdivisions that Mr. Lynn developed in the City at this time. Former County Commissioner Edward Meyer spoke to the Board in opposition to the development. A motion was made by Commissioner Lewis to deny Resolution 18-2002. The motion was seconded by Commissioner Haire and was passed 3-0.

President Parker called for a five minute recess.

President Parker called the meeting back to order.

In regard to the Charlestown two-mile fringe County Attorney Scott Lewis advised the Board that they would not be allowed to vote on this matter because the Clark County Planning Commission did not have a quorum at their meeting. Mr. Lewis said Mr. David Nachand, Attorney for the Planning Commission advised that the Board should not take action on this matter for the same reason. Mr. Mike Gillenwater, Charlestown City Attorney, addressed the Board and suggested that the Board ask the Board of Planning and Zoning to have a special meeting to address this issue. Mr. Gillenwater also asked that the members of the Board voice their opinions on this issue. Commissioner Lewis stated that he feels that Board should approve contingent upon the outcome of the pending case on the Indiana Army Ammunition Plant. Commissioner Haire stated that she was one hundred percent in approval. Commissioner President Parker stated that if the vote was taken at this time he would vote to approve and that the Board would request that the Board of Planning and Zoning have a special meeting in order to address this matter.

President Parker called for a two minute recess.

President Parker called the meeting back to order.

A motion was made by Commissioner Lewis to approve and sign Clark County Redevelopment Resolution 2001-R-3 ( Declaratory Resolution of the Clark County Redevelopment Commission). The motion was seconded by Commissioner Haire and passed 3-0.

Ms. Lisa Thompson, Repair Affair of Southern Indiana, appeared before the Board with a request for a \$1500.00 donation. A motion was made by Commissioner Haire to take this under advisement until the meeting of April 11, 2002. The motion was seconded by Commissioner Lewis and passed 3-0.

County Engineer Hyun Lee recommended that the Board award the bid for bridge 136 to the lowest bidder which was Wingham Paving, Incorporated. A motion was made by Commissioner Haire to award the bid to Wingham Paving, Incorporated and sign the contract. The motion was seconded by Commissioner Lewis and passed 3-0.

A motion was made by Commissioner Lewis to approve and sign an agreement between the Board of Commissioners and Beam, Longest and Neff, LLC for professional services, required to start the right-of-way on Bridge #18 Allentown Road over Elk Run Creek, not to exceed one thousand dollars(\$1,000.00). The motion was seconded by Commissioner Haire and passed 3-0. A motion was made by Commissioner Lewis to approve and sign the notice to bidders and the plat plans as well as approve publication of notice. The motion was seconded by Commissioner Haire and passed 3-0.

A motion was made by Commissioner Lewis to approve and sign the contract with Beam Longest & Neff for design engineering services on the bridge # 97 project. The motion was seconded by Commissioner Haire and passed 3-0.

A motion was made by Commissioner Lewis to approve and sign a contract with Beam Longest & Neff for right-of-way services Project No. STP-991- Perry Crossing Road. The motion was seconded by Commissioner Haire and passed 3-0.

A motion was made by Commissioner Haire to approve and sign title sheet for specifications for bridge # 18 Allentown Road. The motion was seconded by Commissioner Lewis and passed 3-0.

On the recommendation of Mr. Scott Lewis, County Attorney, a motion was made by Commissioner Lewis to approve and sign a master agreement for restrictive covenants for flood management regarding the Rivers Edge Community. The motion was seconded by Commissioner Haire and passed 3-0.

In response to an inquiry by County Auditor Barbara Haas, County Attorney Scott Lewis stated that Ms. Fischer, Obelisk Federal Credit Union, has not supplied him with the necessary information for his approval. Ms. Fischer and Mr. Bobby Johnson appeared before the Board at the meeting of December 20, 2002 requesting permission to contact the county employees in regard to Obelisks services for the County Employees. The Board voted to authorized President Parkers signature on a letter of permission outside the meeting subject to the approval of County Attorney Scott Lewis.

Sheriff Becher was next on the agenda with a request for forty thousand dollars (\$40,000.00) for inmate medical and dental for the next quarter and one hundred thirteen thousand seven hundred five dollars (\$113,705.00) for six correction officers including pay, maintenance, radios etc..When asked County Attorney Scott Lewis advised that it is ok to use Cumulative Capital Development Funds for salaries in an emergency one time situation but you can't continue to do so. Pursuant to I.C. 36-9-14.5-8 ( c ), the Board declared that the expenditure from the Cumulative Capital Development Fund is necessary, to protect the public welfare and the Board declared an emergency that demanded immediate action with which, the Board declared, the public would be in immediate danger. A motion was made by Commissioner Haire to approve the expenditure of forty thousand dollars from the Cumulative Capital Development Fund for inmate medical and dental. The motion was seconded by Commissioner Lewis and passed 3-0. A motion was made by Commissioner Lewis to approve the expenditure for two (2) corrections officers including pay, maintenance, radios, etc. from the cumulative capital development fund. The motion was seconded by Commissioner Haire and passed 3-0.

At the meeting of February 28, 2002 County Auditor Barbara Bratcher Haas expressed her concern about the way the payment for bid plans are handled in this County. The current procedure is for the Auditor to have plans for sale in her office to be purchased by various companies who plan to bid on the project. The practice is for the Auditor to accept a check from these companies made out to the engineering firm that prepared the plans. Ms. Haas stated that when her office accepts payment she feels that it should be receipted it. At that time the Board asked Mr. Lee to check with other Counties to see how this is handled in other Counties. At this meeting Mr. Lee reported that he had changed the procedure to have the checks made out to Clark County Highway Department so that they can be receipted in to the Highway fund by the Auditor. This was agreeable to the Auditor who stated that she has no problem with the process, her concerns were with taking the responsibility for checks made out to various companies and not issue a receipt.

Ms. Pam Smith, Secretary/Administrative Assistant to the Board reported that Mr. Nathan Schickle has provided the proof of insurance for the bike races on March 17, 2002 and April 14, 2002 as he agreed at the meeting of January 31, 2002.

A motion was made by Commissioner Lewis to approve a letter to Mr. John Woodford, Transit Authority of River City (TARC) stating that the Board is in support of Transit Authority of River City (TARC) extending their route from existing locations to include the Clark County Fairgrounds for the week of July 20, 2002 thru July 27, 2002. The motion was seconded by Commissioner Haire and passed 3-0.

A motion was made by Commissioner Lewis to approve the publication of the polling locations for the 2002 Primary Election May 7, 2002. The motion was seconded by Commissioner Haire and passed 3-0.

In regard to the Casa contract tabled at the meeting of February 14, 2002, the Board instructed County Attorney Scott Lewis to contact Casa and instruct them to resubmit the contract for eight thousand five hundred dollars \$8,500.00 instead of twenty six-thousand dollars \$ 26,000.00 that was previously submitted. County Attorney Scott Lewis advised the Board that they should delay signing the contract until the appropriated amount matches the contract in order to follow the law.

The Treasurer's monthly report for February was submitted for the record.

County Auditor Barbara Bratcher Haas reminded the Board that there will be a hearing on the Cumulative Capital Bridge Fund on March 28, 2002. Ms. Haas reported that she has taken care of the proper publications and submitted the ordinance to County Attorney Scott Lewis for his inspection prior to the meeting.

For verification County Auditor Haas explained that at the Budget Session the County Council sets the tax rate which generates the individual funds. The Council cannot take money from the bridge fund during the middle of the year.

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

BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY, INDIANA

RAYMOND PARKER, PRESIDENT

DAVID LEWIS, MEMBER

VICKY KENT HAIRE, MEMBER

SIGNED THIS DAY

ATTEST:

BARBARA BRATCHER HAAS  
CLARK COUNTY AUDITOR

