

**REGULAR MEETING BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY INDIANA  
OCTOBER 4, 2006**

The Board of County Commissioners of Clark County, Indiana met in Regular Session on October 4, 2006 in Room 308, City-County Building, Jeffersonville, Indiana.

Present at the meeting were County Commissioners Edward Meyer, Vicky Kent Haire and Ralph Guthrie, Auditor Barbara Bratcher Haas, County Attorney Daniel Moore, Secretary Kristi James, and Deputy Auditor Theresa James.

The minutes from the meeting of August 24, 2006 and September 21, 2006, having been mailed to the Commissioners and Mr. Moore prior to the meeting, were presented to the Board for approval. Commissioner Haire made a motion to approve the minutes as presented. The motion was seconded by Commissioner Guthrie and passed 3-0.

County Auditor Barbara Bratcher Haas stated that she had audited the payroll claims and found that 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. A motion was made by Commissioner Guthrie to approve the payroll claims as submitted. The motion was seconded by Commissioner Haire and passed 3-0.

**Mr. and Mrs. Graf and Mr. and Mrs. Graves** attended the meeting along with their Attorney David Lewis regarding **Planning & Zoning Resolution 20-2006** which was approved at the meeting of September 21, 2006. At that meeting **Attorney John Kraft** spoke representing **Mr. Brinkworth** and no persons spoke against the resolution. The Board then moved to concur with the Plan Commission and approve **Resolution 20-2006** with conditions, as presented in the record of the Plan Commission at the final plat approval hearing and authorized Commissioner Meyer's signature outside the meeting. Mr. Lewis brought up several of the adjoining property owners concerns and provided a map and pictures to show the flooding. Mr. and Mrs. Graf and Mr. and Mrs. Graves stated that they were told at the Plan Commission Meeting that they would be notified before the next time that the this resolution is discussed. After these issues were raised and discussion, Commissioner Haire made a motion to withdraw the authorization for Commissioner Meyer to sign Resolution 20, 2006 and table decision until the regular scheduled meeting on November 2, 2006 at four o'clock. The motion was seconded by Commissioner Guthrie and passed 3-0. For legality and fairness the Board instructed Mr. Moore to notify Mr. Kraft, Mr. Lewis, Mr. & Mrs. Graf and Mr. and Mrs. Graves of the upcoming meeting.

At the recommendation of Mike Meyer, and a motion by Commissioner Guthrie, seconded by Commissioner Haire, **Brad Meixell** from 911, **Doug Dunlevy** from Fire Chief Association and **Phyllis Wilkins** from Clark County Red Cross were appointed to the Emergency Management Advisory Council.

Regarding applications for the position of **Clark County Civil Defense Director**, Commissioner Haire stated that applicants would submit their application to the **Emergency Management Advisory Council** and they would interview the applicants and recommend three applicants for the Board to choose from. The Commissioners referred Mr. Moore to the County Council for information regarding the salary.

**Brad Meixell, Clark County 911 and Mike Meyer, Clark County Health Department** discussed **Federal Grant FY 204** for ten laptop computers for emergency management field observations. The grant is for eleven thousand five hundred dollars (\$11,500.00). Mr. Mike Meyer agreed to start the process to apply for the grant and see that the invoice gets to the Auditor. Auditor Haas agreed to write the check with the understanding that Mr. Mike Meyer will file for the re-imbursment. With these understandings Commissioner Haire made a motion to authorize the **Homeland Security Grant Program Sub-Grant Agreement** application and Commissioner Guthrie seconded the motion. Motion passed 3-0.

At the recommendation of Jill Saegesser, River Hills Economic Development District, Commissioner Haire made a motion to approve data sharing and a pre-disaster mitigation plan for the **State Hazard Mitigation Grant**. Ms. Saegesser explained that the County's sharing of modeling data is done as a match for federal grant dollars. And this keeps Clark County eligible for FEMA money. Commissioner Guthrie seconded the motion and it passed 3-0.

Commissioner Haire made a motion to approve and sign the necessary paperwork for the re-imbursment on the **INDOT Bridge Plan**. The motion was seconded by Commissioner Guthrie and passed 3-0.

At the recommendation of Mr. Moore, Commissioner Haire made a motion to approve and sign the final draft on the Two Mile Fringe Agreement with Jeffersonville. Commissioner Haire made a motion to second the motion and it passed 3-0. The Board instructed Secretary Kristi James to deliver the agreement to Mayor Waiz.

For the record, the Board stated that the appointments of **Sam Gardner** and **Pat Thompson** to the Hospital Board are four year terms ending in 2010.

Auditor Haas reported that during her audit by the State Board of Accounts, she was told that when the Board of Commissioners declare an emergency the process ends there. They do not have to go to the County Council for appropriation. Mr. Moore advised his opinion that payroll and compensation claims should not be declared an emergency. New items not foreseen at budget time or the need to pay existing obligations in order to ensure continued county services would fall in the categories as legitimate emergencies. The Board instructed Mr. Moore to revise the current transmittal form.

Upon a motion by Commissioner Haire and seconded by Commissioner Guthrie 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 thirteen thousand two hundred thirty four dollars and nineteen cents (\$13,234.19) for payment to **CASA (Court Appointed Special Advocates)**. The motion passed 3-0 and the Board instructed Secretary Kristi James to file the proper paperwork in the Auditor's Office.

The Clerk's monthly report was submitted for the record.

At the recommendation of County Engineer Lee, Commissioner Meyer made a motion to accept the proposal from LIBS Paving Company, Inc. in the amount of ten thousand six hundred fifty dollars (\$10,650.00) for repairs to **Perry Crossing Road**. The motion was seconded by Commissioner Haire and passed 3-0.

Mr. Guthrie made a motion, seconded by Ms. Haire and unanimously approved that due to the highly unusual and unique circumstances of the State of Indiana condemning large portions of the Boulder Creek (Section 1) and parts of the Brookhollow subdivisions in Clark County Indiana , the developers of those subdivisions shall be granted a waiver and release ("the waiver")from further compliance or performance under the Subdivision Control Ordinance, future repairs, mud problems, snow or ice removal and all other maintenance upon the following conditions :

- (1) all terms of work between the Brookhollow Developer and the County Engineer, including payment terms for specified, individualized repairs by the developer are approved this date. The Brookhollow Developer will pay the sum indicated on documents presented at the meeting of this date to the county and the County Engineer will see that the Libs Paving Company completes all repairs for this separate, identifiable series of repair.

(2) With respect to all other surfaces in the Brookhollow subdivision that are on Brookhollow Way and with respect to all road surfaces in Boulder Creek Subdivision Section 1 (including Brookhollow Way, Boulder Court, Wood Creek Way and Boulder Ridge Drive ) which are either in or near the state's condemnation taking , the commissioners find that practicality of planning and the economics of the situation would be best served by not dividing up responsibilities for servicing small segments of roadways when the county will be responsible for substantial portions of the services under this decision at least until the State assumes responsibility.

(3) In consideration of all of these factors and the state's actions to this point, the Commissioners make the following additional findings and orders.

- (a) That the unique circumstances of a massive state project that includes condemning real estate pathways for a new bridge over the Ohio River are not likely to recur again for several decades.
- (b) These circumstances warrant relief from certain terms of the Subdivision Control Ordinance in designated respects.
- (c) Upon each of these Developers finishing paving on such roadways and surfaces before winter 2006 final paving, The Board waives all further requirements of maintenance, snow or ice removal , repair and patching responsibilities or other maintenance and repairs that the Ordinance would normally place upon such Developers. Gilmore Construction is required to finish (if not done already) only those sections of section 1 of Boulder Creek that are not being taken by the same.
- (d) The county will assume these roads and surfaces into its road system inventory when such paving is complete. The "80% requirement" of the Ordinance is waived in these unique circumstances.
- (e) Upon completion of all such paving that meets county specifications and standards, all maintenance bonds or letters of credit for maintenance that were secured from these developers for these Subdivision sections will be immediately released and the county will assume road service responsibility for snow or ice removal, maintenance and repair beginning in winter 2006.
- (f) All the forgoing provisions and terms shall apply to other areas in the effected Developer's Real Estate where eminent domain proceedings to create other parts of the Ohio River Bridge Pathway.

With respect to both subdivisions, the waiver shall become fully effective when each developer completes the final paving responsibilities described above.

Commissioner Haire made a motion to sign and approve a claim to transfer one hundred fifty thousand dollars (\$150,000.00) from the general fund to the **Cumulative Capital Development Fund**. The motion was seconded by Commissioner Guthrie and passed 3-0.

Upon a motion by Commissioner Haire, seconded by Commissioner Guthrie and unanimously carried, the Commissioners voted to approve the Commissioner's meeting schedule for 2007.

Commissioner Haire made a motion to not comply with the Plan Commission and approve **Planning and Zoning Resolution 12-2006 (Cole)**. The motion was seconded by Commissioner Meyer and passed 2-1 with a no vote from Commissioner Guthrie.

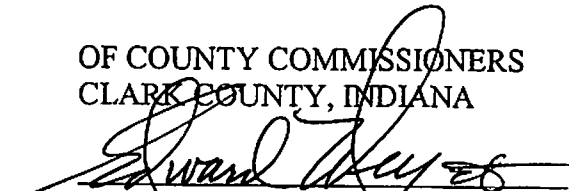
Commissioner Guthrie made a motion to deny **Amendment No. 4 to Ordinance No. 2-2000** and state that only a surety bond will be accepted on subdivisions as reasonably sufficient to maintain the subdivision roads, drainage and snow removal if not done by the subdivider. The motion was seconded by Commissioner Haire and passed 2-1 with a no vote from Commissioner Meyer. The Board instructed Secretary Kristi James to notify the Plan Commission of their decision.

The Board Authorized Mr. Moore to work with their staff regarding the Plan Commission's procedure of notifying adjoining property owners of upcoming decisions by the Board of Commissioners.

To the extent the Board held an executive session of any type under (I C 5-14-1.5-6) or otherwise, the Board hereby certifies that no subject matter was discussed therein except that posted in the notice for session or meeting (I C 5-14-1.5-6.1).

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

OF COUNTY COMMISSIONERS  
CLARK COUNTY, INDIANA

  
EDWARD MEYER, PRESIDENT

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*Vicky Kent Haire*  
VICKY KENT HAIRE, MEMBER  
- ABSENT -  
RALPH GUTHRIE, MEMBER

SIGNED THIS DAY

ATTEST:

*Barbara Bratcher Haas*  
BARBARA BRATCHER HAAS  
CLARK COUNTY AUDITOR

10-19-06