

**REGULAR MEETING BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY INDIANA  
OCTOBER 21, 2004**

The Board of County Commissioners of Clark County, Indiana met in Regular Session on October 21, 2004 in Room 308, City-County Building, Jeffersonville, Indiana.

Present at the meeting were County Commissioners Vicky Kent Haire, David Lewis, Raymond Parker, 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 September 23, 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.

By written statement 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 with the one exception listed on the front page of the claims. However, there is no approved appropriation against which to charge the amount and there is no approved levy from which to pay claims. In regard to the exception, Deputy Auditor Theresa James reported that Auditor Haas was waiting for response from County Attorney Scott Lewis, whom she had contacted for legal advice. County Attorney Scott Lewis advised the Commissioners to approve with the exception at this time. A motion was made by Commissioner Lewis to follow the recommendation of Mr. Lewis and approve the payroll claims with the exception. The motion was seconded by Commissioner Haire and passed 3-0.

By written statement County Auditor Barbara Bratcher Haas stated that she had audited the attached list of vendor claims and found that they have a properly itemized invoice or contract attached and that the proper official has affixed a signature stating that the services have been provided. 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 Lewis to approve the vendor claims as submitted. The motion was seconded by Commissioner Parker and passed 3-0.

Chief John Haas appeared before the Board representing Sheriff Becher with a request for jail overtime and inmate medical expenses in the amount of forty one thousand nine hundred thirty eight dollars and forty eight cents (\$41,938.48). 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 forty one thousand nine hundred thirty eight dollars and forty eight cents (\$41,938.48) to pay for the jail overtime and inmate medical expenses. The motion was seconded by Commissioner Parker and passed 3-0.

Ms. Laura Dixon, River Hills Economic Development District, was next on the agenda and presented the Board with the State Community Development Block Grant Program Planning Grant Fund for their consideration. Commissioner Parker made a motion to approve and sign the application. The motion was seconded by Commissioner and it was passed 3-0.

Ms. Betty Shields, Clark County Health Department, appeared before the Board with the State of Indiana's Prenatal Substance Use Prevention Fund Grant Agreement for up to forty eight thousand five hundred ninety seven dollars (\$48,597.00), renewal no 2 on the Sexual Transmitted Disease Grant Agreement totaling ninety three thousand six hundred forty eight dollars (\$93,648.00) and a Contract For Services for administration of a Local WIC (Woman, Infants and Children) Program not to exceed two hundred thirty one thousand eight hundred seventeen dollars (\$231,817.00). Commissioner Lewis made a motion to approve and sign the three documents listed above. Commissioner Parker seconded the motion and it passed 3-0.

Attorney for the Clark County Redevelopment Commission Judy DeSemone was next on the agenda regarding modification of the Memphis Corridor Economic Development Area. A motion was made by Commissioner Lewis to adopt Resolution 6-2004 (A Resolution Regarding the Modification of the Memphis Corridor Economic Development Area). Commissioner Parker seconded the motion and it passed 3-0.

At the recommendation of County Engineer Hyun Lee, Commissioner Parker made a motion to approve and sign Change Order # 5 on the Perry Crossing Road Project. Commissioner Lewis seconded the motion and it passed 3-0.

At the recommendation of County Engineer Hyun Lee, Commissioner Parker made a motion to approve and sign Supplemental Agreement No. 1 with Bernardin, Lochmueller & Associates, Inc. increasing the previous "not to exceed" total of one hundred seventy six thousand seven hundred sixty three thousand dollars (\$176,763.00) nineteen thousand one hundred forty seven dollars (\$19,147.00) to a new "not to exceed" total of one hundred ninety five thousand nine hundred ten dollars (\$195,910.00). County Attorney Scott Lewis state that he had reviewed the document and gave his approval for the Board to sign. Commissioner Lewis seconded the motion and it passed 3-0.

+At the recommendation of County Engineer Hyun Lee, Commissioner Parker made a motion to approve and sign Supplemental Agreement No.1 between Seico, a Division of Stand Associates, Inc. and Clark County for engineering services on the construction of a road from State Road 60 to Rake Road. The agreement changes the “not to exceed” total to four hundred fifty five thousand three hundred thirty dollars (\$455,330.00) which is an increase of eighty thousand dollars. County Engineer Hyun Lee reported that The Starlight Foundation has agreed to pay fifty thousand dollars (\$50,000.00) of this which leaves twenty thousand (\$20,000.00) to be paid by the County out of the Highway Fund. Commissioner Lewis seconded the motion and it passed 3-0.

At the recommendation of County Engineer Hyun Lee, Commissioner Lewis made a motion to approve and sign an agreement for Right of Way Engineering Services for road construction from Rake Road to State Road 60 with Strand Associates Incorporated in a “not to exceed” amount of eighteen thousand six hundred dollars (\$18,000). The motion was seconded by Commissioner Parker and passed 3-0.

At the recommendation of County Engineer Hyun Lee, Commissioner Parker made a motion to approve and sign to approve and authorize President Haire’s signature on a letter to Mr. Stephen M. Dilk, P.E. Indiana Department of Transportation in regard to the construction of Bridge # 34 on New Market Charlestown Road. The purpose of the letter is to submit two unexecuted copies o the draft agreement and the fee justification reports for the project. Commissioner Lewis seconded the motion and it passed 3-0. (See a copy of the letter attached.)

At the recommendation of County Engineer Hyun Lee, Commissioner Lewis made a motion to approve and sign A motion was made by Commissioner Lewis to sign and approve payment of a claim to Strand Associates Incorporated in the amount of six thousand five hundred twenty eight dollars and sixty cents (\$6,528.60) for professional engineering services on the **Star Hill Road Design Project**. The motion was seconded by Commissioner Haire and passed 3-0.

At the recommendation of County Engineer Hyun Lee, Commissioner Lewis made a motion to approve and sign the notice to bidders for the annual gas, diesel, tires, stone and other highway supplies and bridge material. The motion was seconded by Commissioner Parker and passed 3-0. (See a copy of the notice attached.)

A motion was made by Commissioner Parker to approve and sign an Independent Agreement Amendment for Staff Services between the Clark County Board of Commissioners and Anna McCartney for staff assistance. The motion was seconded by Commissioner Lewis and passed 3-0. (See a copy of the agreement attached.)

Pursuant to the Board’s decision at the meeting of October 7, 2004, Commissioner Lewis made a motion to approve and sign the agreement with Maximus, Justice Solutions for server upgrade services, gavel upgrade and gavelview in an amount of fifty two thousand seven hundred thirteen dollars (\$52,713.00). The motion was seconded by Commissioner Parker and passed 3-0.

Also, pursuant to the Board's decision at the meeting of October 7, 2004, Commissioner Lewis made a motion to approve and sign the agreement with National Association of Systems Administrators for computer hardware in an amount of thirty thousand six hundred twenty four dollars and six cents (\$30,624.06). The motion was seconded by Commissioner Parker and passed 3-0.

Commissioner President Haire reported that the Board received the Juvenile Detention Director Report.

Commissioner President Haire reported that the results from the State on the repairs necessary to turn the old poor farm property into a place to house prisoners indicated that it would be cheaper to build a new building than to do the repairs. Also, they were notified that the leakage ponds on the property have raw sewage and it will be very expensive to correct. Commissioner Lewis reported that he was contacted by Perry Harrell, Archaeologist, who indicated that there are State Grant Funds available to put a headquarters for the State Archaeologist, Department and a museum in the old building next to the Clark County Fairground property. Commissioner Parker reported that he visited a cemetery next to this property with graves from the civil war of persons who dies while in the home. Commissioner Lewis stated that Mr. Harrell will attend a Commissioners meeting in the future to discuss the possibility of using the building for the museum and headquarters. For Information only, no action was taken by the Board.

Commissioner Haire stated that the City of Jeffersonville did sign the Commercial Sub-Lease in which the City of Jeffersonville will be subtenant in the lease between Clark County and the Jeff-Clark Building Authority.

In response to a request from County Prosecutor Steve Stewart, 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 (\$17,206.19) seventeen thousand two hundred six dollars and nineteen cents to replace the office telephone system in the Prosecutors Office. The motion was seconded by Commissioner Parker and passed 3-0.

In regard to the bond for Falcon Crest Subdivision and Falling Creek Estates Subdivision, the Commissioners instructed County Attorney Scott Lewis to research the two mile fringe area and find out if the decision to request renewal of the bond should be up to the City of Charlestown. Mr. Lewis will report back to the Board at the next meeting.

The Treasurer and Clerk's monthly reports were submitted for the record.

Commissioner Lewis reported that the Three Hundred Thousand Dollar Smart Growth Grant which the Commissioners applied for was approved. Commissioner Lewis stated that on October 20, 2004 the Commissioners were Co-Sponsors on the Smart Growth Presentation in which the Commissioners committed to pay the cost of approximately fifteen hundred dollars out of the Smart Growth Grant Funds. Commissioner Lewis made a motion to instruct County Attorney Scott Lewis to help Commissioner Lewis prepare an advertisement to solicit a County Planner which also will be funded out of the fund. The motion was seconded by Commissioner Parker and passed 3-0.

Commissioner Lewis made a motion to instruct County Attorney Scott Lewis to prepare a lawsuit against S. K. Wilson in regard to a dispute about the zoning code and comprehensive plan prepared by S. K. Wilson for the Commissioners. The motion was seconded by Commissioner Parker and passed 2-1 with a no vote from Commissioner Haire.

A motion was made by Commissioner Lewis and seconded by Commissioner Parker to appoint Mr. David Hackel to replace Mr. Roger Shaw who resigned from the Emergency Management Advisory Board for a term beginning October 21, 2004 and expiring February 2, 2004. The motion passed 3-0.

Ms. Phyllis Pooler, S.K. Wilson, addressed the Board with a request that it be put to record that S. K. Wilson requests that mediation be used to settle the payment dispute over the comprehensive plan and zoning codes in order to protect the taxpayers.

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

BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY, INDIANA

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VICKY KENT HAIRE, PRESIDENT

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RAMOND PARKER, MEMBER

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DAVID LEWIS, MEMBER

SIGNED THIS DAY

ATTEST:

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BARBARA BRATCHER HAAS  
CLARK COUNTY AUDITOR

