

**MEETING MINUTES  
BOARD OF COMMISSIONERS  
2524 CORYDON PIKE SUITE 104  
NEW ALBANY IN 47150**

August 6, 2019  
6:00 P.M.

**Commissioner President, Billy Stewart, opened the meeting and led the Pledge of Allegiance**

**Roll Call: Present-**Billy Stewart, John Schellenberger, Shawn Carruthers

**Also present:** Rick Fox, Attorney; Scott Clark, Auditor; James Sinks, Assessor; Frank Loop, Sheriff; Denise Konkle, Council President; Dale Bagshaw, Council member; Arnie Schnobrich, Human Resources

**Old Business:**

**1. Floyd County Stormwater-Chris Moore**

**a. FCO 2019-14 Stormwater Ordinance-**

At the last Commissioner's meeting an ordinance combining 3 different ordinances was tabled. This is a consolidation of 3 ordinances into 1. At this time the desire is to adapt the ordinance. Billy stated he has read the 3 old ordinances and the new consolidated ordinance. There is not any new law being introduced. John states even if we didn't have the Storm Water Board we would still have to take measures to control erosion, construction, water quality and so forth. Shawn ask if there is a time limit to pass or can they have some more time to decide to adopt the ordinance. Billy called for a vote but John Schellenberger ask for Public Comment.

Motion to allow Public Input on consideration of the ordinance. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.

Joseph Moore-stated grammatical errors and typos. There is not an index. The format is confusing. Take subsection numbers out and replace with letters.

George Mouser-this ordinance is the law of the county weather it is exact word for word or not. Chris Moore was quoted in the Tribune there were some small changes. One thing Mr. Mouser found short was definitions of different things. So they can talk about a project without telling what kind of project or even what a project is. There is no clarification in this ordinance on that point. The may is used frequently in the ordinance and that allows too many opportunities

for selective enforcement. Billy stated 2.4 has an entire section of definitions. Mr. Mouser stated maybe he has a different copy but no then he says he is sure he has the same copy but that he has ask for complete definitions. He understands he can ask for a waiver so that rural Floyd County would not be under a Storm Water ordinance. Mr. Mouser states he understood someone to say we will not do away with Storm Water. Mr. Stewart stated that is correct. Mr. Mouser stated Chris Moore has been the Director of Storm Water 12 years and is curious why we had to have a professional come in to re word the ordinance. Mr. Mouser also inquired whether the Commissioner's had received the email he sent that morning. They responded they had in fact received that email.

Dale Mann-Mr. Mann stated the ordinance is written as such he cannot even build a pond. He suggests we fix the ordinance now. He suggest that agriculture be exempt from not have vegetation is a water way. Mr. Mann states he has brought this up before and nothing was done. He wants it changed and fixed right here, right now. Farmers plant trees, Johnson grass, and vegetation in water ways in order to save their land.

Mr. Stewart ask if anyone else from the public would like to speak. No one did so Mr. Stewart closed public input.

Mr. Schellenberger reiterated this is 3 ordinances into 1. Mr. Stewart wants to approve the ordinance.

Motion to approve FCO 2019-14 with unanimous consent. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.

**2. Aaron Kincade-**

- a. FCO 2019-16 Vacation of 8851 Scottsville Road

Motion to approve FCO 2019-16 with unanimous consent. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.

**3. Floyd County Health Department-Charlotte Bass**

- a. FCO 2019-19 Vital Records Request to Charge for Services

Motion to approve charge for services. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.

Motion to approve Health Dept to purchase a vehicle with Council approval from Grant funds. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.

**New Business:**

1. **Jason Applegate**-Thanked everyone for the grant for Innovation Park. The River Hills gala is coming up and is Thursday, August 22, 2019 at #300 Spring. Will be putting together a video of River Hills and what we do.

2. **Bid Opening Innovation Park Phase 1**

Ragle, Inc.-\$5,229,659.90  
Dan Cristiani-\$3,559,843.00  
E&B Paving-\$4,268,000.00  
C&R Construction-\$3,977,184.90  
Mac Construction-\$3,535,000.00

Motion to take bids under advisement. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously

3. **Amendment to 2019 Schedule – Kevin Hammersmith Park**

Request from New Albany Little League that met with the Parks Board last evening and received unanimous consent to recommend switching one date for another date not adding any additional dates. Switch from Sept 21 & 22, 2019 to Oct 12 & 13, 2019.

Motion to approve switching dates for New Albany Little League. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.

4. **Request for ROW – Lawrence Banet Road**

Don Lopp stated he had requested Mr. Witten come before regarding “Villages of Valley View” and assumes he could not make it and is asking for this to tabled.

Motion to approve to table. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.

5. **Request for Re-zoning – US 150 and Navilleton Road**

Justin Tackett stated he has provided each Commissioner with an email summary and staff report as well as the ballot from the Plan Commission meeting from July 15, 2019 where this was given a favorable recommendation. The applicant is asking for a rezone from rural residential to neighborhood commercial at the corner of Hwy 150 &

Navilleton Road. They want to place a sign there. John stated there is residential next to it and wants to make sure plantings will be put in as a buffer. Justin assured John within the zoning ordinance that if commercial property butts up against residential property there is a level of plantings that have to be done to screen the two.

Billy Stewart ask for a motion to put it on their next agenda. Motion to table until next meeting in order to review closer. Moved by Shawn Carruthers; seconded John Schellenberger. Motion passed unanimously.

**6. Establish Bond amount for Greenville Fire District Financial Officers**

John Schellenberger stated he was at the last Fire District meeting and they need the Commissioners to establish a bond amount for the fiscal officer. Suggestion is \$30,000.00. That is the same amount as Georgetown Fire District fiscal officer.

Motion to approve bond amount at \$30,000.00 for the Greenville Fire District fiscal officer. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.

**7. Clark County NAACP President- Antia Fields**

**a. NAACP State Convention**

Ms. Fields first ask for her name to be correctly, it is Antia not Anita. She is the president of the Jeffersonville/Clark county NAACP. She gave some history of the NAACP. She is asking for participation in the NAACP annual conference which will be hosted this year by Jeffersonville NAACP. It will be held October 24 & 25, 2019 at Radisson Hotel. Ms. Fields is asking the Floyd County Commissioner's for \$10,000.00 to help put on the conference.

John Schellenberger stated unfortunately, this is an item for the Floyd County Council.

**8. Pilot Club of New Albany-Connie Chenault**

**a. Lease Agreement**

This is a lease agreement renewal. Ms. Chenault would like to have the lease signed tonight. The pilot club teaches "Safety Town" that teaches bicycle safety and about brain injuries. It is a ten year contract and they have been there for 53 years.

Billy Stewart would like for Rick Fox to review the contract.

**Motion to approve with attorney approval and to sign outside meeting. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

**9. Floyd County ATOD Task Force-Casey Nesmith**

a. ATOD Task Force LCC 2019-2020 Fiscal Grant Cycle

Mr. Nesmith talked a bit about what ATOD does. He stated a fee is collected from offenders and that money is disbursed to different entities.

**Motion to approve ATOD Task Force, LCC 2019/2020 grant. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

**10. Floyd County Police/Denzinger Lodge 171 FOP Jeff Firkins**

a. Contract Agreement

Requesting signatures for contract. John Schellenberger had HR look at the contract. He stated when looking at the old contract and the new contract there is a difference in the percentage of County contributions for the police pension. Denise Konkle would like to see the monetary requirements to meet the contract. Denise Konkle would like to know if we have to fully fund the police pension. John Schellenberger would like to know if there is a road officer on the pension and the officer quits does that pension go with the person or does it stay put. Jeff Firkins states he does not want to hold up the contract for this pension issue. Mr. Schellenberger also ask about the number of positions stated in previous contracts vs current positions. Mr. Firkins stated that is an accurate number of officers. Mr. Schellenberger is also concerned about the benefits that are being looked at to continue or cut and would want to keep things fair. Mr. Stewart stated that the time constraints do not allow the delaying of signing of the contract. Mr. Firkins stated that if the contract is not signed tonight then they will need to go back to negotiations.

**Motion to table until 1<sup>st</sup> meeting in September. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

**11. Floyd County Director of Operations-Don Lopp**

a. Innovation Park

Don stated he has a tentative date of September 17, 2019 for ground breaking at the property. He will send out more information as we get closer to that date.

Agreement for preliminary engineering with Norfolk southern in terms of the proposed over pass closing of the crossings. That preliminary engineering cost \$17,000.00 and it allows as part of the permitting process with Norfolk Southern.

**Motion to approve. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

Don stated we have 5 pre cast structures for a project. The cost \$490,718.00.

Motion to approve. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.

b. Bicentennial Update

This Friday night the secondary and elementary schools art will have be unveiling their winners as part of project of Platform 22. That will be at Artsy on Main Street. Don will be sending out some more information about that. Then on the 10<sup>th</sup> of August will be the last movie that was part of the movie project.

We are working on our bicentennial garden at the Annex. Will be sending more information on that.

c. Budget Update

We have submitted our preliminary budgets and today we received from DLGF what their estimates for MVH, LR&S and EDIT. MVH has a reduction of \$247,000.00. LR&S has a reduction of \$28,000.00. EDIT has an increase of \$145,000.00. The budgets we submitted were the same as 2019 budgets. So there will definitely be some budget cuts. Mr. Lopp will be meeting with Mr. Short and Mr. Roberts on Wednesday or Thursday.

d. KHMP Update

Mr. Lopp has been working with Northside Christian Church regarding a lease for additional parking and request permission to bring the lease back to the Commissioner's at their next meeting in terms of moving forward with that and in terms of the permitting that is required since most of this is in a flood plain.

e. Economic Gardening Update

Our Economic gardening agreement is due. We've been working with the National Center for Economic Gardening out of Colorado. It is a \$25,000.00 contract where we work with small businesses to help with Economic Development. The money is available through EDIT and Mr. Fox has looked over the contract.

Motion to approve contract. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.

f. Subdivision Update

There are public meetings tomorrow at the Digital Library at noon to 2 and 6 to close. We also will have that next Wednesday in the same time period. Then we have a public hearing in front of the Plan Commission on the 19<sup>th</sup> at 6 pm. That is with conservation subdivision and also the technical review committee. Mr. Stewart ask if that information could be put on the Commissioner's website and Facebook page as well. Don stated that yes he could do that.

g. Bride #9-Atkins Road. We are ready to give notice to bidders for that project. Don would like to have bids come in at the September 3<sup>rd</sup> meeting and this allows the 2 items here.

1. Notice to the paper for bidders-ask for that to be approved. We will take bids on the 3<sup>rd</sup> and award at your second meeting in October.

**Motion to approve. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

2. Letters to utilities given them notice to proceed for getting their utilities out of the right of way.

**Motion to approve. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

h. Don stated he had a gentleman call about putting our Floyd County's Bicentennial logo on rifles and sell them. No motion to approve.

**12. Floyd County EMA-Kent Barrow**

a. Comprehensive Emergency Management Plan

**Motion to approve. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

**13. Purdue Extension Service for Floyd County-Betty Harlan**

a. 2020 Lease Agreement

A copy of the lease was passed out by Gina Anderson. Lease is 5 year lease.

**Motion to approve 5 year lease pending appropriation from County Council. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

**14. Floyd county Auditor-Scott Clark**

- a. FCO 2019-17 The Alternative Dispute Resolution Fund-9176

**Motion to approve FCO 2019-17 with unanimous consent. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

- b. FCO 2019-18 The Family Recovery Grant Fund-9175

**Motion to approve FCO 2019-18 with unanimous consent. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

- c. Contract between the Auditor's office and Baker Tilly. Baker Tilly has agreed to review our abatements information. Requesting the contract for that work be signed tonight. John ask what the cost would be. Scott stated it is an open ended contract at \$200.00 hour. John then ask where it would be paid from and Scott stated either Ineligible or Reassessment Fund. Billy ask if funds were available to do this and Scott stated that he did.

**Motion to approve with Council appropriation. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

- d. Governmental certificate from First Financial Bank. This relates to the Letter of Credit renewal that ties to Workman's Compensation policy.

**Motion to approve Letter of Credit. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

**15. Ameresco-Mark Heirbrandt**

- a. Energy Audit

Motion to approve energy audit. Moved by Shawn Carruthers; seconded by John Schellenberger. Motion passed unanimously.

**16. Approval of Solicitation permits for Southwestern Advantage**



**Motion to table Solicitation permits for Southwestern Advantage. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

## **17. Board & Committee Reports**

**John Schellenberger** met today with Fitch & Associates. We have a contract with them to do an ambulance study.

John met with a young gentleman that is a college student and wanted to get a flavor on local politics.

**Shawn Carruthers** stated there is a dinner coming to honor the donors for the Clock Tower Church.

Shawn & Billy met with the Census Bureau and they are starting to work on the 2020 Census to let people know this census is coming. It is very important for every citizen in Floyd County to be counted. A lot of Federal government funding depends on the amount of citizens in any given area. It affects us all.

**Billy Stewart** stated the count is very important. Indiana has one of the highest count rates in the nation.

- Let the record show the Floyd County Commissioners received the monthly report for June 2019 from the New Albany-Floyd County Public Library.
- Approval of the July 16, 2019 Commissioners Meeting Minutes.

**Motion to approve July 16, 2019 Commissioners Meeting Minutes. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

- Approval of Payroll and Claims+

**Motion to approve payroll and claims. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

John Schellenberger stated he would like to get the response time reports from New Chapel Fire. He would like a letter sent and request those response times.

**Motion for Suzanna to generate a letter from the Commissioners to include a sample from a previous report sent from Yellow Ambulance. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

John stated there is a problem in the County with high weeds and garbage. John spoke with Jack Coffman about an ordinance written for Jeffersonville concerning this. Rick Fox stated he would draft an ordinance for this and it would need to be very precise. He also proposed to take a second step and defines the areas that would be impacted by this ordinance so that more are not created with the ordinance.

John stated he would work with Don Lopp on this project.

John and Shawn thanked everyone for coming out for the meeting.

Billy added that today Sister Barbara Zoeller was laid to rest. She was a pillar of the community. For those of you who know her you know how committed she was to everyone she served. He stated that she will be missed.

**PUBLIC INPUT:**

Dale Mann stated they need more time for the Storm Water meetings. They have been cut short too often. He ask if the 3<sup>rd</sup> floor of the City County Bldg. will be full when City offices move out. His concern was the Extension Office could move in there at that time. John stated until they move out we don't know if there will be room. Billy stated the needs are immediate and we don't know when the City will move out. Billy also stated the courts have ask for some of that room.

Joseph Moore-on the re zoning does the public get to voice their opinion. Billy stated Plan Commission has public hearings but if the Commissioners were going to vote on a rezone they would have ask for public input.

Suggestion if the weeds and garbage are not cleaned up you can hire someone and charge the deded owner for that service.


**Motion to adjourn. Moved by John Schellenberger; seconded by Shawn Carruthers. Motion passed unanimously.**

**Today's Meetings:**

4:30 P.M. Stormwater

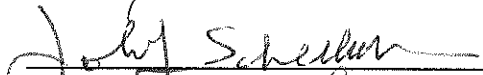
**Next Commissioners Meeting:**

August 20, 2019 @ 6:00 p.m.



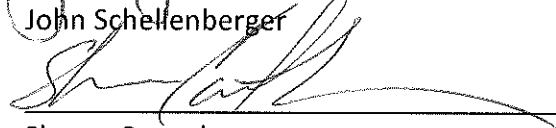
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Billy Stewart, President



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John Schellenberger



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Shawn Carruthers

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Attest: Scott Clark, Auditor