

**Meeting Minutes  
Board of Commissioners  
2524 Corydon Pike Suite 104  
New Albany IN 47150  
December 6, 2022**

**Shawn Carruthers called the meeting to order and led the *Pledge of Allegiance***

**Shawn Carruthers led a moment of silence for our nation's leaders and first responders.**

**Present:** President Shawn Carruthers, Vice President John Schellenberger and Tim Kamer

**Also Present:** Attorney Rick Fox, Auditor Jacqueline Wenning, Assessor James Sink, and Council member Denise Konkle

**Old Business:**

**1. *Public Hearing- Vacation of Utility Easement 850 Lafollette Station Drive***

Nick Creevy stated they received letters from all the utility providers stating they have no issue with the vacation. Storm Water approved the vacation of the easement.

**Shawn Carruthers opened the floor for public comment.**

A representative of Acura Engineering was in attendance on behalf of the applicant for any technical questions. She stated the easement was put on the plat but was never used and is requesting it be removed.

Joseph Moore, Georgetown Township, asked if the easement was for a specific purpose and the purpose was handled and no possibility of it's need in the future for adjoining properties he doesn't see any reason to not vacate the easement.

There was no one in attendance against the vacation of easement.

**Shawn Carruthers closed the Public Hearing.**

**Motion to approve FCO 2022-40 with unanimous consent. Moved by Tim Kamer. Seconded by John Schellenberger. Motion passed unanimously.**

**New Business:**

**1. *Annual Bid Openings***

Annual bids were opened.

**Motion to review and take under advisement. Moved by John Schellenberger. Seconded by Tim Kamer. Motion passed unanimously.**

**2. *County Resident-Jeff Edds***

**a. Discuss NAFC Animal Shelter Ordinance FCO 2015-14**

Jeff Edds stated he has had issues with his neighbor's aggressive dogs. In December of 2019 they were to pay \$200.00 by a court order for violating the order for 2 dogs running loose. Animal Control issued additional warnings and a citation in December 2021. In 2022 there were 6 hearing dates with the sixth case being cancelled.

He reached out to the Floyd County Animal Control Authority about the case being dismissed.

He was told it was dismissed due to the lack of publication. This was a subsequent offense and

the Floyd County Ordinance cannot be enforced. He asked how the Ordinances are going to be enforced.

Rick Fox stated there is a statute stating if you are going to collect penalties with regard to an ordinance you are required to publish the ordinance. He has been in contact with the attorney in this case but he has not been involved with the ruling.

Shawn Carruthers asked Mr. Fox to follow up to determine the issue with this case.

**3. *Building & Development Director-Nick Creevy***

- a. The Highlands, Section 1 – Development Agreement and Plat #1549

**Motion to approve The Highlands, Section 1 – Development Agreement. Moved by John Schellenberger. Seconded by Tim Kamer. Motion passed unanimously.**

**Motion to approve Plat 1549. Moved by John Schellenberger. Seconded by Tim Kamer. Motion passed unanimously.**

**4. *Director of Operations and Planning-Don Lopp***

- a. Approval ROW Green Valley Rd Sidewalk Project

Don Lopp stated there were 7 parcels with total amount of \$30,100.00.

**Motion to approve. Moved by Tim Kamer. Seconded by John Schellenberger. Motion passed unanimously.**

- b. FCR 2022-22 to transfer vehicle to Park Department

Don Lopp stated the Operations Department has a Ford Ranger that there is a need for in the Parks Department.

**Motion to approve FCR 2022-22 to transfer vehicle to Parks Department. Moved by Tim Kamer. Seconded by John Schellenberger. Motion passed unanimously.**

- c. FCO 2022-38 Establishing Non-Reverting Fund for County Courthouse and Administrative Building Capital Fund #9151

**Motion to approve with unanimous consent Floyd County Ordinance 2022-38. Moved by John Schellenberger. Seconded by Tim Kamer. Motion passed unanimously.**

- d. FCO 2022-39 Establishing Non-Reverting Fund for County General Capital Improvement Fund #9152

**Motion to approve FCO 2022-39 Fund 9152 with unanimous consent. Moved by Tim Kamer. Seconded by John Schellenberger. Motion passed unanimously.**

- e. Contract Strand SR 62 Project

Don Lopp stated the contract is for engineering services for traffic signal design at SR 62 and Corydon Pike for \$66,000.00

**Motion to approve. Moved by John Schellenberger. Seconded by Tim Kamer. Motion passed unanimously.**

- f. READI grant agreement

Don Lopp stated the Grant Agreement is for Novaparke in the amount of \$4,200,000.00.

**Motion to approve. Moved by Tim Kamer. Seconded by John Schellenberger. Motion passed unanimously.**

Don Lopp asked for approval of a check for \$23,816.00 for funds that are deposited in their account and then sent to the treasurer's office.

**Motion to approve. Moved by Tim Kamer. Seconded by John Schellenberger. Motion passed unanimously.**

Don Lopp stated he received the funding for the Community Crossings grant application for approximately \$951,000.00. It will fund the paving projects stated in the application. He pointed out the hard work that Nick Creevy put into the application.

***5. Approval of FCR 2022-23 2023 Observed Holiday Schedule***

**Motion to approve FCR 2022-23 Observed Holiday Schedule. Moved by Tim Kamer. Seconded by John Schellenberger. Motion passed unanimously.**

***6. Approval of FCR 2022-24 2023 Commissioners Meeting Dates***

**Motion to approve. Moved by Tim Kamer. Seconded by John Schellenberger. Motion passed unanimously.**

***7. County Attorney-Rick Fox***

**a. Barnes & Thornburg Engagement Letter**

Rick Fox stated the letter is to approve Barnes & Thornburg as the Bond Consult for the General Obligation Bond.

**Motion to approve Barnes & Thornburg Engagement Letter. Moved by John Schellenberger. Seconded by Tim Kamer. Motion passed unanimously.**

**b. Baird Engagement Letter**

Rick Fox stated Baird will be the financial consultant for the General Obligation Bond.

**Motion to approve. Moved by Tim Kamer. Seconded by John Schellenberger. Motion passed unanimously.**

***8. Board & Committee Reports***

John Schellenberger and Shawn Carruthers attended the Indiana Association of County Commissioners in Indianapolis. He moderated a workshop on Broadband Access.

Tim Kamer stated the Legacy Foundation took a hit from the current market. They are making adjustments for the 2023 grant cycles.

The Commissioners and County Council had a joint meeting to talk through logistics.

The Commissioners attended the ribbon cutting for Oaks Way.

The Commissioners met with the Mayor of New Albany to tighten the partnership with the City. They are going to meet monthly with the City of New Albany.

John Schellenberger attended an Election Board meeting with Rick Fox.

John Schellenberger and Shawn Carruthers attended a meeting with the Parks Department at Novaparke.

- Approval of the November 15, 2022 and December 1, 2022 Commissioners Meeting Minutes

**Motion to approve. Moved by Tim Kamer. Seconded by John Schellenberger. Motion passed unanimously.**

- Approval of Payroll and Claims

**Motion to approve. Moved by Tim Kamer. Seconded by John Schellenberger. Motion passed unanimously.**

**Today's Meetings**

4:00 p.m. Stormwater Meeting

4:30 p.m. Stormwater Workshop

**Next Commissioners Meeting:**

December 20, 2022-6:00 p.m.

Tim Kamer attended the Stormwater Workshop. The Stormwater Program for the County can now keep up with the cost of inflation.

Assessor, James Sinks, stated that serving the County as Assessor and working with the Commissioners has been an honor.

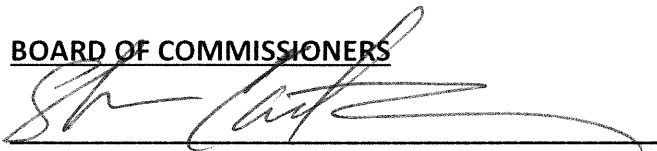
**Public**

Joseph Moore, Georgetown Township, thanked Mr. Sinks for his service.

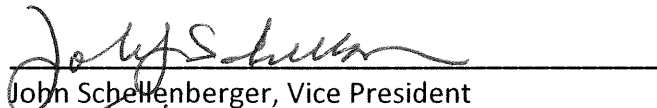
He stated he was confused with the situation with Mr. Edds. He suggested, in the future, when a resident is being served with a notice concerning the Animal Control that a copy of the Ordinance be attached.

**Motion to adjourn. Moved by John Schellenberger. Seconded by Tim Kamer. Motion passed unanimously.**

**BOARD OF COMMISSIONERS**



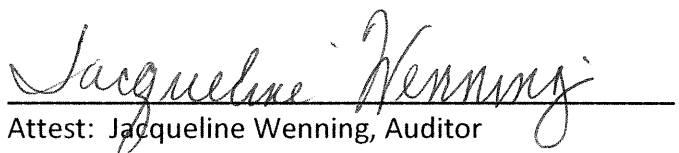
Shawn Carruthers, President



John Schellenberger, Vice President



Tim Kamer, Commissioner



Attest: Jacqueline Wenning, Auditor