

**Meeting Minutes**  
**Board of Commissioners**  
**2524 Corydon Pike Suite 104**  
**New Albany IN 47150**  
**March 4, 2025**  
**6:00 P.M**

**Al Knable called the meeting to order and led the *Pledge of Allegiance***

**Present:** President, Al Knable; Vice President, Jason Sharp and Frank Loop

**Also Present:** Attorneys, Kristi Fox and Rick Fox; Auditor, Diana Topping; Chief Deputy Auditor, Gloria Jones; and Sheriff, Steve Bush

Al Knable led a moment of silence for prayer, meditation, or reflection

Al Knable welcomed Attorney, Rick Fox, back after a medical leave of absence.

**Motion to approve, with unanimous consent, to add Bastion License agreement under the Attorney portion of the agenda. Moved by Jason Sharp. Seconded by Frank Loop. Motion passed unanimously.**

**Motion to approve, with unanimous consent, adding Fire Board appointment. Moved by Jason Sharp. Seconded by Frank Loop. Motion passed unanimously.**

**New Business:**

Nick Creevy gave an update on Bridge 51, Blackiston Mill Bridge. He said they had a meeting with Indiana Department of Natural Resources regarding activity in the creek. They did conduct emergency activity in response to the dam failure, including adding fill to the base of the bridge and subsequently removing debris from the dam to try to establish a regular flow. They have not filled the breach around the dam at this point and DNR wanted to meet with them to see what the plans were for that before they did anymore work. DNR wanted to have approval for the work to make sure it is consistent with the permit the County received for Bridge replacement project. At this point they will need to get approval of plans from DNR before doing any additional work to shore up the dam and prevent any additional erosion at the bridge foundation. Once the water recedes, they will evaluate the foundation before opening the bridge back up. There will be updates on the County website.

**1. Attorney General Outreach Representative-Parker Fletcher**

a. Introduction Unclaimed Property, and Update on the Office of Attorney General  
Parker Fletcher spoke on behalf of Attorney General, Todd Rakita, regarding Indiana unclaimed property. He said their office returns over \$1 million of unclaimed property every week to Hoosiers. They have recovered more than \$85 million from entities engaged in Medicaid fraud. He instructed how to check for any unclaimed property and explained the process.

**2. Georgetown Township Fire Protection District-Michael Moody**

a. Petition to Max Levy Increase-Georgetown Township Fire Protection District  
Mr. Moody explained that the Levy increase would only take place if the Fire Territory doesn't take place. This process is necessary for an April 1 deadline to file so they won't lose the opportunity for this year if the Fire Territory doesn't happen. It will be one or the other. Al Knable said he doesn't have a problem with this, but it's his hope that, for this year, this is what



goes in rather than the territory. He said there is so much uncertainty coming out of Indianapolis now with regards to lost revenue to the Counties of Indiana with some of the changes that may look like they're going to be happening to the property tax revenue. He hopes the Fire Boards take that information under consideration.

**Motion to approve. Moved by Jason Sharp. Seconded by Frank Loop. Motion passed unanimously.**

### **3. County Attorney-Fox Law Office**

#### **a. FCR 2025-03 Joint Resolution for Transfer of Personal Property – EMA**

Attorney, Kristi Fox, said the Highlander Fire Protection District has deemed 2011 F-150 Super Crew as surplus and are willing to give the County, for purposes of Floyd County EMA use. Floyd County is looking to donate and give 2022 surplus radio to them.

**Motion to approve with contentious on the submission of a policy on the vehicle usage from EMA. Moved by Jason Sharp. Seconded by Frank Loop. Motion passed unanimously.**

#### **b. FCR 2025-04 Joint Resolution for Transfer of Personal Property – Coroner**

Attorney, Kristi Fox, said the Highlander Fire Protection District has deemed 2011 F-150 Super Crew as surplus and are willing to give the County, for the use and benefit of the Coroner's office. The Coroner's office will use the vehicle for the transport of deceased individuals.

Coroner, Matt Tomlin, said he is willing to make a usage policy and send to the Commissioners before the vehicle is in service. He will need to modify the vehicle in terms of getting it outfitted for removals. They are currently using a private transport service, so being able to get a vehicle of their own can free up ambulance services for emergency calls.

**Motion to approve FCR 2025-04 Joint Resolution for Transfer of Personal Property for the Coroner with contentious on the submission of a policy on the vehicle usage. Moved by Jason Sharp. Seconded by Frank Loop. Motion passed unanimously.**

#### **c. FCR 2025-05 RFP for Natural Gas at the Clark-Floyd Landfill and Subsequent Contract with a Developer**

Attorney, Rick Fox, said this resolution is about the gas that comes out of the landfill that can be converted to natural gas. The RFP is to find a developer that will finance build, own and operate and maintain an LFG to RNG facility at the landfill site and market the RNG produced while sharing royalties with the Counties. Clark County will take the lead in preparation of the RFPs. Once the RFPs are in, the Floyd County Commissioners and Clark County Commissioners will need to enter into a contract with that developer to do all those things he just mentioned in terms of the conversion, ultimate sales and sharing of the revenues with each of the counties.

**Motion to accept FCR 2025-05. Moved by Frank Loop. Seconded by Jason Sharp. Motion passed unanimously.**

#### **d. Bastion License Agreement - Recorder's Office**

Attorney, Kristi Fox, said the agreement is an addendum to a contract with Fidar.

**Motion to accept the contract and allow the Recorder to sign. Moved by Frank Loop. Seconded by Jason Sharp. Motion passed unanimously.**

#### **e. Litigation**

Al Knable spoke of the timeline leading up to the sale of the Digital Library in Tax Sale:

- Sometime in 2022 and perhaps 2021, stormwater fees were not paid on the property in question.



- Early in 2023, the tax sale list was reviewed and approved by the auditors and the Treasurer's office, as well as by third party vendors contracted by Floyd County and their attorneys.
- Mid late 2023, the tax sale list was filed by one of those attorneys for approval by a Floyd County judge and that judge did approve the sale list and the parcel went to sale in October of 2023.
- Notices were mailed but three of those four were never delivered. The disposition was unknown, but we have no record of delivery to the county. But it's very important to point out that all that is required is that there is a record of the items being mailed. They do not have to have shown that they were delivered. And that is part of our conundrum.
- In any event, the tax sale did occur in October of 23 and it was purchased by Sabre Investments.
- The county became aware of the tax sale and Sabres request for a tax deed on November 26th, 2024. So roughly one year after the tax sale.
- The county immediately filed an appearance and a request for time to file an answer and response.
- An answer was filed on December 30th, 2024, outlining our concerns and issues involved with the case.
- In early January 2025, County made an offer to redeem the property from the purchaser for the tax sale price plus their expenses, plus an extra 10% as a finders fee if you will.
- That offer was summarily rejected.
- In early January 2025, the purchaser, Sabre, offered to return the property to the county for a price of \$200,000.
- I believe that property assessed at roughly in the hundred thousand
- The offer of \$200,000 was a price that was deemed by the commissioners as unreasonable.
- In mid-January, discussions negotiations continued and Sabre offered the price of \$50,000. This was and is a much more acceptable offer. As the property appraises at approximately \$105,000, Even so, the commissioners were continuing to negotiate this.
- The discussions ended abruptly once the matter became more well known to the general public. Which created anxiety over the possibility of losing the property.
- I want to be very, very clear on this at no time did the Board of Commissioners ever not consider bringing this forward to the public in full once a settlement was reached. The reality is, from the time in November 24 when we became aware of the issue, the commissioners never allowed the property to become in jeopardy of not being maintained by the county. The Commissioners, again, always intended to discuss the matter publicly once the settlement was reached. All these filings in the court cases have been public all along. They were never hidden or sequestered or tried to be buried away, and the Commissioners believe we might have attained a better price.
- The settlement price of \$50,000 has been agreed.
- Funds are to be paid for from the roughly 87,000 plus dollars that was brought in in 2024 at the excess property sale.
- We believe this to be a reasonable price for resolution of the matter based upon #1 the properties appraised value. We believe we had a very strong case with a very good



chance of prevailing at both the local and the appellate levels. The cumulative cost of litigation would have greatly exceeded \$50,000 regardless of the outcome. Additionally, putting the matter to rest has its own value for our community, allowing us all to move on about other affairs and other business.

- In summary, our team made mistakes and we are owning those issues. You're not going to have to file a Freedom of Information Act to get anything from us. Additional internal measures and controls have and are being implemented in multiple offices, so this mistake will never be repeated. The auditor has already implemented several

Auditor, Diana Topping, made the following statement.

Since the discovery of this issue, her office has undertaken a number of different audits and some safeguards in place to make sure that once this hits our desks it doesn't go any further if it passes through some other nets. My tax manager is who brought the request for tax deed to everyone's attention in November and I'm incredibly thankful for his attention to detail. In early 2024, we implemented a new tax system, and that new tax system has offered us a lot of advantages that our previous system did not, one of which is something that will be utilized by the Floyd County Treasurer's Office when they go to begin compiling the tax sale list. There is a way to isolate all government owned properties to make sure that nothing goes into tax sale that shouldn't go into tax sale so that it can be removed immediately prior to certification. Outside of that system itself a full audit has been performed on our entire tax base to make sure that all our governmental properties are marked as such inside of our taxing system. We did discover through this audit that there were a multitude of different addresses being used for the government owned properties, so we have consolidated those to one mailing address. At this time, we've also additionally added a second layer to our search engine for all government owned properties that allow us to search for them a little bit easier, because over the years the commissioners have changed how their properties are titled. Over the years they've changed where the mailing addresses were. They weren't always maintained, as far as updates. A huge boon to us was that we had just done a capital assets review, so all our property parcels were already listed in one space, so we were able to use that for our audit. So there have been a number of things put in place to make sure this doesn't happen again in this county. So along with everyone consistently and constantly putting eyes on it every year, we do have these barriers in place as well.

Al Knable said from the beginning of this the Auditor never shrugged away from any responsibility on it and you were much more eager to come to the podium tonight than you were roughly this time last year when your department found just over a half million dollars in funds and I know you're still don't like to talk about that, but those were funds that were on the books by your predecessors and you were able to get those loose and put out into the general fund. He said he is proud of the work she has done and proud to be part of the team with you.

Jason Sharp asked what software were we on before the Low Software. Ms. Topping said we were with Amentum MVP. She thanked the Commissioners' support for allowing the upgrade.

Al Knable said Treasurer, Steve Burks' office has also put some safeguards into place. He could not be here tonight. He's at the State Treasurer's meeting in Plainfield.

**Motion to approve and allow the president to sign the agreed entry and order resolving all**

pending issues in the tax sale litigation. Moved by Jason Sharp. Seconded by Frank Loop. Motion passed unanimously.

Highlander Fire Appointment

Motion to nominate Billy Stewart for the Highlander Fire Protection District Board appointment. Moved by Frank Loop. Seconded by Jason Sharp. Motion passed unanimously.

#### **4. Board & Committee Reports**

Jason Sharp

- 2/24 met with representatives from KIPDA
- 2/25 met with Keith Young, union president from Highlander Fire. Discussed everything from operational issues to pay issues
- 2/25 attended Joint Commissioner and Council meeting
- 2/27 attended KIPDA meeting via Zoom
- 3/4 met with Building Authority and Department Heads regarding some of the changes they made with some of their staff. He got to hear some of their thoughts moving forward.

Al Knable

- 2/20 attended Park steering committee meeting
- 2/20 attended public meeting with 1SI in Jeffersonville
- 2/25 attended Joint Meeting
- 2/25 attended Southern Indiana Tourism annual meeting and dinner
- 2/27 met with Tyler Warman from Indiana Association of County Commissioners
- 3/4 met with Indiana Department of Natural Resources. He respects their authority and looking forward to working with them and preserving the habitat.

- Approval of the Commissioners Meeting Minutes for February 18, 2024

Motion to approve. Moved by Jason Sharp. Seconded by Frank Loop. Motion passed unanimously.

- Approval of Payroll and Claims

Motion to approve. Moved by Jason Sharp. Seconded by Frank Loop. Motion passed unanimously.

#### **Public Comment**

Lynn Owen, Tye Avenue, New Albany, spoke on water issues that he is having.

Motion to adjourn. Moved by Jason Sharp. Seconded by Frank Loop. Motion passed unanimously.

Approved on March 18, 2025.

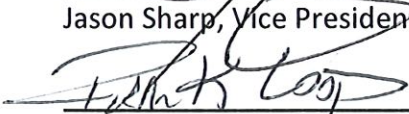
**BOARD OF COMMISSIONERS**



Al Knable, President



Jason Sharp, Vice President



Frank Loop, Commissioner



Attest: Diana M. Topping, Auditor