

**MINUTES
JOINT MEETING OF THE
FOUNTAIN COUNTY COMMISSIONERS**

**AND
FOUNTAIN COUNTY COUNCIL
June 17, 2024
6:00 p.m.**

Call meeting to Order:

Fountain County Commissioners – Aaron Fruits was the only Commissioner present – no quorum

Fountain County Council – Dudley Cruca called the meeting to Order. The following Fountain County Council members were present: Dudley Cruca, Tom Booe, Dale White, Kelly Carlson, Denise Crowder, Jim McKee and Jeff Fishero

Dudley stated that he and Aaron had talked and decided to have a meeting to talk about the Envoy contract. The two Commissioners have decided to not join us so we're still going to have our meeting and have a discussion with Aaron.

Aaron stated that we found out a week ago Monday that Envoy was still billing us. Even though, from his knowledge they were told to quit. I have Ethan, who is doing work for me personally on this matter and he has informed me to tell you as of May 2nd the contract should be halted or cancelled. I think cancelled is more appropriate because you guys have stopped the funding. I handed you all a court case that the state decided that when Council holds funding the contract is done. It's cancelled. That is why I called the meeting as well as other things. He hoped that all would be in attendance.

On December 11, 2023, council stated they would like to be charged for only things approved and voted on by the Council. The Contract with Envoy was signed on March 18, 2024 by the Commissioners. On May 2nd, the Council voted to stop funding for the annex. Then on May 28th, after the vote was taken, the Commissioners did meet with Envoy and tell them to proceed. That is why we are here.

Jeff Fishero – Do you think they meant the plans and construction. Aaron stated construction from his understanding - it's in full swing to continue. Justin Nicol emailed both Colleen and I saying yes work is still proceeding. Bills are still coming in. We have asked for more of a breakdown with dates on the work completed.

Aaron - He has stopped all communication with them because he believes lawyers are getting involved to get this stopped. So personally, me being involved with a direct connection I need to go through Kent or Ethan. I've stopped communicating until we have a group plan of what the plan of attack is from here on.

Kelly Carlson - Since the vote on May 2nd to stop all funding on the project, it should be obvious to Envoy we're done. Why would you keep working when you know you might not get paid.

Aaron Fruits – I agree. My concern is that these monstrosities of bills are going to come in and we're going to be forced to continue to pay them so we do not have legal recourse of getting sued. My question is to the Council, where do we draw the line? I know where mine is but you guys are in charge of the money.

Kelly Carlson – My line started on May 2nd and ended on May 2nd.

Dudley Cruea – This is an attorney question. Taylor what do we need to do? Do we need to file an injunction against the Commissioners? Has a letter been sent to Envoy notifying them?

Taylor Powell – He is looking into the ARP designation. The last meeting, they talked about the resolution and the motion that was made at the end of the year. He received that information from Colleen. He needs to take a more in depth look at the \$1 million in ARPA that was set aside for the Annex.

Dudley Cruea – I think if you look at the minutes the money that was set aside was to go to the renovation of Maple Corner as per our discussion.

Kelly Carlson – The Commissioners and Council have to be in agreement on how it was to be spent. Dudley agreed and referred back to the December 11, 2023 minutes. They state, if the Commissioners signed the contract with Envoy, the only things paid would be things that were approved and voted on by the Council.

Jeff Fishero – Before I got on in 2023, Andrew was having work done and Colleen was paying them out of the ARPA funds. But the Council did not vote on it.

Colleen Chambers – That was what I thought I was supposed to do. But since then, we have corrected that and the Council voted to pay those invoices.

Kelly Carlson – I think what happened is we had an idea in our minds what was going on and the Commissioners had their own ideas. We did not know until we had our joint meeting a few weeks ago. We were blindsided when we realized that they had done plans for all three floors. We thought it was one floor for \$1.6 million and thought that would be enough to cover the first floor. We now have a whole new set of plans that is up around the \$7.6 million dollar range.

Dudley Cruea – Brenda Hardy made a comment in today's Commissioner's meeting that I had said a million dollars was just for the 911, if I could hear correctly. The sound system was not good on the recording. But for the record, I want to put in there this text from Andrew on November 8, 2021 at 3:49 p.m. He stated that the 911 and coroner renovations was \$200,000 with a total investment of \$800,000 - \$900,000. I also have an email that Andrew sent on June 1, 2022 with KJG Architectural complete drawings of Maple Corner. The contract was going to be \$8,500 to get everything ready for construction. Did we pay KJG?

Colleen Chambers – Yes, we paid them \$8,500.

Dudley Cruea – Andrew then sent another email out with a contract with Taft, Stettinius & Hollister. How many bills are we going to pay before there is a stop to it.

Kelly Carlson – Is that the current BOT agreement?

Jeff Fishero - It was my assumption that they thought they had the million dollars.

Tom Booe – We paid for the first set of drawings for the coroner's office and 911. Andrew shifted some rooms around and therefore you got more drawings and consultation fees.

Dudley Cruea – So we paid that and the Commissioners just dropped it and went with Envoy?

Kelly Carlson – They went with Envoy because they could do everything. Dudley Cruea said they were ready to go to bid for another \$25,000 - \$40,000 to put it out for a construction bid.

Tom Booe – Ameresco joined right after that.

Kelly Carlson – Did we have a bill from Taft?

Colleen Chambers -Yes, we paid them \$18,773.00

Kelly Carlson – We have one from Envoy and Ameresco. Is there anyone else that we owe money to?

Dudley Cruea – Let’s talk about Ameresco because when they were here a few years ago. They were going to do this for free and just give us a plan. Now since we are not doing it, it is a charge. Do we have a signed contract? Tom Booe – He stated that in this morning’s Commissioner meeting Tim Shumaker said that Ameresco did that without any fees hoping to get a contract.

Kelly Carlson - Now that we are done, they are going to bill us \$17,500. Dudley Cruea asked Taylor Powell what their next step was to put a stop to Envoy and all of these bills.

Taylor Powell – put it in writing that the Council is determined there is no more appropriation at least as it relates to the December 2023 motion. He needs to determine with the ARPA plan when the funds were considered appropriated. I have heard from the Council that is just a plan and they still have to be appropriated by both boards.

Dudley Cruea – I think we need a letter immediately to get this stopped.

Aaron Fruits – His attorney said the same thing. I don’t see us getting out of the \$144,000. We may be able to negotiate to get it down.

Dudley Cruea – If we vote to not pay the \$143,000, I think we would have a better stance to negotiate.

Kelly Carlson – She went back to some old Commissioner Minutes of April 17, 2023. There was a vote at that time, the Commissioners would like to partner with Cameron Starnes of Taft, Stettinius & Hollister to oversee the BOT process. The fees should not exceed \$25,000. What happened with that?

Dudley Cruea – Andrew sent that to us on April 6. We have not paid that much (\$18,773). We would be billed \$210 per hour.

Kelly Carlson – So, the \$144,000 is Envoy and Ameresco together. It is just Envoy.

Colleen Chambers – We have an invoice from Ameresco in the amount of \$10,000. Another \$7,500 is included in the Envoy invoice.

Kelly Carlson – Do we have a detailed invoice with dates. They can make the date anything they want to get their money.

Dudley Cruea – I think we send the letter and wait to see what they come back with.

Aaron Fruits – I would like to send a letter through Kent as well but I don’t see that getting done from the Commissioners. It has to come from the Council.

Tom Booe – Before we make a decision, I want to find out the breakdown. We decided on May 2nd we were not going forward.

Kelly Carlson – I don’t think we can get around paying it.

Denise Crowder – We already voted not to pay it so I don’t think we need another vote. It’s our only bargaining tool to get it stopped.

Tom Booe – He stated there was a handout with the fees schedule and it was a lot. Consulting is costing the County.

The meeting was opened up for Public Comment

Carol Owens – Was KJG estimate for one floor? It did include a drawing for the basement just for storage.

Bill Stonecipher – If we are getting money from government, does it have to be spent in a particular way? I was thinking when we remodel, it had to be the complete building. Does anybody know that? Dudley said we could not use the ARP money to purchase the building but it could be used to remodel it.

Dale White – When the gentlemen were here a few meetings ago, they had a square footage formula. The cost would be on the high end of \$7.6 million

and the low end was \$6.8 million. It wasn't based upon actual dollars or specific site plans.

Bill Stonecipher – I am assuming that the one project for \$6 million could not be back down to \$1 million.

Kelly Carlson – The original plans was for one floor only. It was to house 911, Coroner, Health and a conference room. They decided that wasn't going to be and they changed it. My personal feeling is that they stated that the roof is leaking. It is not leaking. There is a warranty until 2031. However, the stack was leaking and we have someone coming to take it down and cap it off and put in a flu pipe. I think their idea was to make this Courthouse appear that it was in dire straits so they could renovate all 3 floors. They could then move everybody out of the Courthouse and into the annex to renovate the entire Courthouse to the tune of \$14 million. I am not disparaging them this is what I personally see. We felt it was important for the County Highway Department to have a building that would be better for their health. We expressed that thought to the Commissioners. We understood we were doing only one floor of the annex and were okay with that. Taylor, we need more definitive answers on what exactly was done to create a \$144,000 bill. We are probably going to be liable for invoice. Lesson learned. It is not the \$8,500 up to \$25,000 and the \$17,500 for Ameresco. We have paid for plans for a community room in the basement that did not get done along with a Master Plan. We are not trying to step on the Commissioner's toes. They have their role and we have ours. But it is making our jobs difficult to do if we do not have all of the information.

Sarah Duensing – Will the Courthouse accommodate what we need if it's all fixed or do we have to have some sort of annex?

Kelly Carlson – Our ultimate goal is to get 911 out of this Courthouse. It is not conducive to what they should be in. It was the big reason we purchased the annex. There are FEMA/State guidelines that have to be followed for 911.

Dudley Cruea – Originally, we were going to build at the old jail location and put 911 and EMA with the Coroner in it. There were plans for that building that was around \$2.1 to \$2.4 million.

Denise Crowder – How much do we pay for the Health Department Lease? It is \$18,360 per year.

KW Rice - Can we put 911 at the Highway Garage or the Jail (difficult to hear)

Dudley Cruea – If we put 911 at the County Highway garage, we can only use County General funds. If we put 911 and the coroner's office out at the jail building, we can use the LIT Special Purpose fund, which is collecting \$2.4 million a year. Our bond payments on the jail are a little more than \$1 million per year.

Jeff Fishero – He said in his perspective, the joint meeting was to get Mr. Conly here to tell what needed to be done at the Courthouse and what we need to look at. There is no privacy for the prosecutor. We have the same thing upstairs and outside of the Courtroom is bad. It needs to be fixed.

Aaron Fruits – Jeff I talked to you before I was in any official capacity and asked you jokingly if we were going to tear it down. You said no. I said then

let's fix it. We voted this morning to take the chimney down for \$15,000 which is \$10,000 less than before.

Dudley Cruea and Kelly Carlson – They would like to move the meetings to Maple Corner to accommodate the crowd. We need to use it. We will need a camera and sound system.

Dale White – This meeting was only scheduled last Friday.

Aaron Fruits - It was scheduled on Tuesday.

Dale White – He would like for everyone to go the extra mile to find the right times to meet so that everybody can be in the room at the same time. We have wasted dozen if not hundreds of hours of conversation. We could have better served our citizens if all decision makers were in the room at the same time. It is easy to point figures and do blaming when people aren't in the room, judge others and make negative comments about their behavior and conduct. I am willing to do my part in the terms of going the extra mile to make sure that if a meeting is called to make a good faith effort to be there.

Tom Booe – Let's not put up a penny type building just to satisfy a situation. Why can't we do a little bit at a time. Can we do this for Fountain County and not kill them on taxes?

Jim McKee – We can sit here all night long and talk about it but it is on the Commissioners.

Quote – Brooks Masonry Repair (\$15,000)

The Commissioners approved the quote at their regular meeting on June 17, 2024. The Council has money in their budget.

A motion was made by Denise Crowder and seconded by Jim McKee to pay for this repair from the Council's Budget.

Vote: 7-0

A motion was made by Kelly Carlson and seconded by Denise Crowder to move forward with the camera to observe the pipes and drains in the amount of \$400.

Vote: 7-0

Public Comment:

Lexxi Haddock – Is it not in plans to do a little bit at a time. What I believe, I am hearing tonight, that is the most favorable opinion of how to spend the money.

Dale White – The recommendation of the contractors was to shut the place down because of the risk of lead paint, asbestos and everything else that is going on.

Tammy Hinote – Your job is to approve the money and advise the Commissioner on what you want and the Commissioners are to listen. We are butting heads and we're getting nowhere, except throwing money in the air. How do we communicate and get the two sides together. We're not in the sandbox with a bunch of 2-year-olds.

Dudley Cruea – You are exactly right. We had a joint meeting and said we were not going to fund Envoy. Tim and Brenda were here. Yet after the meeting, Aaron finds out they've told Envoy to continue working.

Tammy Hinote – We need a large meeting room so that everyone can come and hear. Dudley is not opposed to meeting at Maple Corner. We will need speakers and cameras.

Angie Burke – Envoy has notification that they’re done. Why are they still working? You would think if they thought there were going to be 2 new commissioners in January, you would listen to what we have to say. Angie does not think any thing should be paid after that date even it comes to a lawsuit or whatever.

Kim Scott – They are not being transparent but you guys (Council) are. You sit here and talk to us. We are all supposed to work together.

Dana Stonebraker – She was asked by Tom Booe to explain the Caliber CAD system.

Kelly Carlson – She went over the air ambulance services provided by Fountain County. You do not have to carry the card. It goes by your address.

A question was asked about the financial plan. It was a plan of options to fund the projects. The Council is not willing to raise property taxes or income taxes as this point in time. We have 2 schools with building projects. People cannot afford it at this time.

Budget Hearings & Meetings:

August 12 at 9:00 a.m.

August 20 at 6:00 p.m.

September 9 at 9:00 a.m.

September 17 at 6:00 p.m.

Plan Commission – Consulting Fees

Additional funds were requested for consulting fees for the Plan Commission, Council and Jim McKee (also on the Plan Commission) would like to see the invoices that were paid to Roger Azar for consulting. They would also like to see the invoices that were paid to the solar companies.

Transfers

From: 1000-0380-10606 Jail Sergeant \$25,000
To: 1000-0380-14000 Jail Overtime

A motion was made by Tom Booe and seconded by Kelly Carlson to approve the transfer request.
Vote: 7-0

Additional Request

CCD - Sheriff
1138-0005-33600 Repairs & Maintenance \$10,000

Due to expensive repairs, they have depleted their 2024 budget.

A motion was made by Jim McKee to pay for the repairs out of the Council Budget (1000-0061-44101). Denise Crowder seconded the motion.
Vote: 7-0

Interlocal Agreement with Warren County (E-911)

Aaron has talked with Warren County and it is dead at the moment. Dana has sent at least two emails and advised what was needed. They were pretty much ignored. Kelly understood that they did a two-year agreement.

It is a one-year contract. It was stated at the Commissioner meeting that they would only negotiate every two years. We are losing about \$50,000 every year and are not recouping anything on the equipment. Council did not think this was fair and would like to go back to the original way of billing Warren County. The Council declined to sign the agreement.

Cades Mill Bridge update – Carol Freese said they started construction on the bridge today. They will be working three 12-hour days and an 8-hour day. Dudley stated that \$34,497.19 was collected for the covered bridge maintenance in the spring settlement.

THE NEXT FOUNTAIN COUNTY COMMISSIONER

MEETING WILL BE

July 1, 2024

At 9:00 a.m.

THE NEXT FOUNTAIN COUNTY COUNCIL

MEETING WILL BE

MONDAY, July 8, 2024

AT 9:00 A.M.

A motion was made by Dale White and seconded by Denise Crowder to close the meeting for the Council.
Vote: 7-0

Council:


Dudley Curran
Carol Freese
Dale A. White
Kelly L. Carlson
Denise Crowder
M. J. [unclear]

ATTEST:


Corree Chambers