

PULASKI COUNTY BOARD OF COMMISSIONERS

The Pulaski County Board of Commissioners met at 8:00am EDST on August 20, 2018 at the Pulaski County Highway Garage in the Conference room, Winamac, Indiana. Present for the meeting were Commissioners Kenny Becker, Jerry Locke, Mike McClure, Auditor Laura Wheeler and Attorney Kevin Tankersley.

Also, present, were Michael Gallenberger of WKVI, Nathan Origer, Charles Malinowski, Ed Gudas, Bryan Corn, Tyler Gutwein, Kyle Hurd, Joe Wegner, John and MacKenzie Forest, Terry Ruff, Wayne Haselby, Karen Fritz, Darin Gudeman, Kathy Miller, Jeff Zimmer, Gary Culp, Sherry Fagan, Jeff Johnston, and Joe Moyer.

Commissioner President Kenny Becker opened with a Pledge of Allegiance.

IN RE: EMS

Bryan Corn reported on EMS activity and billing for July. Three hundred pound weight limit on transfers discussed briefly. The limitation applies only if it is not a 'life or death' situation.

IN RE: MALCON

Charles Malinowski of Malcon presented a proposal to do additional work in fuel tax claims. Steuben County Fuel Tax Refund form presented as an exhibit. The program goes back three years and could enable Pulaski County to retrieve hundreds of Fuel tax dollars. The State of Indiana allows 100% fuel tax refund for every ambulance that is driven. Fuel used at the Highway, EMS, and Justice Center generator could all qualify. The program requires a limited Power of Attorney and a contract that can be terminated at any time by either party. Malcon will receive 50% of refunded amount up to \$1,500.00 per quarter filed.

Jerry Locke motioned to approve the contract once amended to include cancellation clause and reviewed by County attorney Kevin Tankersley. Mike McClure seconded the motion. Motion carried unanimously.

IN RE: MAINTENANCE

Jeff Johnston reported on progress made at the newly owned Masonic Lodge building. The transfer of EMA radios to the new building discussed briefly. Johnston estimated a cost of \$10,000.00 to get the radios relocated. Sheriff Richwine asked the purpose/use of the radios and stated that \$10,000.00 was a lot of money to move equipment if it was not necessary. Johnston is going to look into it further.

Johnston requested permission to advertise for architectural bids for office building renovations. Mike McClure motioned to approve the bid process and Jerry Locke seconded the motion. Motion carried unanimously.

IN RE: HIGHWAY

Terry Ruff explained that he is \$40,000.00 under budget for the use of the 2016-2017 Community Crossroads Grant and will now need to pay that back to the State. He is requesting an additional to cover that pay back as follows:

9120-0531 Community Crossing /Maintenance and Repair

45550

\$7,685.15

The Highway Department made an agreement with NIPSCO on the release of a bond issued for the Use, Repair, and Improvement of Pulaski County Roads and Drains during construction. NIPSCO did not fulfill the agreement per the Highway's requirements and agreed to pay \$150,000.00 to the County for release of the bond.

Discussion of road repairs pursued.

IN RE: PLANNING COMMISSION

Nathan Origer presented the following letter:

August 20, 2018

Dear Mr. Hoover, Ms. Kreamer, President Thompson, and member of the Pulaski County Advisory Plan Commission:

We have reviewed the certified recommendation submitted to us regarding proposed changes to the Pulaski County Unified Development Ordinance pertaining to wind energy convergence systems. While we agree in substance with the recommendation to prohibit commercial wind-energy development, we are returning your recommendation to you with amendments we ask you to consider in order to accomplish the following:

- 1. to provide for a distinction between commercial development and non-commercial development and micro-WECS, so as to encourage responsible stewardship by local landowners and to protect their property rights;**
- 2. to ensure that reasonable restrictions are placed on non-commercial wind turbines to protect and to promote the health , safety, and general welfare of the residents of Pulaski County, and to protect various species of fauna of cultural or environmental significance;**
- 3. to repeal language in the Pulaski County Unified Development Ordinance appurtenant to land uses no longer to be permitted by the Ordinance: *i.e.*, commercial wind energy systems/turbines; and**
- 4. to ensure that the language employed to justify the prohibition of commercial wind development is adequate to meet strict scrutiny in a court of law and is incorporated in Chapter 7 of the Unified Development Ordinance**

Please see the requested amendments on the following pages.

Sincerely, Pulaski County Board of County Commissioners.

/s/ Kenny Becker
/s/ Jerry Locke
/s/ Mike McClure
Attest: /s/ Laura Wheeler

Proposed Amendments to the Pulaski County Advisory Plan Commission’s Certified Recommendation to the Pulaski County Board of County Commissioners to Prohibit the Development of Wind Energy Convergence Systems within the Jurisdiction of the Plan Commission

Point 1. a. On page 100 of the Ordinance, in the Table of Permitted Uses, remove the use ‘Wind energy conversion systems’. Add the uses ‘Micro wind energy convergence systems’, non-commercial wind energy convergence systems – small (-), and non-commercial wind energy convergence systems – large (+). Permit them in the table as follows:

	A-1	A-2	R-R	R-1	R-2	R-3	R-4	C-1	C-2	L-I	H-I	R-D	P-D
Micro	P	P	S	S	S	S			S	S	P	S	P
Non-s	S	P							S	S	P	S	
Non+	S	S								S	S		S

Where ‘P’ means that the use is permitted, and ‘S’ requires a special exception be granted by the Board of Zoning Appeals.

b. Amend the definition of ‘WECS Non-Commercial’ in chapter eight of the Ordinance to reflect that towers shorter than 200’ are small, and those 200’ and taller are large.

Point 2. A. Amend Table 7.2, “Minimum Setbacks for Non-Commercial WECS and Micro WECS” to reflect the following setbacks:

<u>Point of setback measurement</u>	<u>Minimum setback</u>
Property line (non-participant)	1.5 times height with blade at highest point. Micro may be waived
Residential structure	NO MEASUREMENT TO STRUCTURE
Road right-of-way	1.5 times height, must meet yard setback; applies to future ROW if planned road improvement/expansion is known at time of construction
Other rights-of-way (including but not limited to utility & ditch right-of-way)	1.5 times height, must meet yard setback. Micro= no restriction
Jasper-Pulaski F&WA	6 miles. Micro= no restriction
Public conservation land	1/2 mile
Wetlands (Army Corps)	per Army Corps permit
Tippecanoe River	1 mile
Incorporated municipal limits/village boundaries	1.5 times height with blade at highest point

b. Remove C. after Table 7.2. and D. after Table 7.3

- c. Chapter 2, section 3. Rename Q.2. to “Applications for Micro or Non Commercial WECS”
- d. Amend 7.5.C. to decrease from 60 decibels to 51 decibels during daytime hours and 40 decibels between 9:00p.m. and 7:00a.m. Rename “Noise, Vibration, and Flicker”. Restrict shadow flicker to 30 minutes per day and no more than 30 days per year. Add reference to micro WECS.

Point 3. a. Chapter 2, section 3. Remove Q.3, “Applications for Commercial WECS.”
b. Chapter 4, section 2. Amend. F.6.d. “Wind Energy Conversion Systems (WECS)”. State that Commercial WECS are prohibited and include explanatory language (found below). Add that “Wind Energy Conversion Systems (WECS) — Micro/Non-Commercial” are facilities that convert wind energy to electrical energy and primarily provide power for localized consumption. Repeat definition in Chapter 8.

c. Remove references to Commercial WECS in 7.2.B.

d. Remove Table 7.1., “Minimum Setbacks for Commercial WECS”

e. Remove A. and B. immediately following Table 7.1.

f. Amend definition of ‘WECS Commercial’ in chapter eight to reiterate they are prohibited and to explain why.

g. Remove all other language included in Chapter 7 pertaining exclusively to Commercial WECS.

Point 4. Create new 7.1.D.2 expressly to prohibit Commercial WECS in Chapter 7.

In the name of protecting and promoting the health, safety, and general welfare of the residents of Pulaski County; in light of concerns regarding negative impact on the value of property; and because of threats to migratory birds and bats, commercial wind energy convergence systems shall be a prohibited use within the planning and zoning jurisdiction of Pulaski County.

Incidents relating to impacts on persons’ health caused by shadow flicker and noises created by the rotation of turbine blades; the possibility of blade fragments from damaged turbines flying significant distances and striking persons, animals, or property; and the potential for flying ice chunks in the event of an equipment malfunction during a freezing-weather event, among other threats, create concern for the health, safety, and general welfare of persons in the vicinity of “wind farms”.

Many studies have shown an inverse relationship between the number of wind turbines in an area and the directional trend of property values in said area. While a number of factors may contribute to the nature and degree of such an impact, it is in the interest of the Pulaski County Government to protect property values, both as sources of public revenue and as investments held by landowners.

Sandhill cranes are a tourist attraction in Pulaski County, and other flying animals, some with endangered or protect status, are known to inhabit our area. Because of the threats that rapidly rotating blades at the heights at which commercial turbines are built pose to these animals, particular cranes, which attract transient dollars to our community, it is in the interest of the Pulaski County Government to act proactively to protect these species.

Mike McClure motioned to send the ordinance back to the Planning Commission with the suggested changes as presented and Jerry Locke seconded the motion. Motion carried unanimously.

IN RE: JUSTICE CENTER

Richwine discussed new body cameras. Current cameras are limited at best. Concerned with videos going viral on the internet and it takes a lot of time to edit the video tapes. The cost can be paid out of the 911 fund, which brings in about 16,000 per month.

IN RE: OTHER BUSINESS

Open comments to the public.

McKenzie and John Forest commented on privacy issues presented by Rugged Adventures location being so close to their back yard. The tower structure does not comply with current local ordinance and the Forests would like guidance on how to combat this issue. Kevin Tankersley advises that the commissioners have no jurisdiction to do anything at this point. There is a pending lawsuit and only a judge can make a decision on their behalf.

IN RE: CONFERENCE REQUEST:

The following conference requests presented for approval:

Laura Wheeler – Auditors’ Fall Conference, Oct 22 – 26, 2018 Florence, IN

Kenny Becker motioned to approve the conference requests as presented and Mike McClure seconded motion. Motion carried unanimously.

Mike McClure motioned to approve payroll and claims and Jerry Locke seconded the motion. Motion carried unanimously.

Mike McClure motioned to adjourn at 9:26am and Jerry Locke second the motion. Motion carried unanimously.

**Approved and Signed September 4, 2018
PULASKI COUNTY BOARD OF COMMISSIONERS**

Kenny Becker, President

Jerry Locke, Vice President

Mike McClure

ATTEST: _____
Laura Wheeler, Pulaski County Auditor