

APRIL 4, 2022

REGULAR SESSION

PULASKI COUNTY COMMISSIONERS

The Pulaski County Commissioners met in regular session Monday, April 4, 2022 6:00PM at the Pulaski County Highway Department training room. Commissioners present were Charles Mellon, Maurice Loehmer, Mike McClure with County Auditor Laura Wheeler and County Attorney Kevin Tankersley.

Also present were Jason Kuchmay, Gail Lambert, Larry Lambert, Randy Davis, Connie Ehrlich, Brian Young, Terry Young, Bill Boehning, Megan Galbreath, Karla Redweik, Brenda Krulik, Joe Krulik, Candy Myers, Ed Cotner, Gary Kruger, Dave Olds, Jarred Brown, Jenny Knebel, Norman Welker, Jeff Phillips, Scott Fritz, Judge Mary Welker, Jeff Richwine, Nathan Origer, and Chris Schramm.

President Mellon opened the meeting with the Pledge of Allegiance.

IN RE: BUILDING/ZONING

A Certification of Proposed Changes to the Pulaski County Unified Development Ordinance (UDO), approved 9-0 by the APC presented for review and approval. This is for multiple parcels located at 313 N Belle Street, Medaryville, comprising of 1.459 acres. The ordinance changes the status from R-2 Residential to C-2 Suburban Commercial and reads as follows:

**ORDINANCE OF
THE BOARD OF COMMISSIONERS OF PULASKI COUNTY, INDIANA
PULASKI COUNTY ORDINANCE 2022-02
AMENDMENT TO THE
OFFICIAL ZONING MAP OF PULASKI COUNTY**

Whereas the Pulaski County Advisory Plan Commissioners (PCAPC) did on March 28, 2022, hold a regularly scheduled meeting and at said meeting did consider rezoning amendments to the Unified Development Ordinance of Pulaski County (UDO), Ordinance 2021-03 (as amended), and Official Zoning Map of Pulaski County during a legally advertised public hearing and did approve said rezoning at said meeting following said hearing;

Whereas said amendments were initiated by the PCAPC;
Whereas the PCAPC did favorably certify said rezoning;
Whereas the proposed rezoning are attached hereto (**See below**); and
SO BE IT ORDAINED THAT:

The Unified Development Ordinance and Official Zoning Map of Pulaski County are hereby amended as favorably recommended by the PCAPC and as attached hereto (**See below**). As amended hereby, the UDO and Official Zoning Map shall be in full force and effect April 4, 2022.

Passed and adopted by the County Commissioners of Pulaski County, Indiana on April 4, 2022.

Mike McClure made a motion to approve rezoning Ordinance 2022-02 as presented, Maurice Loehmer seconded and motion carried unanimously.

CERTIFICATION OF PROPOSED CHANGES TO THE PULASKI COUNTY UNIFIED DEVELOPMENT ORDINANCE

Upon motions by Council-member Mike Tiede and second by Commissioners-member Mike McClure, the Commission voted unanimously 9-0 to recommend that the Pulaski County Commissioners amend the Unified Development Ordinance of Pulaski County, Ordinance 2021-03, including the Official Zoning Map of Pulaski County as incorporated by reference to rezone parcels:

66-13-05-101-034.010-019	66-13-05-101-024.000-019	66-13-05-101-033.009-019
66-13-05-101-023.000-019	66-13-05-101-032.008-019	66-13-05-101-022.000-019
66-13-05-101-031.007-019	66-13-05-101-021.000-019	66-13-05-101-030.006-019
66-13-05-101-020.000-019	66-13-05-101-029.005-019	66-13-05-101-019.000-019
66-13-05-101-028.004-019	66-13-05-101-018.000-019	

owned by Nelson Family Enterprises, LLC and comprising 1.459 acres; from R-2, Suburban Residential to C-2, Suburban Commercial.

We, the undersigned, hereby certify the APC's recommendation.

Signed by Breann Wilson, APC President, Ray Franko, APC Executive Secretary and Karla Redweik, APC Administrator.

Another Certification of Proposed Changes to the Pulaski County UDO presented for review. The Commissioners UDO text amendments were submitted to the Plan Commissioners at a public meeting March 16, 2022 and discussed at a regularly scheduled PCA meeting March 28, 2022. By a vote of 7-0 with 1 member abstaining, the APC recommends the Commissioners amend the UDO #2021-03 as originally recommended by the Commissioners with APC adjusted recommendations. Chuck Mellon made a motion to set decision aside for a special meeting after proper notice (48 hours), Mike McClure seconded and motion carried unanimously. Mike McClure motioned to set special meeting for 8:30am on Friday April 8, 2022, Maurice Loehmer seconded and motion carried unanimously.

IN RE: CDC

Two change orders presented for review and approval. CO20 for \$1178.32 will update circuitry in the Circuit Court to accommodate appliances in meeting/break room and jury room. CO21 for \$2,494.82 are for adjustments to the locations of two sprinklers.

Roofing, main-entry limestone, first floor ceiling grid, stairwell, first floor window and second floor drywall work completed. First floor ceiling, first floor ceiling mounted equipment (sprinklers, sensors, HVAC), bathroom tiling, drywall finishing/priming/painting, second floor windows, EIFS siding, sprinkler system and limestone work underway. Exterior masonry, roof metal work, sidewalk, and millwork/doors/hardware expected by end of April.

No new COVID case since March 19. Cumulative count is 3067, up only 17 from a month ago, which includes 1 death. Health Department is only carrying Pfizer vaccine for ages 5 and up. Individuals can call office to set up vaccine appointment or call their healthcare providers or a chain pharmacy.

IN RE: HIGHWAY

Training room roof discussed at length. The training room was built in 1980, is 92' x 122' and leaks. Commissioners approve moving forward with the bid process.

IN RE: OTHER BUSINESS

Maurice Loehmer made a motion to approve and sign claims and payroll #7 as presented, Mike McClure seconded and motion carried unanimously.

Maurice Loehmer made a motion to approve and sign March 21, 2022 regular session minutes as presented, Mike McClure seconded and motion carried unanimously.

A resolution to opt back in to the Opioids settlement under Indiana Code 4-6-15-2 presented. Under this settlement Pulaski County will receive \$387,751.20 from McKesson Corporation, Cardinal Health Inc. and Amerisource Bergen Corp. less attorney fees in the amount of \$33,734.35 and \$90,927.29 from Johnson & Johnson less \$7,910.67 attorney fees. It is an 18 year payout with 85% restricted to Opioid treatment. The resolution reads as follows:

RESOLUTION NO. 2022-07**RESOLUTION TO OPT BACK IN TO OPIOIDS SETTLEMENT
PURSUANT TO INDIANA CODE 4-6-15-2**

WHEREAS, Pulaski County has been actively engaged in pursuing damages caused by the manufacture, sale and distribution of opioids through outside counsel in multidistrict litigation; and

WHEREAS, recent legislation amending Indiana Code 4-6-15 has been adopted by the Indiana Legislature and signed into law by the Governor; and

WHEREAS, Pulaski County, Indiana, after due consideration of said legislation, has determined that it is in the best interest of its citizens to opt back in to the opioids' settlements under Indiana Code 4-6-15-2.

NOW, THEREFORE, BE IT RESOLVED by Pulaski County, Indiana that Pulaski County, Indiana, having considered whether to elect to opt back in to the opioids settlement under Indiana Code 4-6-15-2, hereby resolves that Pulaski County now exercises its election to opt back in to the opioid settlements, and orders its duly authorized agent to submit a certified copy of this Resolution to the Indiana Attorney General by July 15, 2022.

Duly adopted by the following vote of the members of said Pulaski County, Indiana this 4th day of April, 2022.

Chuck Mellon motioned to approve Resolution 2022-07 as presented, Maurice Loehmer seconded and motion carried unanimously.

Jason Kuchmay, an attorney representing local citizens opposed to the solar projects in Pulaski County, presented his objections to the proposed UDO changes. APC posted no agenda as required 48 hours in advanced of their meetings. The UDO changes were presented at APC's March 16 meeting and subsequently tabled for 30 days. His clients were told the UDO changes would not be addressed at the March 28 meeting, but the majority of the meeting was about those changes. No public notice nor agenda was posted for the April 1 meeting when APC voted on their recommendations. The UDO is to serve and protect the County, environment, and its residents and there has been no transparency in the process. He believes that if the County goes forward with these changes, they will be invalidated. He asks that proper processes be followed.

With no other business to discuss, Mike McClure made a motion to adjourn at 6:30pm, Maurice Loehmer seconded and motion carried unanimously.

Approved and signed this 2nd day of May by **THE PULASKI COUNTY COMMISSIONERS.**

CHARLES MELLON

MAURICE LOEHMER

MICHAEL MCCLURE

ATTEST: _____
LAURA WHEELER, Auditor, PULASKI COUNTY, IN