

JULY 17, 2023

REGULAR SESSION

PULASKI COUNTY COMMISSIONERS

The Pulaski County Commissioners met in regular session Monday July 17, 2023 8:30am at the Pulaski County Highway Department training room. Commissioners present were Charles Mellon, Maurice Loehmer with County Auditor Laura Wheeler and County Attorney Kevin Tankersley. Commissioner Michael McClure absent.

Also present were Rex Allman, Nathan Origer, JoLynn Behny, Chris Brucker, Joe Moyer, Connie Ehrlich and Brandon DeLorenzo.

President Mellon opened the meeting with the Pledge of Allegiance.

IN RE: HEALTH

Edwina Guffey is recommended by the health department to replace Terri Hansen using the same job description. Charles Mellon made a motion to approve the recommended hire, Maurice Loehmer seconded and motion carried unanimously.

IN RE: CDC

Ordinance 2023-06, establishing Redevelopment Commission and Department of Redevelopment, and Resolution 2023-08, establishing a Tourism Advisory Council presented for review and approval.

The Redevelopment Commission is required for potential use of tax-increment financing to support projects, such as the proposed housing development. Commissioners will appoint four members and Council appoints three. Commissioners will also appoint a non-voting member, recommended by one of our local school boards. Voting members' terms are one year long while the advisory term is two years. Initial term begins in October so terms will last 15 and 27 months accordingly. Ordinance is effective in October with the President of Commission to serve on the restructured CDC Board in January 2024. The ordinance reads as follows:

**PULASKI COUNTY ORDINANCE NO. 2023-06
BY THE BOARD OF COMMISSIONERS OF PULASKI COUNTY, INDIANA
ESTABLISHING A PULASKI COUNTY EDEVELOPMENT COMMISSION
AND DEPARTMENT OF REDEVELOPMENT**

Whereas *Indiana Code* ('I.C.') 36-7-14 addresses various matters pertaining to departments of redevelopment and redevelopment commissions and their responsibilities, makeup, and capabilities;
whereas, pursuant to *I.C.* 36-7-14-2, the purpose of a department is to facilitate "the clearance, re-planning, and redevelopment of areas needing redevelopment" within its jurisdiction, including through the use of public money to acquire and to improve private property, to "afford a maximum opportunity for rehabilitation or development of areas by private enterprise";
whereas, pursuant to *I.C.* 36-7-14-3, the executive bodies of certain local units of government in Indiana are permitted to establish departments of redevelopment and redevelopment commissions responsible for controlling said departments, and Counties are among such eligible units,
whereas Pulaski County ('County' and 'county') is a County, and the Pulaski County Board of Commissioners ('Board') is the executive and primary legislative body of the County;
whereas it is in the interest of the County to carry out the aforesaid purpose of a department of redevelopment and its governing commission through the use of various mechanisms afforded solely to such departments and commissions;
whereas, pursuant to *I.C.* 36-7-14-3(c), "all of the territory in a county, except that within a municipality that has a redevelopment commission, constitutes a taxing district for the county", and no Pulaski County town has a redevelopment commission or department of redevelopment; and
whereas it is in the interest of the County to carry out the aforesaid purpose in an efficient and streamlined manner that avoids the duplication of services and redundant staffing,

now, therefore, so be the following ordained by the Board:

1. Pursuant and subject to all of the provisions of *I.C.* 36-7-14 as amended from time to time, a Pulaski County Department of Redevelopment ('Department') and a Pulaski County Redevelopment Commission ('Commission') are established for the aforesaid purpose.
2. Pursuant to and in accordance with the provisions of *I.C.* 36-7-14-3, -6.1 and -7 as amended from time to time, the Commission shall have 7 voting members and one non-voting advisor representing one of the four school districts serving the county, with
 - a. the Board appointing four members to terms terminating on 31 December 2024,
 - b. the Pulaski County Council ('Council') appointing three members to terms terminating on 31 December 2024,
 - c. the Board appointing a qualifying non-voting advisory member to a term terminating on 31 December 2025,
 - d. all future members being appointed by the same bodies as set forth supra,
 - e. all future voting-member terms lasting for one year and future advisory-member terms lasting for two years, with all such terms beginning on 1 January of the appropriate year, and
 - f. the members of the Commission being eligible for reappointment.
3. Pursuant to *I.C.* 36-7-14-23, each officer of the County who has duties in respect to the funds and accounts of the County shall perform the same duties with respect to the funds and accounts of the Department, except as otherwise provided in *I.C.* 36-7-14. An officer performing these duties is not entitled to any compensation in addition to that paid the officer by the County.
4. The Department and Commission shall serve the entirety of Pulaski County.
5. The Department shall have no paid executive director of its own until such time as amending this ordinance to allow for such a position may be justified.
 - a. Until such time as such an amendment to this ordinance may be made, the Commission shall be served by the executive director ('director') of the Pulaski County Department of Community Development ('D.C.D.'), under the supervision of the Pulaski County Community Development Commission ('C.D.C.'), and any other employees thereof.

- b. Until such time as such an amendment to this ordinance may be made, the president of the Commission shall serve a term on the C.D.C. concurrent with their presidency.
- c. This section shall not be construed as prohibiting the director from hiring on-payroll or contracted employees exclusively for the purpose of carrying out the mission of the Department and the Commission as approved by the C.D.C., the Commission, and the Council.
- d. The C.D.C.'s budget shall include funds necessary for payroll expenses and other costs associated with the general operations of the D.C.D., but the Commission shall have its own budget, as appropriated by the Council, for the purpose of funding any necessary programs or projects, and otherwise fulfilling incurred financial obligations, statutorily established as being within the Commission's jurisdiction, including payroll or contractual expenses of any employee hired exclusively for the purpose of carrying out said programs and projects.
- e. This section shall not be construed as granting the C.D.C. the authority to make decisions regarding or to undertake projects and programs statutorily established as being within the Commission's jurisdiction.
6. If any part of this ordinance shall be adjudged to be invalid by a Court of proper jurisdiction, then it shall be conclusively presumed that the Board would have passed the remainder of the ordinance without such invalid part.
7. This ordinance shall be in effect and binding commencing on 1 October 2023, except that subsection 5.b shall not be in effect and binding until 1 January 2024.

Maurice Loehmer made a motion to approve and sign Ordinance 2023-06 as presented, Charles Mellon seconded and motion carried unanimously.

Two versions of the Tourism Advisory Council with the only difference being the number of Council seats, presented for review and approval. On a seven member Council, Winamac is required to appoint one member but a second Winamac seat is added if a nine member Council is approved. Majority of members must meet industry representation criteria. One seat each is reserved for Main Street Winamac and UPTOWN Project. Members serve a two- year term with the terms being staggered starting on October 1, 2023. Charles Mellon made a motion to approve a nine member board, Maurice Loehmer seconded and motion carried unanimously.

PULASKI COUNTY RESOLUTION NO. 2023-08
BY THE BOARD OF COMMISSIONERS OF PULASKI COUNTY, INDIANA
ESTABLISHING A TOURISM ADVISORY COUNCIL

WHEREAS Indiana Code (I.C.) 6-9-18-5 provides that a County's executive shall create a commission to promote the development and growth of the convention, visitor, and tourism industry in a county where a Uniform County Innkeeper's Tax ('tax') is levied by the County's fiscal body pursuant to I.C. 6-9-18-3 and 6-9-29;

WHEREAS the Pulaski County Board of Commissioners ('Board') is the executive-legislative body of Pulaski County ('County' and 'county'), and the Pulaski County Council ('Council') is the fiscal-legislative body thereof;

WHEREAS the Council has not adopted an ordinance levying a tax, but the County desires to promote the development and growth of the convention, visitor, recreation, and tourism industry in the county in a strategically planned, orderly, and industry-driven manner compatible with and complementary to other efforts to promote the economic and social well-being of the county; and

WHEREAS the Board has determined that the establishment of the Pulaski County Tourism Commission ('Commission') would be in the best interest of the County and its citizens and taxpayers, the absence of a tax notwithstanding, now, therefore, so be the following resolved by the Board:

1. The Pulaski County Tourism Advisory Council ('TAC') is hereby established to carry out the purposes of a Commission pursuant and subject to all of the provisions of I.C. 6-9-18 except as may be prohibited or limited by the absence of a tax or as may be applicable only to explicitly identified Counties.
2. The TAC shall have nine members.
 - a. At least five TAC members must be either engaged in a convention, visitor, or tourism business or be involved in or promoting conventions, visitors, or tourism, with at least two, if available and willing to serve, being engaged in the business of renting or furnishing rooms, lodging, or accommodations.
 - b. The members of the TAC shall in all other respects be qualified pursuant to the provisions of I.C. 6-9-18-5
3. The members of the TAC shall be appointed by the Board, the Council, and the president of the Winamac Town Council, Main Street Winamac, and the UPTOWN Project.
 - a. Two members of the TAC shall be appointed by the president of the Winamac Town Council, except as provided in resolution 3.d hereunder, with one member's initial term expiring on 31 December 2024, the other's initial term expiring on 31 December 2025, and all subsequent terms for both seats being two years in length At least one of the Town Council president's appointees shall meet the industry-participation requirement set forth in resolution 2.a.
 - b. Two members of the TAC shall be appointed by the Council, with one member's initial term expiring on 31 December 2024, the other's initial term expiring on 31 December 2025, and all subsequent terms for both seats being two years in length. At least one of the Council's appointees shall meet the industry-participation requirement set forth in resolution 2.a.
 - c. Three members of the TAC shall be appointed by the Board, with two members' initial terms expiring on 31 December 2024, the other's initial term expiring on 31 December 2025, and all subsequent terms for all three seats being two years in length. At least one of the Board's appointees shall meet the industry-participation requirement set forth in resolution 2.a.
 - d. One member each shall be a member in good standing of the board of directors or promotion committee of the UPTOWN Project and Main Street Winamac, the Main Street organizations of Francesville and Winamac, respectively, and be appointed by the Board of Directors of their respective organizations. Each Main Street member's initial term shall expire on 31 December 2025, and all subsequent terms for both seats shall be two years in length. The Main Street representatives shall be the only members prohibited from serving as the president of the TAC. Should another Pulaski County community have established for its benefit a Main Street organization recognized or seeking recognition by Indiana Main Street, then the president of the Winamac Town Council would be required to reserve one of their appointments for a person recommended by the Board of Directors of Main Street Winamac from within that organization's board or committee membership, while the new organization would assume Main Street Winamac's seat addressed supra. In the event that more than one additional Main Street organization would be established, then then Board should consider adjusting the number of seats on the TAC. [These two seats could be non-voting advisory spots, reducing the voting membership to seven, increasing the Board's appointments to four, reducing Winamac's appointments to one, reducing the number of industry members to four, and making adjusting to new Main Street groups cleaner and easier. I just know from experience that it can be frustrating to serve on a board with voice but no vote.]
 - e. Members of the TAC shall be eligible for reappointment without term limit.
 - f. A member of the TAC may be removed for cause by the member's appointing authority.

4. The TAC shall have no paid executive director of its own until such time as amending this ordinance to allow for such a position may be justified.
- Until such time as such an amendment to this ordinance may be made, the TAC shall be served by the executive director ('director') of the Pulaski County Department of Community Development ('D.C.D.'), under the supervision of the Pulaski County Community Development Commission ('C.D.C.'), and any other employees thereof.
 - Until such time as such an amendment to this ordinance may be made, the president of the TAC shall serve a term on the C.D.C. concurrent with their presidency.
 - This section shall not be construed as prohibiting the director from hiring on-payroll or contracted employees exclusively for the purpose of carrying out the mission of the TAC as approved by the C.D.C., the TAC, and the Council.
 - The C.D.C.'s budget shall include funds necessary for payroll expenses and other costs associated with the general operations of the D.C.D., but the TAC may have its own budget, as deemed necessary and as appropriated by the Council, for the purpose of funding any necessary programs or projects, and otherwise fulfilling incurred financial obligations, statutorily established as being within the TAC's jurisdiction, including payroll or contractual expenses of any employee hired exclusively for the purpose of carrying out said programs and projects. However, until such time as a tax has been levied by the Council, and a Commission created by the Board, the financial obligations of the TAC may be met with funds budgeted in the appropriate accounts within the C.D.C.'s budget.
 - This resolution shall not be construed as granting the C.D.C. the authority to make decisions regarding or to undertake projects and programs statutorily established as being within the TAC's jurisdiction.
5. The TAC shall be charged in its first year of operations with developing and adopting a tourism strategic plan that aligns with Simply Pulaski: A Plan for Quality, the 2021 update to the C.D.C.'s economic-development strategic plan, as well as any other relevant plans within Pulaski County, such as work plans adopted by Main Street organizations.
6. If the Council should in the future ordain the levying of a tax, then the Board would be required pursuant to I.C. 6-9-18-5 to replace the TAC with a Commission; such action would be undertaken by an ordinance of the Board. For the sake of continuity of operations, the Board should, at such time, adhere as closely to the parameters of this resolution as practical and seek to retain most, if not all, TAC members as tourism commissioners.
7. This resolution shall be in effect and binding commencing on 1 October 2023, except that resolution 4.b shall not be in effect and binding until 1 January 2024.

The County's dormant Advisory Commission on Industrial Development discussed next. This commission serves as a review and recommendation body for any matter pertaining to sale or lease of industrial park land, acquisition of land of industrial development, and infrastructure improvements in an industrial park. There are five statutorily defined seats: local utility, local building-trades, County government, banking, industrial development representatives and a flexible seat. Seat terms vary. Commissioners agreed to pursue re-instatement of this commission.

The Articles of incorporation have been filed and the three building corporation directors have taken their oath of office. Bond counsel is preparing various documents that will need to be published, adopted and implemented. Project commencement should be the middle of November.

IN RE: IN OTHER BUSINESS

Bottlebrush Solar Project abatement lawsuit discussed. Maurice Loehmer made a motion to approve hiring a Legal bond counsel, Charles Mellon seconded and motion carried unanimously.

Maurice Loehmer made a motion to approve and sign claims and payrolls #13 and 14, Charles Mellon seconded and motion carried unanimously.

Maurice Loehmer made a motion to approve and sign regular session minutes from July 3, 2023 meeting, Charles Mellon seconded and motion carried unanimously.

Maurice Loehmer made a motion to reappoint Dr. Clint Kauffman to the Pulaski Memorial Hospital Board of Trustees, Charles Mellon seconded and motion carried unanimously.

The following travel requests presented:

Clerk/Election Board: JoLynn Behny, Indiana Voter Registration Association Conference, Carmel, August 8 and 9
 Clerk/Election Board: JoLynn Behny, Association of Indiana Counties Conference, French Lick, September 25 and 28
 Assessor: Holly VanDerAa and Deputies, 2023 ICAA Summer Conference, French Lick, August 21 thru 25
 Assessor: Holly VanDerAa and 1 Deputy, Association of Indiana Counties Conference, French Lick, September 25 & 28

Maurice Loehmer made a motion to approve the conference requests as presented, Charles Mellon seconded and motion carried unanimously.

