

**AUGUST 21, 2023**

**REGULAR SESSION**

**PULASKI COUNTY COMMISSIONERS**

The Pulaski County Commissioners met in regular session Monday, August 21, 2023 08:30am 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. Commissioners Michael McClure was absent.

Also present were Nathan Origer, JoLynn Behny, Teresa Bryant, Leeann Wright, Brandon DeLorenzo, Gary Kruger, Karla Redweik, Dr. Rex Allman, Rebecca McElroy, Gail Lambert, Joe Moyer, Dara Chezem, Sheila Jimenez, Cathy Rowe, Kate DeRulf, and Jake Ballaugh.

President Mellon opened the meeting with the Pledge of Allegiance.

Regular session was recessed for a Public Hearing regarding the proposed lease with the Pulaski County Courthouse Building Corporation.

**IN RE: PUBLIC HEARING**

The following statement presented:

**“The citizens of Pulaski County, Indiana (the “County”) are hereby notified that the Pulaski County Board of Commissioners (the “Board”) is considering the renovation and equipping of the courthouse facility operated by the County located at 112 East Main Street, Winamac, Indiana (collectively, the “Project”). The estimated cost of the Project will not exceed Twelve Million Seven Hundred Fifty Thousand Dollars (\$12,750,000.00), all or a portion of which will be financed by entering into a lease with the Pulaski County Courthouse Building Corporation (the “Building Corporation”) or other funds as they may become available.**

**This is the second of two public hearings on a preliminary determination to enter into a proposed lease between the Building Corporation, as lessor, and the County, as lessee, to finance all or any portion of the costs of all or any portion of the Project. The proposed lease will relate to all or any portion of renovation of the courthouse to be operated by the County, and the lease payments paid by the County under such lease will be paid, in whole or in part, from *ad valorem* property taxes levied and collected on all taxable property within the County.**

**Following the public hearing, the Board expects to consider the adoption of a resolution making a preliminary determination on behalf of the County to enter into the proposed lease to finance all or a portion of the project.**

**As a part of the lease-rental and bond-issuance process, a petition to be signed by a minimum of 50 landowners was distributed and collected and then submitted to the County Auditor, who verified 79 signatures.**

**The Commissioners may now open the hearing for public comment.”**

The bond process discussed briefly. The expectation is that Council will be asked to approve an additional appropriation for the bond funds at their October meeting with the final closing December 15, 2023. Bids expected in by November 6, 2023 to be opened the next week. Construction should start around the end of November.

**Public hearing was closed and regular session resumed.**

**IN RE: CDC**

Resolution No. 2023-11 presented for review and approval and reads as follows:

**PULASKI COUNTY RESOLUTION NO. 2023-11  
BY THE BOARD OF COMMISSIONERS OF PULASKI COUNTY, INDIANA,  
A RESOLUTION REGARDING PRELIMINARY DETERMINATION AND REIMBURSEMENT RELATING TO THE  
RENOVATION AND EQUIPPING OF THE PULASKI COUNTY COURTHOUSE AND A LEASE-RENTAL BOND TO BE  
ISSUED THEREFORE**

WHEREAS the Board of Commissioners (the “Board”) of Pulaski County, Indiana (the “County”), has given consideration to the proposed renovation and equipping of a county courthouse (the “Facility”) located at 112 East Main Street, Winamac, Indiana, and upon completion is anticipated to include, but not be limited to: (i) expanded public gathering space with new retaining walls; (ii) plaza pavers, landscaping and two covered canopy structures; (iii) north stairs to be rebuilt with new planters and bench; (iv) historic retaining wall surrounding site to be removed, salvaged, repaired, cleaned and reconstructed; (v) sidewalks surrounding site to be removed and rebuilt; and (vi) utility enclosure added at southwest corner of site enclosing generator and chiller; (b) renovations, improvements and upgrades to the three story, approximately 23,100 square feet of the existing courthouse interior including: (i) new mechanical, electrical, plumbing and telecommunications systems throughout the facility; (ii) new flooring, updated paint and refinished woodwork along with new ADA compliant restrooms; and (iii) new furnishings and refinished existing furniture; (c) improvements to the lower level, including but not limited to: (i) the existing concrete slab to be removed and re-poured; (ii) all existing walls to be removed back to masonry and furred out with new wall board; and (iii) new restroom facilities and break

room provided along with Clerk Department, Security, Veteran's Services, Maintenance and Storage to be located in the lower level; (d) the first floor will contain Recorder, Assessor, Treasurer, and Auditor departments along with vault and storage for each; (e) updates to the second floor, including but not limited to: (i) repurposing of existing courtroom as a council meeting room and (ii) Surveyor, Building, Planning and Zoning, Economic Development and future IT Departments relocation; (f) restoration, replacement, or repair of bell tower and clock equipment; (g) scanning and digitization of County records; (h) miscellaneous capital improvement, renovation and/or equipping projects at one or more facilities operated or to be operated by the County, furniture and equipment, IT infrastructure costs, professions moving costs, and all projects related to any of the foregoing, all of which will be operated by the County (collectively, the "Pulaski County Courthouse Project");

WHEREAS, pursuant to Indiana Code § 6-1.1-20-3.1, as amended, if the Board proposes to impose property taxes to pay debt service on bonds or lease rentals on any, renovation, improvement, remodeling or alteration project, which is not excluded under Indiana Code § 6-1.1-20-1.1, as amended, it must conduct at least two public hearings on the preliminary determination to proceed with such project prior to the Board's adopting any resolution or ordinance making a preliminary determination to issue such bonds or enter into such lease;

WHEREAS notice of said hearings have been given in accordance with Indiana law;

WHEREAS interested people have been given the opportunity to present testimony and ask questions concerning the Pulaski County Courthouse Project, and this Board has heard public input at a public hearing held on August 14, 2023, and on this date concerning the Pulaski County Courthouse Project;

WHEREAS the Board, being duly advised, finds that it is in the best interests of the County and its citizens for the purpose of financing all or any portion of the Pulaski County Courthouse Project to enter into negotiations with a local nonprofit building corporation controlled by the County (the "Building Corporation") to acquire all or any portion of the any of the real estate upon which the Facility will be constructed, and enter into a lease (the "Lease") with the Building Corporation, as lessor, for all or any portion of the real estate upon which the Facility will be constructed and upon its completion, all or a portion of the Facility which will be operated by the County, in order to better serve the residents of the County, by allowing the Building Corporation to issue one or more series of bonds (collectively, the "Bonds"), which Bonds will not exceed an original aggregate principal amount of \$12,750,000;

WHEREAS the Board expects to pay for certain costs of the Pulaski County Courthouse Project or costs related to the Pulaski County Courthouse Project (collectively, the "Expenditures") prior to the issuance of the Bonds, and to reimburse the Expenditures with the proceeds received by the County upon the issuance of the Bonds; and

WHEREAS the Board desires to declare its intent to reimburse the Expenditures pursuant to Treas. Reg. § 1.150-2 and Indiana Code §5-1-14-6(c), as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF PULASKI COUNTY, INDIANA, as follows:

Section 1. The Board hereby makes a preliminary determination that there exists a need for the Pulaski County Courthouse Project. Accordingly, the Board hereby makes a preliminary determination that to the extent permitted by law the Board will take all of the necessary steps to enter into the Lease with the Building Corporation for all or any portion of the real estate upon which the Facility will be constructed and upon its completion, all or a portion of the Facility which will be operated by the County, pursuant to which the Building Corporation and the County will finance all or any portion of the Pulaski County Courthouse Project. The County and the Building Corporation will finance all or any portion of the Pulaski County Courthouse Project through the issuance of the Bonds. The total maximum original aggregate principal amount of the Bonds will not exceed \$12,750,000, or such greater amount in the case of the issuance of any bonds all or a portion of which will be used to refund all or any portion of the Bonds. The Bonds will have a maximum term not to exceed twenty (20) years from the date such Bonds are issued. The Lease will have a maximum term not to exceed twenty (20) years. The proposed term of the Lease will begin on the date the Lease is recorded by the County and the Building Corporation in connection with the Pulaski County Courthouse Project.

Based on an estimated maximum average interest rate that will be paid in connection with the Bonds of 6.50% per annum, the total interest cost associated therewith, not excluding any funds of the County or the Building Corporation used to pay capitalized interest, will not exceed \$10,000,000 (which amount is net of any funds received by the County or the Building Corporation from the United States of America as a result of any or all of the Bonds being issued under one or more federal tax credit programs). Including interest costs, the maximum annual lease rental to be paid by the County under the Lease is \$1,135,000 (which amount is net of any funds received by the County or the Building Corporation from the United States of America as a result of any or all of the Bonds being issued under one or more federal tax credit programs), and the maximum total lease rental paid by the County over the term of the Lease is \$22,700,000 (which amount is net of any funds received by the County or the Building Corporation from the United States of America as a result of any or all of the Bonds being issued under one or more federal tax credit programs), not taking into account any funds of the County or the Building Corporation available for capitalized interest.

The County's certified total debt service fund tax levy for 2022 pay 2023 (which is the most recent certified tax levy) is \$316,781, and the County's debt service fund tax rate for 2022 pay 2023 (which is the most recent certified tax rate) is \$0.0313 per \$100 of assessed value. The estimated total maximum debt service fund tax levy for the County and the estimated total maximum debt service fund tax rate for the County after the issuance of the Bonds is expected to be \$1,471,000 at \$0.1381 per \$100 of assessed value, respectively, in 2023 pay 2024 as a result of the payment of the lease rentals under the Lease. In addition, such estimated total maximum debt service fund tax levy and such estimated total maximum debt service fund tax rate which takes into account the anticipated pay-off of other currently outstanding obligations of the County is expected to result in no incremental increase in the total maximum debt service fund tax rate of the County in any year over the first ten years after the issuance of the Bonds. The percent of the County's current annual debt service/lease payments and projected maximum annual debt service/lease payments after the issuance of the Bonds compared to the net assessed value of taxable property within the County is approximately 0.15%. The percent of the County's outstanding long term debt, together with the outstanding long term debt of other taxing units that include any of the territory of the County, compared to the net assessed value of taxable property within the County is approximately 3.60%.

Section 2. A notice of the foregoing preliminary determinations set forth in Section 1 of this resolution shall be given in accordance with Indiana Code § 6-1.1-20-3.1, as amended.

Section 3. The Board hereby declares its official intent that to the extent permitted by law, to execute the Lease with the Building Corporation, and to request the Building Corporation to issue the Bonds, which Bonds will not exceed an original aggregate principal amount of approximately \$12,750,000, and to reimburse costs of the Pulaski County Courthouse Project consisting of the Expenditures from proceeds of the sale of such Bonds.

Section 4. Any and all actions previously taken by any member of the Board, or a designee in connection with the foregoing preliminary determinations, including, but not limited to, publication of the notice of the public hearings held in connection with such preliminary determinations, be, and hereby are, ratified and approved.

Charles Mellon made a motion to approve and sign Resolution No. 2023-11 as presented, Maurice Loehmer seconded and motion carried unanimously.

A proposal from County's webhost Crane + Grey for a comprehensive overhaul of our website presented for review and approval, with a maximum estimated cost of \$50,800.00. Commissioners took this matter under advisement.

Resolutions No. 2023-09 (Restructuring Pulaski County Community development Commission) and No. 2023-10 (Administration of Pulaski County Revolving Loan Fund) were presented for consideration. 2023-09 replaces the current 15 person membership with a 7 member CDC and would be effective January 1, 2024. Charles Mellon asked if this board will receive a stipend and Nathan said it is in his 2024 budget request. Resolution 2023-10 entrusts EDC, which is responsible for reviewing tax-abatement requests and presenting a recommendation to the Council regarding such request, with similar responsibility for our Revolving Loan Fund. The resolutions read as follows:

**PULASKI COUNTY RESOLUTION NO. 2023-09  
BY THE BOARD OF COMMISSIONERS OF PULASKI COUNTY, INDIANA  
RESTRUCTURING THE PULASKI COUNTY COMMUNITY DEVELOPMENT COMMISSION**

Whereas the Board of Commissioners of Pulaski County, Indiana (the 'Board'), adopted a resolution in 1995 establishing the Pulaski County Community Development Commission (the 'Commission'), stating its purpose, establishing its structure, setting rules for the governance of its executive director, and declaring that it shall serve all of Pulaski County (the 'County' and 'county') and in 2004 adopted a resolution adjusting the structure of the Commission;

whereas the Board has, on the recommendation of the Commission and in accordance with *Simply Pulaski: A Plan for Quality*, the 2021 update to the Commission's economic-development strategic plan, ordained the establishment of a Pulaski County Redevelopment Commission (the 'R.C.') and Department pursuant to *Indiana Code (I.C.) 36-7-14*;

whereas the Board has, similarly, resolved to establish a Pulaski County Tourism Advisory Committee (the 'TAC') generally under the provisions of *I.C. 6-9-18*, notwithstanding the absence of an innkeeper's tax pursuant to *I.C. 6-9-18* and -29, and may ordain the establishment of a Pulaski County Tourism Commission (the 'T.C.') pursuant to *I.C. 6-9-18* and -29 upon the Pulaski County Council's (the 'Council') levying of an innkeeper's tax;

whereas the Council has, similarly, ordained the establishment of a Pulaski County Economic Development Commission (the 'E.D.C.') and Department pursuant to *I.C. 36-7-12*;

whereas there exists a Pulaski County Advisory Commission on Industrial Development (the 'ACID') established pursuant to *I.C. 36-7-13* to which the Board, similarly, intends to appoint members to fill seats vacated during the ACID's dormancy;

whereas, pursuant to *I.C. 6-9* and *36-7*, the aforesaid commissions and the TAC are permitted to serve the entire geographic area of the county;

whereas it is in the interest of the County to staff the aforesaid commissions and the TAC in an efficient and streamlined manner that avoids the duplication of services and redundant positions;

whereas the Commission exists to carry out many of the purposes assigned to the aforesaid commissions and the TAC without the use of various tools and incentives granted to aforesaid commissions, is staffed, and has a physical office and the various furnishings found in an office;

whereas it has been found that the current size of the Commission makes having a quorum at meetings difficult, leading to delayed action; and

whereas the Board is the executive and primary legislative body of the County,

**now, therefore, so be the following resolved by the Board:**

1. The executive director and staff of the Commission and the County's budget and assets associated with the operations of the Commission are reaffirmed in their existence as the Pulaski County Department of Community Development (the 'Department').
2. The Department and Commission shall continue to serve the entirety of Pulaski County.
3. The provisions of the aforesaid 1995 and 2004 resolutions and the Commission's bylaws pertaining to the size of the Commission, the entities granted the authority to appoint members to the Commission, and the eligibility qualifications for Commission members are repealed, as are any other provisions determined by the Board, the Commission, and the Commission's executive director to contradict this resolution and its intent.
4. The membership of the Commission shall be restructured as follows:
  - a. the president the R.C.,
  - b. the president of the E.D.C.,
  - c. the president of the ACID,
  - d. the president of the TAC (or, in the future, the T.C.),
  - e. a member of the Board,
  - f. a member of the Council, and
  - g. **who will the seventh member be?**,  
with each member representing a commission or the TAC serving a Commission term concurrent with their presidency, **and the other members** serving at the pleasure of their appointing bodies.
5. The Board may, as dictated by future needs, replace this resolution, any of the resolutions and ordinances governing the aforesaid commissions and the TAC, or both with one or more amending the membership of the Commission, the specific commissions and other entities served by the Department, or both.
6. The Commission's executive board and its officer positions of membership officer and immediate past president/fifth board member are eliminated.
7. The existing Commission and its executive director shall draft and recommend to the Board for approval appropriate amendments to the Commission's bylaws to ensure that said bylaws reflect this resolution.
8. This resolution shall become effective on 1 January 2024, save that resolution 7 shall be implemented prior thereto, so that the amended bylaws are in effect upon the seating of the members of the restructured Commission.
9. This resolution should not be construed as granting the Commission the authority to make decisions regarding, or to undertake, projects and programs statutorily established as being within the jurisdiction of any of the aforesaid commissions or the TAC.

**PULASKI COUNTY RESOLUTION NO. 2023-10  
BY THE BOARD OF COMMISSIONERS OF PULASKI COUNTY, INDIANA  
PERTAINING TO THE ADMINISTRATION OF THE  
PULASKI COUNTY REVOLVING LOAN FUND**

WHEREAS the Pulaski County Council ('Council') has ordained the establishment of a Pulaski County Department of Economic Development ('Department') and a Pulaski County Economic Development Commission ('Commission') pursuant to *Indiana Code (I.C.) 36-7-11.9 and -12*;

WHEREAS, in taking aforesaid action, the Council has permitted the Commission to serve in an advisory capacity for various economic-development financial-assistance and incentive programs at the discretion of the Pulaski County Board of Commissioners ('Board') or the Council, as appropriate;

WHEREAS Pulaski County operates a revolving-loan fund ('R.L.F.') for the purpose of providing financial support to qualifying enterprises commencing or expanding operations in Pulaski County ('County');

WHEREAS the Board is responsible for final oversight of and decisions regarding the R.L.F. and delegates program management to the Pulaski County Community Development Commission (C.D.C.) and its executive director ('director');

WHEREAS the Board has resolved to restructure the C.D.C. in such a way that retains the director in a position of day-to-day coordination of the R.L.F., but no longer makes it appropriate for the C.D.C. to serve in an advisory capacity regarding the R.L.F.; and

WHEREAS the Board and Council have resolved and ordained that the director shall, until such time as any amendment may be appropriate, serve as the executive director of the Department under the indirect supervision of the Commission and the direct supervision of the C.D.C.,

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

1. The Commission shall serve as the advisory body for the R.L.F. pursuant and subject to the adopted R.L.F. "Description and Guidelines" as may be amended from time to time.
2. This resolution shall be in effect and binding commencing on 1 January 2024.

Maurice Loehmer supported better oversight especially on delinquencies and motioned to approve and sign Resolutions 2023-09 and 2023-10 as presented, Charles Mellon seconded and motion carried unanimously.

**IN RE: CLERK**

Election equipment used at polling locations for the 2024 elections discussed briefly.

Poll worker pay is determined by the Commissioners who are asked to approve a pay increase for inspectors from \$150 to \$200 per day, Judges/Clerks from \$100 to \$150 per day and poll worker training from \$10 to \$25 per training session. Maurice Loehmer made a motion to approve all pay increases as presented, Charles Mellon seconded and motion carried unanimously. JoLynn will now need to go before Council on this matter.

Changing part-time voter registration to full time and add Document Retention work to the position discussed. Condor Indexing Services quoted \$240,760.00 to digitize her vault books. Charles Mellon made a motion to table these matters for further information, Maurice Loehmer seconded and motion carried unanimously.

**IN RE: TREASURER**

Courthouse offices' temporary move to the East Annex is presented with concerns and questions. Since the annex is not ADA compliant a small space at the Highway garage that would be easily accessible for fall tax collection should be considered. This will be discussed further.

Electronic transfers for claim payments discussed briefly. The commissioners get a copy of the docket on the Thursday before the meeting to have plenty of time to review and ask questions before approval at Monday's meetings.

**IN RE: COMMUNITY FOUNDATION**

The Pulaski County Drug Free Council members introduced were Dr. Rex Allman, West Central Community School Corp. Superintendent Cathy Rowe and Eastern Pulaski Community School Corp. Superintendent Dara Chezem. An update on the FSSA reimbursement grant (must pay first and then get reimbursed) given. The plan is to hire a Prevention Coordinator, establish a Drug treatment Court, and expand the services. A School Liaison Officer discussed and monthly reports will be given to the commissioners.

**IN RE: EMS**

The Drug Enforcement Administration (DEA) requires Emergency Medical Services (EMS) to have their own station vault for narcotics storage. The cost is \$2,876.00 and is in their budget. Charles Mellon made a motion to approve the purchase of a Knox Vault, Maurice Loehmer seconded and motion carried unanimously.

**IN RE: HIGHWAY, GARY KRUGER**

Purchasing new tandem trucks in 2024 that would be available for the end of the year snow plowing season discussed. Commissioners agreed to move forward on this.

Local Technical Assistance Program's (LTAP) Snow Olympics is September 6 and 7 at Tippecanoe County Fair Grounds in Lafayette. The cost is \$125.00 plus \$10.00 per person attending. There will be a Snow Plow Competition with awards. Permission given.

**IN RE: BUILDING/ZONING, KARLA REDWEIK**

The Advisory Plan Commission (APC) approved three ordinances for review and approval by the Commissioners.

2023-07 amends Pulaski County Building Ordinance 2006-2 by adding an expiration date for building permits. Building permits will expire 12 months after issuance, unless said permit is subject to other expiration guidelines set elsewhere (such as Commercial Solar). The ordinance reads as follows:

**ORDINANCE OF  
THE BOARD OF COMMISSIONERS OF PULASKI COUNTY, INDIANA  
PULASKI COUNTY ORDINANCE NO. 2023-07  
AMENDING  
PULASKI COUNTY BUILDING ORDINANCE NO. 2006-2**

**WHEREAS**, the Advisory Plan Commission (hereinafter referred to as "PCAPC") did on July 24, 2023 hold a regularly scheduled session to continue discussion of text amendments to the Pulaski County Building Ordinance No. 2006-2. The PCAPC unanimously moved in a 7-0 vote to amend the following Ordinance No. 2006-2 Effective 7-5-06 Article II Building Permits (page 5) as follows:

**PROPOSED AMENDMENT:**

**Section 12. EXPIRATION OF BUILDING PERMIT**

**A building permit will expire 12 months after date of issuance, unless said permit is subject to other expiration guidelines set elsewhere (such as commercial solar). The building permit, if in compliance with all provisions of this Building Ordinance may be renewed, subject to Pulaski County Development Fee Schedule.**

**WHEREAS**, the County being duly advised now approves said recommendation by the PCAPC; and

**THEREFORE, BE IT ORDAINED THAT:**

The Pulaski County Building Ordinance; Ordinance No. 2006-2 is hereby amended to include the following language:

**Section 12. EXPIRATION OF BUILDING PERMIT**

**A building permit will expire 12 months after date of issuance, unless said permit is subject to other expiration guidelines set elsewhere (such as commercial solar). The building permit, if in compliance with all provisions of this Building Ordinance, may be renewed, subject to Pulaski County Development Fee Schedule.**

The PULASKI COUNTY BUILDING ORDINANCE, ORDINANCE NO. 2006-2 is hereby amended as favorably recommended by the PCAPC and as attached hereto. As amended hereby, the PULASKI COUNTY BUILDING ORDINANCE, ORDINANCE NO. 2006-2 shall be in full force and effect August 21, 2023.

All other aspects and language of the PULASKI COUNTY BUILDING ORDINANCE, ORDINANCE NO. 2006-2 adopted July 5, 2006 shall remain in full force and effect.

Maurice Loehmer made a motion to approve Ordinance 2023-07 as presented, Charles Mellon seconded and motion carried unanimously.

2023-08 (amends Pulaski County Unified Development Ordinance 2022-05) pertains to planting of landscaping along perimeter of Commercial Solar Energy System (CSSES) shall be required on the outside of the perimeter fencing along road frontage of solar panels and facing all habitable dwellings on non-participating properties within ½ mile. Also adds that a reasonable attempt shall be made to notify all property owners within the defined area of the WECS (Wind Energy Commercial System) or SES (Solar Energy System) project 45-60 days prior to submitting the application for WECS and/or CSSES permit. The ordinance reads as follows:

**ORDINANCE OF  
THE BOARD OF COMMISSIONERS OF PULASKI COUNTY, INDIANA  
PULASKI COUNTY ORDINANCE NO. 2023-08  
AMENDING  
PULASKI COUNTY UNIFIED DEVELOPMENT ORDINANCE NO. 2022-05**

**WHEREAS**, the Advisory Plan Commission (hereinafter referred to as "PCAPC") did on July 24, 2023 hold a regularly scheduled session to continue discussion of text amendments to the PULASKI COUNTY UNIFIED DEVELOPMENT ORDINANCE No. 2022-05. The PCAPC unanimously moved in a 7-0 vote to amend as follows:

**PROPOSED AMENDMENT:**

7.14.B.3. Safety, Design, and Installation Standards for SES

"The planting of landscaping along the perimeter of the CSES shall be required on the outside of the perimeter fencing along road frontage of solar panels and facing all habitable dwellings fit for human occupation on non-participating properties within a half (1/2) mile of a CSES."

7.1.C.1. Applicability

"The provisions of this Section are applicable to those districts which allow WECS and/or SES, govern the siting of WECS, SES, and substations that generate electricity to be sold to wholesale or retail markets, or that generate electricity for commercial use. Residential use is exempt from these terms. A reasonable attempt shall be made to notify all property owners within the defined area of the WECS or SES project 45-60 days prior to submitting application for a WECS and/or CSES permit. Notification may be done by media, separate mailings, or through the public notice requirements prescribed by IC 5-3-1 as amended from time to time. Said notice shall inform land owners of the intent to build a WECS and/or SES. Any recorded plat or any part of any recorded plat may be vacated by the owner(s) of the premises at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated. The vacation of a plat is subject to the approval of the Plan Commission. The modification will not in any manner contravene provisions of this Ordinance, the Comprehensive Plan, or the Official Zoning Map, as determined by the Plan Commission."

**WHEREAS**, the County being duly advised now approves said recommendation by the PCAPC;

and

**THEREFORE, BE IT ORDAINED THAT:**

The PULASKI COUNTY UNIFIED DEVELOPMENT ORDINANCE No. 2022-05 is hereby amended to include the following language:

7.14.B.3. Safety, Design, and Installation Standards for SES

"The planting of landscaping along the perimeter of the CSES shall be required on the outside of the perimeter fencing along road frontage of solar panels and facing all habitable dwellings fit for human occupation on non-participating properties within a half (1/2) mile of a CSES."

7.1.C.1. Applicability

"The provisions of this Section are applicable to those districts which allow WECS and/or SES, govern the siting of WECS, SES, and substations that generate electricity to be sold to wholesale or retail markets, or that generate electricity for commercial use. Residential use is exempt from these terms. A reasonable attempt shall be made to notify all property owners within the defined area of the WECS or SES project 45-60 days prior to submitting application for a WECS and/or CSES permit. Notification may be done by media, separate mailings, or through the public notice requirements prescribed by IC 5-3-1 as amended from time to time. Said notice shall inform land owners of the intent to build a WECS and/or SES. Any recorded plat or any part of any recorded plat may be vacated by the owner(s) of the premises at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated. The vacation of a plat is subject to the approval of the Plan Commission. The modification will not in any manner contravene provisions of this Ordinance, the Comprehensive Plan, or the Official Zoning Map, as determined by the Plan Commission."

The PULASKI COUNTY UNIFIED DEVELOPMENT ORDINANCE No. 2022-05 is hereby amended as favorably recommended by the PCAPC and as attached hereto. As amended hereby, the PULASKI COUNTY UNIFIED DEVELOPMENT ORDINANCE No. 2022-05 shall be in full force and effect August 21, 2023.

All other aspects and language of the PULASKI COUNTY UNIFIED DEVELOPMENT ORDINANCE No. 2022-05 adopted April 8, 2022 shall remain in full force and effect.

Charles Mellon made a motion to approve Ordinance 2023-08 as presented, Maurice Loehmer seconded and motion carried unanimously.

2023-09 (amends Pulaski County Development Fee Schedule) changes fees for SES. It also includes increases to Notice of Penalty. Discussion followed with Attorney Tankersley's concern that the higher Solar fees can result in more lawsuits against County. Maurice Loehmer made a motion to table Ordinance 2023-09, Charles Mellon seconded and motion carried unanimously.

**IN RE: OTHER BUSINESS**

Prosecutor submitted \$2,950.00 claim for purchase approval since it is above her spending limit. This is for a Cellebrite subscription renewal and is split with Sheriff. Maurice Loehmer made a motion to approve claim as presented, Charles Mellon seconded and motion carried unanimously.

Maurice Loehmer made a motion to approve and sign Claim and Payroll #17, Charles Mellon seconded and motion carried unanimously.

