

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING

REGULAR SESSION
COMMISSIONERS MEETING ROOM

107 W. Locust Street, Suite 303

Boonville, Indiana

July 24, 2023

4:00 P.M.

The Warrick County Commissioners met in regular session with Terry Phillippe, President; Robert Johnson, Vice President; and Dan Saylor, Member.

Attorney Andrew Skinner and Administrator Heather Soberg were in attendance.

Auditor Michael Dietsch, Chief Deputy Barbi Shelton, and Recording Secretary Kristine Georges attended and recorded the minutes.

Commissioner Meetings can be viewed via YouTube: Warrick County Meetings

President Terry Phillippe called the meeting to order at 4:00 PM.

PLEDGE OF ALLEGIANCE

**AREA PLAN COMMISSION
PARTIAL RELEASE OF DRAINAGE EASEMENT**

Area Plan Director Molly Barnhill presented a Partial Release of Drainage Easement, as recorded in Document #2012-011574 in the Warrick County Recorder's Office, in the Paradise Garden Subdivision. It was at Drainage Board today and was approved subject to a Hold Harmless. She said that the Partial Release was made out to Warrick County instead of the Warrick County Drainage Board so the Commissioners need to consent to have their signatures on this to legally release it. It was recommended that either this be tabled or approved contingent to the APC Attorney Morrie Doll submitting the Hold Harmless paperwork. Ms. Barnhill said that no permits would be issued until their office had everything. Commissioner Bob Johnson made the motion to approved contingent on the Attorney's paperwork being received. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(Partial Release is located on Page 5 of these Official Minutes)

**REQUEST TO REZONE
PC-R-23-04
ORDINANCE 2023-15**

Ms. Barnhill presented a request for rezoning by Special Waste Services by Joe Beard, owner. The property owner is J Rorie Properties, Joe Beard, owner. It's to rezone 3.15 acres located on the west side of Prospect Drive approximately 600 feet north of the intersection formed by Vann Road and Prospect Drive from M-2, General Industrial Zoning District to M-3, Solid Waste Disposal Zoning District. It's Lots 7 and 8 in Warrick Research and Industrial Center #3, recorded in Document #1996R-003758, Ohio Township 19-6-8. This was advertised in the Standard on March 2, 2023. It was continued from the June 12th, June 26th, and July 10th Commissioner meetings. Mr. Joe Beard and Mr. Matt Hills were present to answer any questions. They briefly reviewed the rezoning needed for their project.

Commissioner Saylor stated that he had spoken with a neighbor about their operation. The neighbor talked about stuff being spread on their back parking lot and it smelled horrible. Commissioner Saylor asked if that was ever going to be done. Mr. Beard said that was never done. Commissioner Saylor stressed that they had neighbors to the north and they want them to be responsible with all they are doing. He knows they will also be watched by IDEM and the Commissioners have an Inspector locally as well.

Commissioner Saylor also verified where the process would take place. Mr. Hills stated that the grease solidification took place indoors. The solidification for the car wash takes place in a concrete barrier outdoors. But there is no odor to that. It's just dirt off the vehicles. Mr. Beard went over that process as well as the grease processing from the grease traps. They are trying to provide a more economical solution in the local area.

Commissioner Phillippe still had a lot of concerns. Most of the concerns are what they have heard from the past. Many came to him privately in remonstrance. He wants to be able to inspect locally. Mr. Hills and Mr. Beard both said that they would have no issues with inspections. There was then a brief discussion under what direction they could go as far as inspections. Commissioner Saylor felt that local inspection instead of calling IDEM might be better for their operation as well. Mr. Beard said he has always had an open-door policy.

It was clarified that they are restricted to the business they are doing with the rezoning. It was also stated that no other businesses could come in and operate a business. They are also rezoning only two of the three lots owned by Mr. Beard. The third lot will remain the same, M-2, for the trucking company.

Commissioner Phillippe entertained a motion to approve the rezoning. Commissioner Dan Saylor made the motion to approve with the stipulation that they could be inspected locally by the County Inspector or a Commissioner appointee. Commissioner Terry Phillippe seconded the motion. Commissioner Johnson felt that he could not support it because of the neighbors and the potential environmental hazards. The motion carried 2-1 with Commissioner Bob Johnson opposing.

(Ordinance 2023-15 is located on Page 5 of these Official Minutes)

**STREET ACCEPTANCE
MAGNOLIA PLACE**

Ms. Barnhill presented a street acceptance for Magnolia Place by Chris Combs, owner. It's for Nolia Lane at 1501.0 lineal feet. The County has been holding \$22,500.00 in escrow. They have had 6 ½ years. The surety expires April 15, 2024. (This was corrected from April 15, 2023 listed on the agenda). Some of that was for drainage and they are holding \$7,500.00 for that. The Surveyor asked to retain \$7,500.00 for the drainage. There is a punch list on the streets, but not an approved dollar amount. County Engineer Bobby Howard said there were several issues that needed to be addressed and, if the Commissioners approved it, that no reduction be made to the amounts. The Board discussed tabling the acceptance to the August 14th Commissioner's meeting. Mr. Howard said this would give the developer time to get the items done. Attorney Skinner stated they could table it or approve it contingent on completion. Commissioner Bob Johnson made the motion to approve tabling the street acceptance to the August 14th meeting. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

**ITEMS FOR DISCUSSION
EMS UPDATE
TONY O'NEAL, EMS MANAGER**

EMS Manager Tony O'Neal was present to give an update. He apologized for not coming sooner, but they've been very busy setting up the new EMS Station among other big projects. He presented the numbers for 2022. This included review of the training programs, new protocols that had been implemented, and drills they had been involved in. Mr. O'Neal also talked about purchases for 2022. He also touched on new things for 2023.

Commissioner Saylor asked about involvement with the high schools and ride-alongs. Mr. O'Neal stated that there would be ride-alongs and clinicals that last a year and they will actually be able to test for EMT certification at the completion. Most are seniors going into that class. There are currently nine (9) students enrolled. Mr. O'Neal stated that they are very excited about the program and the possibility to build up in an area of need.

Commissioner Phillippe asked about the Critical Care Ambulance now in service. Mr. O'Neal stated that this was something that St. Vincent was doing and is stationed at the main campus hospital. It is completely independent of Warrick EMS and is not being staffed, funded, or connected to Warrick County in any way. The Commissioners thanked Mr. O'Neal for the update.

**ACTION AGENDA
APPROVAL OF MINUTES
JULY 10, 2023**

Minutes for the July 10, 2023 Regular Session meeting were presented to the Commissioners for approval. Commissioner Dan Saylor made the motion to approve the minutes. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

**RESOLUTION CONCERNING SUPPORT FOR
THE OHIO RIVER CROSSING GRANT FUNDING
RESOLUTION 2023-02**

Commissioner Phillippe read the number and title of the resolution into the record:

*"Resolution 2023-02
Concerning support for the Ohio River Crossing Grant Funding"*

It was stated that this is to help get Federal dollars to back construction of the I-69 bridge and help speed it up. Commissioner Johnson made a motion to approve the Resolution. Commissioner Saylor seconded the motion. The motion carried 3-0.

(Resolution 2023-02 is located on Page 6 of these Official Minutes)

CONSENT AGENDA

Courty Administrator Heather Soberg presented the following items on the Consent Agenda for approval:

- a. County Auditor Claims Voucher - Report Date 07/19/2023
- b. Payroll Vouchers - 07/14/2023 & 07/28/2023
- c. Weights and Measures Report - 06/16/2023 – 07/15/2023
- d. Surplus Declaration Highway Department Vehicles
 - i. 2012 Dodge Charger - 288158
 - ii. 2011 Ford Crown Vic - 155794

- iii. 2020 Ford Crown Vic - 145326 (Corrected from 2020 to 2010)
- e. Bridge 310 Parcel 2 Administrative Settlement
- f. Surplus Declaration of Meeting Room Electronics
- g. Clerks Monthly Report June 2023
- h. Request to use Warrick Wellness Trail for Total Joint Trek 2023

There was no discussion. Commissioner Saylor did speak of his appreciation for the Weights and Measures Inspector and his work. Commissioner Day Saylor then made the motion to approve the items on the Consent Agenda. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(Claims are located on Pages 6 through 9 of these Official Minutes)

(Payrolls are located on Page 9 of these Official Minutes)

(Weights & Measures Report is located on Page 10 of these Official Minutes)

(Bridge 310 Administrative Settlement is located on Page 10 of these Official Minutes)

(Clerk's Report is located on File in the Auditor's Office)

COUNTY ATTORNEY ORDINANCE ESTABLISHING NOISE REDUCTION ORDINANCE 2023-14

Attorney Andrew Skinner presented an Ordinance establishing a Noise Reduction chapter to the Code of Ordinances. He wanted over the times, what was allowed, and what was exempt. A permit can be applied for if someone is holding an event in order to extend the time. Penalties would start at \$300.00.

Sheriff Mike Wilder spoke to the new Ordinance. He said it would be useful for his deputies. There is nothing currently on the books. Commissioner Saylor agreed and said spoke to the treatment of officers as some offenders knew that there was nothing the deputies could do for excessive noise currently. It will be a tool in their toolbox. Sheriff Wilder said the deputies will use discretion with the new Ordinance. It is just a few that continually offend.

Commissioner Bob Johnson made the motion to approve Ordinance 2023-14. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(Ordinance 2023-14 is located on Pages 10 through 13 of these Official Minutes)

RESOLUTION APPROVING THE PETITION OF THE TAXPAYERS REQUESTING THE LEASING OF A NEW COUNTY SHERIFF'S OFFICE AND SECURITY FACILITY RESOLUTION 2023-03

Next, Attorney Skinner presented a resolution approving the petition of the taxpayers requesting the leasing of a new County Sheriff's Office and Security Facility. Mr. Brad Bingham with Barnes and Thornburg, who is bond counsel for the project, was present to also discuss the Resolution and the process. He stated that this is the first step in the leasing project. The Building Corporation has been formed, have met, and approved the form of the lease. The lease itself is an abatement lease. It's a lease of the facility from the Building Corporation to the County. If there is any damage or destruction of the lease premises, the obligation to pay rent is abated. Using a Building Corporation in the bonding process is an accepted financing structure. The maximum term of the lease cannot exceed twenty (20) years. The payments will be made from the Local Income Tax with the back up from property taxes. The maximum annual lease payments as currently drafted is \$4,950,000.00. That is the capped amount and numbers will be amended once amounts are set for the project. This resolution approves the petition received by the Commissioners for the lease. He also stated that the Building Corporation was appointed by the Commissioners and members can be appointed by or removed by the Commissioners. It also approves the articles of Incorporation and the appointment of Dan Hendrickson, Eric Pryor, and Michael Wilson as the initial Board of Directors for the Building Corporation. It also makes the determination that the project is necessary and needed and acknowledges that bonds will be issued to finance the project. The project itself cannot exceed sixty-five million (\$65,000,000.00). All numbers are maximum numbers with actual numbers being known once the construction bids are received. Once the project is paid off, the it would be accepted by the County. This meeting is also considered a hearing on the matter. The next steps will include a public notice and public hearing on the actual lease. The County Council will also approve a Resolution at their August meeting to approve a form of this lease and make a determination on the plan of finance. Mr. Bingham also touched on other steps in the process. The lease can be executed after all the steps and the financing part of the project is completed. No bonds will be sold until construction bids are received to make sure they are within budget.

Attorney Skinner went into a little more detail on the Building Corporation and how the process worked leasing from the Building Corporation and the reasoning for it. He stated that today is just agreeing to the structure, the building corporation being formed, the terms of the lease, and principal amounts. This also includes, listed on the agenda, Part C. Lease by and between Warrick County, Indiana Building Commission and Warrick County, Indiana.

Commissioner Bob Johnson made the motion to approve the Resolution 2023-03 and items listed by the Attorney Skinner. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(Resolution 2023-03 is located on Pages 13 through 14 of these Official Minutes)

**COUNTY ENGINEER/HIGHWAY
BRIDGE 309 BIDS**

County Engineer and Highway Superintendent Bobby Howard presented bids for the Bridge 309 Project. He received two (2) bids:

- 1. CLR, Inc \$353,009.83
- 2. Blankenberger \$283,900.00

Mr. Howard stated that they are on a timeline and recommended approving the low bidder contingent upon review. Commissioner Bob Johnson made a motion to approve the low bidder contingent upon review. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(Blankenberger bid is located on File in the Auditor's Office)

ANDERSON AND VANN ROAD ROUNDABOUT

Mr. Howard presented bids for the Anderson and Vann Road Roundabout. He received three bids:

- 1. Blankenberger Brothers \$1,829,551.50
- 2. Ragle \$1,956,464.59
- 3. JBI Construction \$1,668,903.55

Mr. Howard also recommended that this be approved contingent upon review. Commissioner Dan Saylor made the motion. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(Anderson/Vann Roundabout bid is located on File in the Auditor's Office)

**COUNTY GRANTS ADMINISTRATOR
APPROVAL OF ARPA COMPETITIVE GRANT AGREEMENT
NEWBURGH MUSEUM**

County Grants Administrator Debbie Bennett-Stearnsman presented an ARPA Competitive Grant Agreement for the Newburgh Museum for \$30,000.00. This will be a study for a new museum. Commissioner Dan Saylor made the motion to approve. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(ARPA Grant for Newburgh Museum is located on File in the Auditor's Office)

ADJOURNMENT

The next Warrick County Commissioners' meeting will be held on Monday, August 14, 2023 in the Commissioners' meeting room at 4:00 PM. Commissioner Bob Johnson made the motion to adjourn. Commissioner Dan Saylor seconded the motion. The motion carried 3-0. Meeting adjourned at 4:57 P.M.

WARRICK COUNTY BOARD OF COMMISSIONERS

(not present)

TERRY PHILLIPPE, PRESIDENT

Robert Johnson, Jr.

ROBERT JOHNSON, JR., VICE PRESIDENT

Dan Saylor

DAN SAYLOR, MEMBER

ATTEST: *M. Georges*

MICHAEL J. DIETSCH, AUDITOR
WARRICK COUNTY, INDIANA

WARRICK COUNTY BOARD OF COMMISSIONERS

July 24, 2023

Meeting Room

Warrick County Courthouse

Warrick, Indiana

July 24, 2023

7:00 PM

7:00 PM

7:00 PM

7:00 PM

WARRICK COUNTY BOARD OF COMMISSIONERS

Signature of Board President

WARRICK COUNTY, INDIANA

ACCOUNTS PAYABLE VOUCHER REGISTER table with columns: Date, Name of Claimant, Amount, and Remarks.

WARRICK COUNTY, INDIANA
I hereby certify that each of the above bills vouchers and the balances of bills attached are included in the Comptroller's report...

WARRICK COUNTY, INDIANA

ACCOUNTS PAYABLE VOUCHER REGISTER table with columns: Date, Name of Claimant, Amount, and Remarks.

WARRICK COUNTY, INDIANA
I hereby certify that each of the above bills vouchers and the balances of bills attached are included in the Comptroller's report...

ORDINANCE 2023-14

LIGHT MOTOR VEHICLE means any motor vehicle with gross vehicular weight less than 8,000 pounds, including automobiles, vans, motorcycles, motor-driven cycles, motor scooters, dune buggies, snowmobiles, all-terrain vehicles, go-karts, minibikes, trail bikes, and light trucks.

MODIFIED EXHAUST SYSTEM means any exhaust system in which the original noise abatement device has been removed, altered, or replaced to produce more noise. **NOISE** refers to any unwanted sound.

OCTAVE BAND refers to a way to divide the entire frequency range of sounds into sections for more accurate measurement.

PLAINLY AUDIBLE means any noise for which the information content is ambiguously communicated to the listener, including understandable spoken speech, comprehension of whether a voice is raised, agitated, or normal, or comprehensible musical rhythms.

RESIDENTIAL ZONES means zones R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-2A, R-2B, R-3, R-O, and R-MH as defined in the Comprehensive Zoning Ordinance for Warrick County, Indiana.

SOUND LEVEL METER means an instrument designed to measure sound pressure levels.

SOUND PRESSURE LEVEL means an objective way to describe the loudness of a sound.

§ 158.02 GENERAL PROHIBITIONS

No person shall make or cause to be made any noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions listed in the following sections.

§ 158.03 SPECIFIC RESTRICTIONS

The following acts are declared to be unlawful:

(A) *Radios, television sets, musical instruments, tape or record players, amplifiers, and similar devices.* Operating or permitting the use or operation of any radio, television set, musical instrument, tape or record player, amplifier, and/or similar device(s) in such a manner as to be plainly audible across property boundaries or through partitions common to two (2) or more persons within a building;

(B) *Domestic power tools.* Operating or permitting the use or operations of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawnmower, or similar device used outdoors between the hours of 10:00 p.m. and 7:00 a.m. in such a manner that will disturb or annoy any reasonable person nearby;

2

ORDINANCE 2023-14

(C) *Construction.* Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition between the hours of 7:00 p.m. and 7:00 a.m. in such a manner that will disturb or annoy any reasonable person nearby, except:

a. In the case of urgent necessity in the interest of public health and safety, and then only with a permit issued by the Office of the Board of Commissioners, which permit may be issued for a period of not more than three (3) days while the emergency continues; or

b. If the Office of the Board of Commissioners determines that the public health and safety will not be impaired by sound made by such work between the hours of 7:00 p.m. and 7:00 a.m., and that loss or inconvenience would result to any party in interest, and the Office of the Board of Commissioners grants permission for such work to be done between the hours of 7:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is issued or during the progress of the work.

(D) *Horns and signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle in any County highway in a manner that makes unreasonable noise and continuing to do so after being asked to stop, except in an emergency or when required by law;

(E) *Participation in parties or social gatherings.* Participation in any party or social gathering between the hours of 10:00 p.m. and 8:00 a.m. giving rise to noise that is plainly audible across property boundaries or between partitions common to two (2) or more persons within a building;

(F) *Yelling or shouting.* Yelling, shouting, hooting, whistling, or singing in any public street or public place, particularly between the hours of 10:00 p.m. and 7:00 a.m. in a manner that makes unreasonable noise and continuing to do so after being asked to stop, except when a permit granted therefor for some special occasion is in effect;

(G) *Schools, courts, churches, hospitals.* The creation of any loud or raucous noise on any street adjacent to any school, institution of learning, church, or court while such premises are in use, or adjacent to any hospital which unreasonably interferes with the workings of that institution or which unduly disturbs patients in the hospital, provided that persons sign and display in the streets indicating that such premises is a school, hospital, or court street; and

(H) *Animals.* An owner of an animal determined to be a nuisance under § 131.11 shall be subject to a fine under § 131.99.

3

ORDINANCE 2023-14

§ 158.04 NOISE CAUSED BY MOTOR VEHICLES

(A) *Definitions.* For purposes of this § 158.04, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

DEVICE means any radio, tape recorder/player, compact disc player, stereo system, record player, television, or other electronic device capable of producing or reproducing any sound, noise, musical rhythm or vocal sound.

MOTOR VEHICLE means any vehicle, such as but not limited to, automobiles, truck, motorcycles, or any other vehicle propelled or operated by a mechanical means of power.

PLAINLY AUDIBLE means any noise, musical sound, musical rhythm, or any other sound that is electronically amplified or broadcast in any manner that can be heard from a distance greater than 20 feet from the source of the sound.

PUBLIC RIGHT-OF-WAY or PUBLIC PLACE shall include, without limitation, any avenue, street, road, alley way, easement, parkway, highway, sidewalk, park or other public place that is owned or controlled by any governmental entity.

(B) It shall be unlawful within the unincorporated limits of Warrick County for any person to cause the sound level of noise emitted during the operation of a motor vehicle to be plainly audible at the edge of the lane being traveled by the person alleged to be in violation of this Subsection (B).

(C) It shall be unlawful for any person to operate a motor vehicle which causes excessive noise as a result of a defective or modified rapid acceleration, de-acceleration, engine revving, or tire squealing.

(D) It shall be unlawful within the unincorporated limits of Warrick County for the owner, operator, passenger, or driver of a motor vehicle to permit to be played, used, or operated any device located on or within any motor vehicle at such a level so to be plainly audible or distract any person at a distance greater than twenty (20) feet from said motor vehicle.

§ 158.05 STATIONARY SOURCES

(A) It shall be unlawful for any person to cause the sound pressure level to exceed the limits listed below at any point on the boundary of the property where the person is located.

- i. If the person is located within a residential zone: 55 dBA at all times.
- ii. If the person is located within commercial zone: 55 dBA at all times.

4

ORDINANCE 2023-14

- iii. If the person is located within an industrial zone: 66 dBA, at all times.
- (B) If the property boundary lies between two (2) of the zones listed above, the lower limit shall apply regardless of the zone in which the person creating the noise is located.
- (C) In addition to the above, no person within a residential or a commercial zone shall make or cause to be made any earth-shaking vibrations perceptible without the aid of instruments beyond the property boundary of the vibration source.
- (D) No person within an industrial zone shall make or cause to be made any earth-shaking vibrations perceptible without the aid of instruments beyond the zone boundary of the zone in which the vibration source is located.

§ 158.06 EXEMPTIONS

Notwithstanding the foregoing, the provisions of this Chapter 158 shall not apply to the following:

- (A) Sounds incidental to agricultural activities;
- (B) The emission of sound for the purposes of alerting persons to the existence of an emergency, or the emission of sound in the performance of work to prevent or alleviate emergency;
- (C) Sounds incidental to outside school activities sponsored by a school located within the county;
- (D) Special events sanctioned by the state, county, and/or municipal parks conducted within the rules established by the Warrick County Department of Parks and Recreation, or
- (E) When a special use ordinance is found to be in conflict with this subchapter, the special use ordinance and permit shall prevail.

§ 158.07 ENFORCEMENT

The provisions of this chapter shall be enforced through the Warrick County Sheriff's Office. Citations issued shall be filed with the Warrick Superior Court, County Division, and may be filed by Warrick County's Code Enforcement Officer or the Warrick County Attorney.

§ 158.99 PENALTY

(A) *Noise caused by motor vehicles.* Any person who violates any provision of § 158.04 for the first time within any twelve (12) month period shall be fined an amount of not less than \$300. Each subsequent violation of § 158.04 within the same twelve (12) month period shall result in a fine of not less than \$1,000 but shall not exceed \$2,500. Each day

ORDINANCE 2023-14

such a violation occurs shall constitute a separate violation for purposes of this § 158.99(A).

(B) *Other violations.* Any person found in violation of any other provision of this Chapter 158 other than § 158.04 shall be subject to a fine in an amount not to exceed \$2,500 for each such violation. Each day a violation occurs shall constitute a separate violation for purposes of this § 158.99(B).

APPENDIX A: SCIENTIFIC DEFINITIONS

§ 1. SCIENTIFIC DEFINITIONS.

The scientific definitions of the terms used in this chapter shall be:

A-WEIGHTED SOUND LEVEL. The sound pressure level of a sound measured through an a-weighted filter network. The level read is designated dB(A) or dBA.

DECIBEL (dB). The unit used for comparing the sound pressure level of a sound to the sound pressure level of a reference sound having a sound pressure of 20 micropascals.

FREQUENCY. The number of periodic oscillations, vibrations, or waves per unit time (usually one second).

HERTZ. The unit for measuring the frequency of a sound. The number of hertz is the number of cycles per second of a periodic sound pressure wave.

OCTAVE BAND. A portion of the entire sound frequency spectrum contained between two frequencies A and B such that $A = 2B$.

SOUND PRESSURE LEVEL. Twenty times the logarithm (base 10) of the ratio of the measured sound pressure to a reference pressure of 20 micropascals. The sound pressure level is expressed in decibels (dB).

Sound Pressure A

SPL = 20LOG₁₀

Sound Pressure B

Sound Pressure A – Measure Sound Pressure

Sound Pressure B – Referenced Sound Pressure

(10 Micropascals)

APPENDIX B:

OCTAVE-BAND BREAKDOWNS OF dBA LIMITS

§ 1. OCTAVE-BAND BREAKDOWN OF dBA LIMITS.

The octave-band breakdowns of the dBA limits used in this chapter shall be:

(A) For a residential zone.

ORDINANCE 2023-14

| <i>For a Residential Zone (55 dBA)</i> | <i>Maximum Boundary SPL (dB)</i> |
|--|----------------------------------|
| Octave-Band Center Frequency (Hz) | |
| 31.5 | 72 |
| 63 | 71 |
| 125 | 65 |
| 250 | 57.8 |
| 500 | 51 |
| 1,000 | 45 |
| 2,000 | 39 |
| 4,000 | 34 |
| 8,000 | 32 |

(B) For a commercial zone.

| <i>For a Commercial Zone (64 dBA)</i> | <i>Maximum Boundary SPL (dB)</i> |
|---------------------------------------|----------------------------------|
| Octave-Band Center Frequency | |
| 31.5 | 79 |
| 63 | 78 |
| 125 | 73 |
| 250 | 67 |
| 500 | 61 |
| 1,000 | 55 |
| 2,000 | 50 |
| 4,000 | 46 |
| 8,000 | 43 |

(C) For an industrial zone.

| <i>For an Industrial Zone (dBA)</i> | <i>Maximum Boundary SPL (dB)</i> |
|-------------------------------------|----------------------------------|
| Octave-Band Center Frequency | |
| 31.5 | 80 |
| 63 | 79 |
| 125 | 43 |
| 250 | 69 |
| 500 | 63 |
| 1,000 | 57 |

ORDINANCE 2023-14

| | |
|-------|----|
| 2,000 | 52 |
| 4,000 | 48 |
| 8,000 | 45 |

Passed and adopted by the Board of Commissioners of Warrick County, Indiana, this 24th day of July, 2023.

WARRICK COUNTY BOARD OF COMMISSIONERS

Terry J. Phillips
Terry J. Phillips, President

Robert H. Johnson, Jr.
Robert H. Johnson, Jr., Vice President

Dan Saylor
Dan Saylor, Member

ATTEST:

Michael Dretsch
Michael Dretsch, Auditor
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:

Andrew E. Skinner
Andrew E. Skinner, Esq. #31797-87
Attorney at Law
520 N.W. Second Street, P.O. Box 779
Evansville, Indiana 47705-0779
Telephone: (812) 425-3592
Warrick County Attorney

RESOLUTION NO. 2023-03

RESOLUTION OF THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA RECEIVING AND APPROVING THE PETITION OF TAXPAYERS REQUESTING THE LEASING OF A NEW COUNTY SHERIFF'S OFFICE AND SECURITY FACILITY, APPROVING A FORM OF PROPOSED LEASE AND TAKING OTHER ACTIONS RELATED THERETO

WHEREAS, a petition signed by fifty (50) or more owners of real property in Warrick County, Indiana (the "County"), has been filed with the Board of Commissioners of the County (the "Board") requesting the Board (1) to enter into negotiations with the owners of the building corporation for all or any portion of the financing of the acquisition of land and construction improvement, and/or equipping of a new Sheriff's Office and Security Facility, and any related improvements, all to be used for the purposes of providing incarceration, community corrections or other law enforcement or criminal justice services by the County (collectively, the "Project"); and (2) to enter into a lease between such non-profit building corporation, as lessor, and the County, as lessee, of any real estate upon which the Project is, or will be, located and the facilities associated with the Project and certain other real estate and facilities operated by the County, as such facilities in presently, improved, renovated, improved, renovated, rehabilitated, repaired and equipped (collectively, the "premises"); and

WHEREAS, such petition has been carefully considered and investigations have been conducted by this Board; and

WHEREAS, the Board now finds that a need exists for the Project, and that the County cannot provide the necessary funds to pay the costs of the Project to meet such needs; and

WHEREAS, the Warrick County, Indiana Building Corporation (the "Building Corporation") has been incorporated to assist the County in financing, from time to time, the construction and renovation of facilities to be operated by the County, including the Project; and

WHEREAS, it is deemed desirable that the Board proceed with the necessary negotiations and all other steps looking toward the completion of the Project; and

WHEREAS, there have been prepared preliminary drawings, plans, specifications and estimates for the costs of the Project; and

WHEREAS, final drawings, plans and specifications will be submitted to the agencies designated by law to pass on plans and specifications for such buildings; and the estimates for the costs of the Project will be submitted to, and will require approval of, this Board; and

WHEREAS, it now appears to this Board that said drawings, plans, specifications, and estimates provide for necessary county facilities; and

WHEREAS, this Board now desires, to the extent permitted by law, to take all of the necessary steps to enter into a lease, in substantially the proposed form submitted to the members of the Board prior to this meeting (the "Lease"), by and between the Building Corporation, as

lessor, and the County, as lessee, to include the lease of all or any portion of the Premises in accordance with the terms and conditions set forth in this resolution and in the Lease; and

WHEREAS, lease rentals under the proposed Lease will be payable solely from revenues derived from the County; and the County has agreed to pay the lease rentals from revenues from the expenditure rate of the local income tax on the adjusted gross income of taxpayers in the County pursuant to Indiana Code 6-3.6, allocated to the County for public safety purposes under Indiana Code 6-3.6-6-4 and Indiana Code 6-3.6-6-4, each as amended, and pledged to the Lease pursuant to Indiana Code 6-3.6-10-6, as amended (the "Public Safety LIT Revenues"); and (ii) to the extent that the Public Safety LIT Revenues are insufficient to pay such amounts, from the revenues of the County, to the extent that the County has agreed to pay such amounts, from the County, pursuant to Indiana Code 36-1-10-17, as amended; provided, however, notwithstanding anything in the proposed Lease to the contrary, the County reserves the right to pay the lease rentals or any other amounts due thereunder from any other revenues legally available to the County; and

WHEREAS, the Board desires to establish its intent, pursuant to Treas. Reg. § 1.150-2 and Indiana Code 5-1-14-6(c), that certain costs of the Project are to be reimbursed from the proceeds of the Bonds (as hereinafter defined);

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA, that:

Section 1. The petition of taxpayers heretofore filed with this Board is hereby accepted. The Board determines that a need exists for the Project, that the Project cannot be completed if any funds available to the County, and that this Board shall proceed to take such steps as may be necessary to complete the Project, including: (1) the payment of all costs of the Building Corporation, if necessary; (2) the payment of all costs of the Project and all of the costs associated therewith by the Building Corporation and the County; and (3) the leasing of all or any portion of the Premises by the Building Corporation to the County as provided by Indiana Code 36-1-10, as amended, with a term not to exceed twenty (20) years from the date the Bonds (as defined herein) are issued; for an annual lease rental not to exceed \$4,950,000.

Section 2. It is hereby determined to be proper and in the public interest to approve the incorporation of the Building Corporation for the purpose of financing, constructing, renovating, expanding and equipping certain facilities and leasing the same to the County, including the Project.

Section 3. The Board hereby ratifies and approves the Articles of Incorporation of the Building Corporation, the Code of By-Laws of the Building Corporation and the appointment of Dan Hendrickson, Arie Pryor, and Michael Wilson to act as the current Directors of the Building Corporation and to serve the remainder of a term (unless the Director resigns, is removed or dies) of one year or until a successor is appointed and qualified.

Section 4. The Project is in the public interest of the citizens of the County and is a proper public purpose for which this Board agrees to cooperate with the Building Corporation and other agencies in fulfilling the requirements of all agencies, including the federal, state and city governments.

Section 5. Subject to the completion by the County of all proceedings required by law prior to entering into the Lease and the issuance of Bonds for the Project, the Building Corporation, being duly organized to conduct business, (a) may issue, sell and deliver its lease rental revenue bonds in one or more series (collectively, the "Bonds"), pursuant to the applicable laws of the State of Indiana, with a final maturity no later than twenty-years following the date of issuance of each series, and in an aggregate original principal amount not to exceed \$65,000,000 in connection with the Project (b) may encumber any real property or equipment acquired by it for the purpose of financing the Project and (c) may enter into contracts for the sale of the Bonds and the acquisition, construction, renovation, improvement and equipping of the Project.

Section 6. Upon the redemption or retirement of the Bonds to be issued by the Building Corporation in connection with the financing of the Project, the County will accept all or any portion of the Premises from the Building Corporation, as renovated and expanded, free and clear of all liens and encumbrances thereon, except as otherwise provided therein in the Lease.

Section 7. The County shall apply the proceeds received by the County from the sale of all or any portion of the Premises to the Building Corporation to the costs of all or any portion of the Project not funded by the Building Corporation.

Section 8. The terms and conditions of the proposed form of the Lease and the preliminary plans, drawings, specifications and cost estimates of the Project are hereby approved and agreed to as the basis for a hearing as required by law, and such hearing shall be held by this Board upon the necessity for the execution of the Lease, and whether the lease rental provided therein is a fair and reasonable rental for all or any portion of the Premises, prior to the final determination of such questions so that this Board may determine whether to execute the Lease as now written or as modified hereafter by agreement of the parties prior to execution, and the President of the Board is hereby authorized to call said hearing, at such date, time, and location, as determined by the President of the Board.

Section 9. Any member of the Board or officer or attorney of the County be, and hereby is, authorized pursuant to Indiana Code 36-1-10-11, to appoint appraisers (the "Appraisers") to determine the fair market value of the Premises, to the extent such appraisals have not already been obtained. Following the issuance of each series of the Bonds and upon receipt of cash in an amount not less than the amount fixed by the Appraisers as the fair market value of the Premises, the President of the Board be, and hereby is, authorized and directed, in the name and on behalf of the County, to execute and deliver one or more special warranty deeds conveying title to all or a portion of the Premises to the Building Corporation.

Section 10. The Board hereby declares its intent to reimburse expenditures for the Project with proceeds of the Bonds.




Section 11. Any officer of the County be, and hereby is, authorized, empowered and directed, on behalf of the County to publish notices of said public hearings or to take any other action as such officer deems necessary or desirable to effectuate the foregoing resolutions, and any such publication or other actions heretofore made or taken be, and hereby are, ratified and approved.

DMS 20971865.1

Section 12. This resolution takes effect upon passage, and all prior resolutions and parts of resolutions insofar as they may be in conflict with this Resolution are hereby rescinded.

Passed and adopted by the Board of Commissioners of Warrick County, Indiana on the 25 day of July, 2023.

BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA


Terry Phillippe, President

Robert Johnson, Vice President

Dan Saylor, Member

ATTEST:


Michael Dietsch, County Auditor

DMS 20971865.1

Lease for the Building Corporation is located on file in the Auditor's Office.