

BE IT REMEMBERED THE HENRY COUNTY COUNCIL OF HENRY COUNTY, INDIANA, met in the regular session in the Courthouse Circuit Courtroom, in the City of New Castle, Indiana, on Wednesday, April 27, 2016, at 3:30 P.M., with the following members present: Richard Bouslog, Michael Thalls, Harold Griffin, Robin Reno-Fleming, Steve Dugger, Clay Morgan, Patricia A. French, Auditor and Joel Harvey, County Attorney.

The meeting was opened with the invocation led by Mr. Morgan, followed with the Pledge to the Flag, led by Mrs. Fleming.

Mr. Bouslog introduced 7 New Castle High School government students shadowing Council members for the meeting: Tyler Broyles, Layni Becker, Hank Neal, Nicholas Taylor, Alex Smith, Trey Driver and Jordan May.

A motion was made by Mrs. Fleming and seconded by Mr. Morgan to approve the minutes from the previous meeting held March 23, 2016. Motion carried 5-0.

Missy Modisett updated the Council concerning upcoming events scheduled for the Chamber of Commerce including the Memorial Day Parade.

Corey Murphy, EDC Director, presented to Council for approval Resolution 2016-4, the final economic revitalization area resolution for Boar's Head Provisions Co., Inc., granting tax abatement at 100% for 10 years. Mr. Murphy stated Boar's Head was considering expansion and the tax abatement would be incentive for the company to expand in Henry County. Mr. Griffin stated he felt it was a good opportunity for more jobs in the County. A motion was made by Mrs. Fleming and seconded by Mr. Thalls to approve the resolution as presented. Motion carried 5-0.

RESOLUTION NO. 2016-04
COUNTY COUNCIL OF HENRY COUNTY, INDIANA
FINAL ECONOMIC REVITALIZATION AREA RESOLUTION
RECONFIRMING THE DESIGNATION OF AN ECONOMIC
REVITALIZATION AREA AND CONFIRMING GRANT OF
REAL AND PERSONAL PROPERTY TAX ABATEMENT
Boar's Head Provisions Co., Inc.

WHEREAS, I.C. 6-1.1-12.1 allows an abatement of real and personal property taxes attributable to "redevelopment or rehabilitation" activities in "Economic Revitalization Areas;" and

WHEREAS, I.C. 6-1.1-12.1 empowers the Henry County Council ("Council") to designate an economic revitalization area ("ERA") by following a procedure involving the adoption of a preliminary resolution, provision of public notice, conducting of a public hearing and adoption of a final resolution confirming the preliminary resolution or a modified version of the preliminary resolution; and

WHEREAS, Boar's Head Provisions Co., Inc., the applicant ("Boar's Head"), has an ownership interest in property in Henry County, Indiana, as shown on the project map attached hereto as Exhibit A (the "Subject Real Estate"), which currently undeveloped area is proposed for development with a state-of-the art distribution facility (the "Project"); and

WHEREAS, the Subject Real Estate, together with adjoining real estate owned by Boar's Head, is located within an area that was designated as an ERA on September 17, 2014, as Resolution No. 2014-03 for the purpose of achieving real and personal property tax abatements ("Prior Resolution"); and

WHEREAS, Boar's Head has submitted a Statement of Benefits (Form SB-1) to the Council in connection with the Project, and provided all information and documentation necessary for the Council to make an informed decision (collectively the "Statements"); and

WHEREAS, the Council fixed April 27, 2016, for a final public hearing for the receiving of remonstrances and objections from persons interested in whether the deduction in connection with the Project should be allowed based on the Statements; and

WHEREAS, proper legal notices were published indicating the substance of such public hearing and stating when and where such final hearing would be held; and 2

WHEREAS, at such final public hearing, evidence and testimony were considered by the Council; and

WHEREAS, the Council has considered the following factors under I.C. 6-1.1-12.1-17 in connection with the Project:

1. The total amount of Boar's Head's investment in real and personal property under the Project;
2. The number of new full-time equivalent jobs to be created under the Project;
3. The average wage of the new employees under the Project compared to the state minimum wage; and
4. The infrastructure requirements for the taxpayer's investment under the Project; (collectively, the "Deduction Schedule Factors").

NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED:

1. That the estimate of the value of the redevelopment or rehabilitation of the Subject Real Estate is reasonable for projects of that nature and the estimate of the cost of the new logistic equipment to be installed in connection with the proposed Project is reasonable for equipment of that type.

2. That the estimate of the number of individuals who will be employed or whose employment will be retained as a result of the proposed redevelopment or rehabilitation of the Subject Real Estate and the installation of the new logistics equipment can be reasonably expected to result from the proposed redevelopment or rehabilitation of the Subject Real Estate and the proposed installation of new logistics equipment.

3. That the estimate of annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed redevelopment or rehabilitation of the Subject Real Estate and the proposed installation of new logistics equipment.

4. That the benefits described in the Statements can reasonably be expected to result from the proposed redevelopment or rehabilitation of the Real Property and the proposed installation of new logistics equipment.
5. That the totality of benefits from the proposed redevelopment or rehabilitation of the Subject Real Estate is sufficient to justify an abatement schedule under I.C. 6-1.1- 12.1-17, including a ten-year real property tax deduction period and a ten-year personal property tax deduction schedule as specified herein.
6. That the Deduction Schedule Factors in connection with the Project justify granting the deduction schedule for both real and personal property under I.C. 6-1.1-12.1- 17 as specified herein.
7. The map of the Subject Real Estate in the form attached hereto as Exhibit A is part of the ERA.

NOW, THEREFORE, based on the foregoing, the Council, taking final action, further RESOLVES, FINDS AND DETERMINES:

1. That the Council has held a final public hearing for the purpose of receiving remonstrances and objections after public notice thereof, as required by law.
2. That all of the requirements for the tax abatement to be granted hereby based on the Statements have been met, and the foregoing findings are true and all information required to be submitted has been submitted in proper form.
3. That the Subject Real Estate is hereby re-designated as an ERA pursuant to the terms herein under I.C. 6-1.1-12.1-1 *et seq.* and such designation shall expire as to the Subject Real Estate as of the end of the 2028 assessment year.
4. That all prior actions of the Council as reflected herein are hereby confirmed herein, and Boar's Head (including its successors and assigns with respect to the Project) is hereby entitled to real property tax deductions under I.C. 6-1.1-12.1-4 for the proposed redevelopment or rehabilitation of the Real Property as part of the Project for a period of ten years and in accordance with the following abatement schedule under I.C. 6-1.1-12.1- 17, and personal property tax deductions under I.C. 6-1.1-12.1-4.5 for the proposed installation of new logistics equipment as part of the Project for a period of ten years, both in accordance with the following abatement schedule under I.C. 6-1.1-12.1-17 (all as in effect on the date hereof):

YEAR OF DEDUCTION	% ABATED
1	100%
2	100%
3	100%
4	100%
5	100%
6	100%
7	100%
8	100%
9	100%
10	100%

Joe Wiley, Highway Administrator, addressed the Council concerning Senate Bill #67, which allowed for a special distribution for road funding. Mr. Wiley stated according the law at least 75% needed to be used for infrastructure and the other 25% can be deposited into the Rainy Day fund, but if the whole amount is used for infrastructure the County would receive double the amount. Mr. Dugger, felt there was a need for the whole amount to be used on roads. Mr. Bouslog stated he felt the County needed to place 25% into the Rainy Day fund, to build the fund and also for the County credit rating. A motion was made by Mr. Dugger and seconded by Mr. Thalls to approve using 100% of the county's distribution for infrastructure. Motion carried 5-1, with Mr. Bouslog voting nay.

Joe Copeland, Highway Engineer, presented to Council a letter to INDOT committing a local match on a project for sign replacement. The local funds for this project will be paid by appropriations from Motor Vehicle Highway funds. A motion was made by Mr. Morgan and seconded by Mr. Dugger to sign and approve the match for the project. Motion carried 5-0.

Jeff Ray, Wilbur Wright Trails representative, asked the Council for their support to apply to INDOT for Phase 3 of the project. The application would include a financial commitment from the County for 20% of the total costs, approximately \$900,000 to \$1,000,000. Mrs. Fleming stated even though she feels like the trails are an asset for the County, the financial situation at this time would not allow the Council to commit to such a large amount. Mr. Thalls suggested applying to the Food & Beverage Committee for monies available. The Council was polled and all in attendance voted not to support the request at this time.

A motion was made by Mr. Thalls and seconded by Mr. Griffin to approve a transfer for the Sheriff's department, transferring a total of \$41,172 from Motor Vehicles into Courthouse Security (\$25,809), Uniforms (\$500) and Computer Upgrade (\$14,863). Motion carried 5-0.

A motion was made by Mrs. Fleming and seconded by Mr. Morgan to approve a transfer requested by the Auditor to transfer \$590 from Reclassification under the Council's budget into Office Supplies to pay for their new minute book binder. Motion carried 5-0.

A motion was made by Mr. Dugger and seconded by Mr. Thalls to approve spending \$35,000 from the LOIT Repair and Maintenance appropriation for Jail Door and Plumbing repairs. Motion carried 5-0.

Mr. Bouslog opened the Public Hearing discussion on the Flat Rock Wind Mill abatement.

Public Comments were made by: Jim McShurley, Jeff Pfaff, Dan Lamberson, Joel Magiera, Linda Wilkerson, Susan Huhn, Rick Conyers, Wes Hammond, Sharon Mullen, Vernon Sharrett, Kelly Wilson, Patsy Conyers, Karen Hallman, Margaret Sanders, Randy Howard, Susan Kuback, Junior Apple, David Herring, Martin Toby, Shawn Beaty, Diane Arthur, Gene Dickerson, Craig Armstrong, Frankie Zile, Sarah Waters, Lisa Herring, Dennis Greene, Ed Yanos, Nicolas Taylor, Jordan May, Lisa Hillman, Eric & Lynne Painter and Randall Morgan, attorney for Gary Roberts. Mr. Morgan presented the Council an official objection to the preliminary resolution designating approximately 21 square miles of property as an economic revitalization area and approving real property and personal property tax abatement for Flat Rock Wind, LLC.

Ed Yanos, Commissioner, opened the Commissioners advertised meeting beginning at 6:00 P.M. followed with a recess so the Council could continue with public input.

Mr. Bouslog recessed the Council meeting at approximately 6:15 P.M. and re-opened at 6:25 P.M. to continue with public input.

Corey Murphy, EDC Director, introduced Brenda Gunderson, representing Apex, to answer any questions. Mr. Murphy also stated this project had been ongoing for 6 years and Apex had invested over \$5,000,000 into the project. He was concerned if the project did not move forward it would shed a negative light on Henry County for any future development. Mr. Murphy stated the Council should pass the tax abatement resolution to be competitive. Mr. Yanos, Commissioner, was also concerned about the negativity for the County if the project did not move forward.

Mr. Murphy presented Resolution #2016-3 for tax abatement approval for Flat Rock Wind, LLC. Discussion was held with Mr. Dugger making a motion to approve the resolution as presented, stating they had spent over 3 years with the current project and public meetings had been held earlier for public comment, with minimal participation. Mrs. Fleming seconded the motion. Mr. Bouslog asked for a call vote. Council members voting yes were: Mr. Dugger, Mrs. Fleming, Mr. Thalls, Mr. Morgan and Mr. Bouslog. Voting no: Mr. Griffin. Motion passed 5-1.

RESOLUTION NO. #2016-3

**A RESOLUTION AFFIRMING PRELIMINARY RESOLUTION
DESIGNATING PROPERTY AS AN ECONOMIC REVITALIZATION AREA
AND APPROVING REAL PROPERTY AND PERSONAL PROPERTY TAX ABATEMENT
FOR FLAT ROCK WIND LLC**

WHEREAS, on March 23, 2016, the Henry County Council approved Resolution 2016-2, A Preliminary Resolution Designating Property as an Economic Revitalization Area and Approving Real Property and Personal Property Tax Abatement for Flat Rock Wind LLC (“Preliminary Resolution”); and,

WHEREAS, under the Preliminary Resolution, the Henry County Council preliminary approved the designation of an area consisting of approximately twenty-one (21) square miles with approximate boundaries of State Road 3 to the west, Interstate 70 to the north, South County Road 500 to the east and the boundary line with Rush and Fayette Counties to the south as an economic revitalization area; and,

WHEREAS, pursuant to Indiana Code §6-1.1-12.1-2.5, the Henry County Council is required to conduct a public hearing before making a final determination as to whether a parcel should be designated as an economic revitalization area; and,

WHEREAS, notice of the proposed hearing was published as required by Indiana law and notice of the passage of the Preliminary Resolution was provided to taxing authorities as required by law; and,

WHEREAS, the Henry County Council has conducted a public hearing on the designation of the above real estate as an economic revitalization area and has provided the opportunity for testimony both for and against the designation.

