

BE IT REMEMBERED THE HENRY COUNTY COUNCIL OF HENRY COUNTY, INDIANA, met at the Henry County Courthouse Circuit Courtroom, in the City of New Castle, Indiana on February 23, 2023 at 4:00 p.m. with the following members present: Kenon Gray, Susan Huhn, Kyle Allen, Mike Regner, Harold Griffin, Shannon Thom, Betsy Mills, County Auditor Debbie Walker and County Attorney Joel Harvey.

The meeting was opened with the Pledge led by Betsy Mills and a Prayer given by Kenon Gray.

A motion was made by Susan Huhn and seconded by Shannon Thom to approve the minutes of the January 26, 2023 meeting. Motion carried unanimously.

Steve Rust introduced Angie Gibson the new GIS Coordinator.

Shonda Kane gave a Chamber update.

Corey Murphy gave an update on the EDC. He presented an overview of the Food & Beverage Tax and what it has done for Henry County. He gave a list of all the projects that have been funded by the Food & Beverage Tax. There is legislation right now that is trying to sunset the Food & Beverage and he is asking all councilmen to contact our legislators along with Senator Leising to not vote for this bill. He also presented a handout on TIF overview with a list of the projects that have been funded by TIF. He also presented a list of plan amendments that the county Redevelopment Commission is proposing to do with a timetable in which those plan amendments get approved.

A motion was made by Betsy Mills and seconded by Shannon Thom to approve Resolution 2023-02-23-001, Preliminary Resolution Designating Property as an Economic Revitalization Area and Approving Real Property and Personal Property Tax Abatement for Legacy Feed LLC. Motion carried unanimously.

RESOLUTION NUMBER: 2023-02-23-001

**PRELIMINARY RESOLUTION DESIGNATING PROPERTY
AS AN ECONOMIC REVITALIZATION AREA AND APPROVING
REAL PROPERTY AND PERSONAL PROPERTY TAX ABATEMENT FOR
LEGACY FEED, LLC**

WHEREAS, Legacy Feed, LLC ("Company") is pursuing the expansion and improvement of an existing manufacturing facility in Henry County, Indiana (the "Project"); and

WHEREAS, the Company has filed a Statement of Benefits with the Henry County Council stating the real property redevelopment will cost Twelve Million Nine Hundred Seventy- Five Thousand Dollars (\$12,975,000.00) and to seek tax abatement for building improvements; and

WHEREAS, the Company has filed a Statement of Benefits with the Henry County Council stating its desire to install new equipment at a cost of Eight Million Twenty- Five Thousand Dollars (\$8,025,000.00) million and to seek tax abatement for the new equipment; and,

WHEREAS, the building and equipment will be located on property that is determined to be an economic revitalization area by the Henry County Council at its meeting held this date; and,

WHEREAS, the economic revitalization area consists of approximately 26 acres located at the real estate commonly known as 477 South County Road 600 East, Henry County, Indiana, and depicted on the attached map marked as Exhibit "A" ("Real Estate"); and

WHEREAS, the Henry County Council, at its meeting held this date, has been asked to make findings as a result of the filing of the Statement of Benefits.

NOW THEREFORE, BE IT RESOLVED that the Henry County Council makes the following findings based upon its review of the Statement of Benefits filed herein:

1. That the estimate of the value of the redevelopment or rehabilitation of the Real Estate is reasonable for projects of that nature and the estimate of the cost of the new equipment to be installed in connection with the Project is reasonable for projects of that type; and
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 Real Estate and the installation of the new equipment can reasonably be expected to result from the proposed redevelopment or rehabilitation of the Real Estate and the proposed installation of new manufacturing equipment; and
3. That the estimate of annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed redevelopment or rehabilitation of the Real Estate and the proposed installation of new equipment; and
4. The hiring of new employees and the additional economic capacity realized by Legacy Feed, LLC., should have a positive effect on the economy of Henry County by helping stabilize and improve employment; and
5. That the totality of benefits from the proposed redevelopment or rehabilitation of the Real Estate and the proposed installation of new equipment is sufficient to justify a real property tax deduction period and a personal property tax deduction schedule as set out herein.

6. The Real Estate constitutes an "Economic Revitalization Area" as that term is defined by Indiana Code § 6-1.1-12.1-2.5.

BE IT FURTHER RESOLVED, That the Company is entitled to real property tax deductions for the proposed redevelopment or rehabilitation of real property as part of the Project for a period of seven (7) years as allowed in Indiana Code § 6-1.1-12.1-4 (as in effect on the date hereof), in accordance with the following abatement schedule, hereby adopted pursuant to Indiana Code § 6-1.1-12.1-17 (as in effect on the date hereof):

YEAR OF DEDUCTION	% ABATED
1	100%
2	85%
3	71%
4	57%
5	43%
6	29%
7	14%

BE IT FURTHER RESOLVED, That the Company is entitled to personal property tax deductions for the proposed installation of manufacturing equipment, furnishings and I.T. equipment as part of the Project for a period of seven (7) years as allowed in Indiana Code § 6-1.112.1-4.5(c) (as in effect on the date hereof), in accordance with the following abatement schedule, hereby adopted pursuant to Indiana Code § 6-1.1-12.1-17 (as in effect on the date hereof):

YEAR OF DEDUCTION	% ABATED
1	100%
2	85%
3	71%
4	57%
5	43%
6	29%
7	14%

BE IT FURTHER RESOLVED that the Statement of Benefits submitted by the Company is hereby approved.

BE IT FURTHER RESOLVED that the approval of the tax abatement as herein approved is consistent with the objectives set forth in Indiana Code §6-1.1-12.1-1 *et seq.*

BE IT FURTHER RESOLVED that notice of the adoption and substance of this resolution and all other disclosures required by the Indiana Code §6-1.1-12.1-2.5 shall be duly published in accordance with Indiana Code §5-3-1, which notice shall state the date for a public hearing on this resolution; and that on said date, after hearing objections and remonstrance and considering evidence thereon, this Council will take final action determining whether the qualifications for an economic revitalization area have been met and confirming, modifying or rescinding this resolution.

BE IT FURTHER RESOLVED that a copy of the above-referenced notice and copy of the Statement of Benefits is included as an exhibit hereto and shall be filed with the officers of each taxing unit that has the authority to levy personal property taxes on the geographic area which is hereby designated as an economic revitalization area at least ten (10) days prior to the public hearing on this resolution.

ADOPTED BY THE HENRY COUNTY COUNCIL at its regularly scheduled meeting

this 23rd Day of February 2023

AYE

NAY

ATTEST:

County Auditor

Exhibit A



Parcel: 010-01716-00, 20 acres

Parcel: 010-01636-00, 6 acres

477 South C.R. 600 East, New Castle, IN 47362 in West Liberty Township
Henry County Indiana

A motion was made by Shannon Thom and seconded by Susan Huhn to accept the letter from the Henry County Sheriff for the use of the Commissary funds for 2023. Motion carried unanimously.

A motion was made by Mike Regner and seconded by Harold Griffin to accept the 2022 Annual PSAP Expenditure and Funding Data. Motion carried unanimously.

A motion was made by Betsy Mills and seconded by Harold Griffin to approve the Additional Appropriation of \$190,000 from Local Road and Street. Motion carried unanimously.

A motion was made by Shannon Thom and seconded by Mike Regner to approve the Additional Appropriation of \$188,886 from E-911. Motion carried unanimously.

A motion was made by Kyle Allen and seconded by Mike Regner to approve the Additional Appropriation of \$8,500 from County General for EMA. Motion carried unanimously.

A motion was made by Harold Griffin and seconded by Shannon Thom to approve the Additional Appropriation of \$45,000 from 1159 Health Fund. Motion carried unanimously.

A motion was made by Susan Huhn and seconded by Betsy Mills to approve Resolution 2023-02-23-002, A Resolution Approving the Transfer of Funds.

RESOLUTION NO. : 2023-02-23-002
A RESOLUTION APPROVING THE TRANSFER OF FUNDS

WHEREAS, Henry County has previously issued and sold General Obligation Bonds in the par amount of \$2,000,000.00 known as the 2016 General Obligation Bonds; and,

WHEREAS, the 2016 General Obligation Bonds have been paid and all projects for which the 2016 General Obligation Bonds were issued have been completed or funded; and,

WHEREAS, revenues generated from the Bond proceeds and revenue allocated to debt service for the 2016 General Obligation Bonds are unspent and have not been appropriated; and

WHEREAS, the remaining revenue from the Bond proceeds and amounts allocated to debt service, which total Twenty- Eight Thousand Three Hundred Eighty -Three Dollars and Seven Cents (\$28,383.07), should be transferred to the Rainy Day Fund.

NOW THEREFORE BE IT RESOLVED:

The sum of Twenty- Eight Thousand Three Hundred Eighty- Three Dollars and Seven Cents (\$28,383.07) shall be transferred from the fund(s) established for the 2016 General Obligation Bond proceeds and debt service to the Rainy Day Fund.

EFFECTIVE DATE: This Resolution shall become effective immediately upon adoption by the Henry County Council.

SEVERABILITY: Any provision contained in this ordinance, which is found by a court of competent jurisdiction to be unlawful or by operation of law, including subsequent legislative enactment, is rendered inapplicable, shall be omitted and the rest and remainder of this ordinance shall remain in full force and effect.

ADOPTED by the County Council of Henry County, Indiana this 23rd day of February, 2023, by a vote of 7 to 0.

Attest:

Debbie Walker, Auditor

The Commissioners have an offer on the Hope Building at 1426 Broad Street in the amount of \$145,000. Joel Harvey explained because the amount is over \$50,000 it takes the approval of the Council for the Commissioners to accept this bid. Betsy Mills asked who the building was being sold to and what was going into the building. Bobbi Plummer stated that a local business is purchasing it and they did not state what was going into the building. A motion was made by Kyle Allen and seconded by Mike Regner to approve the sale of the Hope Building. Motion carried unanimously.

Betsy Mills gave an update on the Job Classification meeting that was held today. The Auditor requested paying Stephanie Whitehead the difference between her current job as Payroll Clerk and the HR position which she is currently doing until a decision is made as to what to do with the HR position.

Joe Copeland asked for the Job Classification to approve two laborers at \$17.50 per hour and they will continue on and get their CDL's.

Rita Fisher asked that the about the park superintendent salary and house. The job classification committee voted to make the park superintendent classification as a PAT II, as she does not have a Bachelor's degree which is a requirement of the PAT III and no movement on her current salary and to have the house and all utilities as part of her compensation package. Susan Huhn explained that some thought the utilities should be separated out, but it was explained that was not possible as they have separate meters.

A motion was made by Shannon Thom and seconded by Susan Huhn to pay Stephanie Whitehead the difference in pay for doing the HR position along with her job as payroll deputy. Motion carried unanimously.

A motion was made by Betsy Mills and seconded by Susan Huhn to allow the Highway Department to hire two laborers at \$17.50 per hour. Motion carried unanimously.

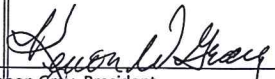
A motion was made by Shannon Thom and seconded to increase the park superintendent to a PAT II classification and for the house and utilities to be part of the compensation package. Motion carried 6/0, Kyle Allen voting nay.

Betsy Mills gave an update on EIRPC and they have a new director and she would like to come and meet with the council on March 15, 2023. Some could not attend and they will look at a different date.

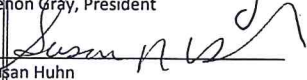
Kenon Gray gave an update on proposed 2023 legislation.

There will be a training session with the Assessor on March 1, 2023 at 3:30 p.m. and a work session March 2, 2023 at 4:00 p.m.

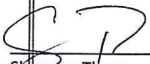
A motion was made by Shannon Thom and seconded by Kyle Allen to adjourn. Motion carried unanimously.



Kehon Gray, President



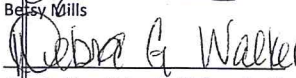
Susan Huhn



Shannon Thom



Betsy Mills



Attested by: Debra G. Walker, Auditor



Harold Griffin



Mike Regner



Kyle Allen