

ORIGINAL

DELAWARE COUNTY COUNCIL MEETING
July 23, 2013 9:00 a.m.
DELAWARE COUNTY COMMISSIONERS COURTROOM
www.co.delaware.in.us
CALL TO ORDER
PLEDGE TO FLAG
AGENDA POSTED ✓
ROLL CALL

Present; Councilman Alexander, Councilwoman Chambers, Councilman Jones, Councilman Matchett, Councilman Quakenbush, Councilman Spangler, President Nemyer, Attorney, Ms. Amanda Dunnuck, Auditor, Ms. Judy Rust

APPROVAL OF June 25, 2013 COUNCIL MINUTES

MOTION: Councilman Jones motioned to approve June 25, 2013 minutes.

SECOND: Councilman Spangler

Motion PASSED UNANIMOUSLY

APPROVAL OF July 2, 2013 EXECUTIVE MINUTES

MOTION: Councilman Jones motioned to approved Executive minutes.

SECOND: Councilwoman Chambers

Motion PASSED UNANIMOUSLY

ORDINANCES

**ORDINANCE COUNCIL AUTHORIZING THE COUNTY TO
ISSUE TAXABLE ECONOMIC DEVELOPMENT REVENUE
BONDS, SERIES 2013 (DD DANNAR, LLC, PROJECT), AND
APPROVING OTHER ACTIONS IN RESPECT THERETO
ORDINANCE 2013-012**

Mr. Terry Murphy, Vice President Economic Development, presented the final ordinance for DD Dannar. The incentive and financial package is to bring an alternative energy project that could create 475 jobs within Delaware County in the next five years. DD Dannar will produce mobile power vehicles.

Councilman Quakenbush asked about the agreement making reference of principle/interests being made directly to the Issuer (Delaware County Auditor's) office. The financing agreement states the County shall use its best effort to permit the bank to serve as the depository for the \$150,000 of the TIF revenues until final payment of bonds.

Mr. Tom Pitman, Barnes & Thornburg, said the loan will be paid in full February 1, 2014. Pitman said this is a forgivable loan. The company has committed to

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perform certain beneficial economic development actions in order to earn the forgiveness and if it does not earn the forgiveness it will be required to pay Delaware County back up to \$150,000.

Mr. Pitman said it is a problem in which the law is written. A loan cannot be direct and has to go through the bond process. It does not make good sense that the Redevelopment Commission cannot make a loan directly, however the TIF law does not allow it and it would be illegal for Delaware County to do it.

Councilman Quakenbush said by February 2014, bonds will be paid by the TIF funds that are already in the bank.

Mr. Pitman and Mr. Murphy said that is correct. The bond issue is being done to meet State requirements.

9:14 a.m.

Mr. Murphy said DD Dannar plans to be in operation by the end of the first quarter of 2014. The bonds will be sold and loaned to the company. There will be a draw on the loan, DD Dannar will provide invoices and paid from those.

Councilman Quakenbush asked Mr. Gary Dannar if he was prepared to pay the relocation fee back to SC Launch.

Mr. Gary Dannar said yes they would be prepared to pay them back, however, we have not received any indication that SC Launch is pursuing the relocation fee.

Councilman Quakenbush said he spoke to someone from SC Launch and they are expecting to get that money back. Quakenbush said there are investors on board for "x" amount of dollars. "You" took two years of their money to find investors but could not find any in South Carolina, but you came to Indiana and found investors. Can you explain this?

9:18 a.m.

Mr. Dannar said honestly he cannot explain why one state verses another could/could not find investors. The plan is to have enough funding to start the business without borrowing from government.

Councilman Jones said he and others had the opportunity to meet with principals of DD Dannar Corporation to ask questions, "we've" talked to local

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Mr. Glen Cleland, DD Dannar Investor, said this is the right product at the right time.

Councilman Matchett said Council understands anytime there is a new company/project that there is a risk. Matchett said they are willing to take a chance with DD Dannar.

9:40 p.m.

Ms. Sherry Riggin, Commissioner, is in support of DD Dannar. Ms. Riggin said the batteries used for the equipment are made in Indianapolis, IN.

Mr. Les Marsh, Muncie, Indiana, wondered why General Motors has not taken a look at the vehicle if there is such a huge market.

Councilman Spangler confirmed that this is a three part phase, \$150,000, remodeling \$500,000, and rent.

9:45 a.m.

Mr. Cary Malchow, Gaston, Indiana, is concerned about the background and history of DD Dannar. Malchow is concerned that monies are going toward furniture and video conference system. Malchow asked questions about the agreement, bonds, forgivable loans, TIF, collateral, tax dollars and wage of employees.

Councilman Quakenbush said the technology in the equipment is no different than the technology in General Motors electromotive train, which is now, Progress Rail. It is a reconfiguration of technology that has been around for 50 years. Councilman Quakenbush quoted a recent article about the eruption of Mount Pinatubo and said some of the things that are being looked at as merit, "in my opinion, it may be a wonderful vehicle, but I don't think the reasons it is being presented are holy fallible."

Mr. Alan Austin, CFO of DD Danner, said the project is too small for Caterpillar, General Motors.

President Nemyer asked for a vote.

YEAS; Councilman Jones, Councilman Matchett, Councilman Spangler, Councilman Alexander, Councilwoman Chambers, President Nemyer

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NAYES; Councilman Quakenbush

RESOLUTIONS
A RESOLUTION OF THE DELAWARE COUNTY COUNCIL
APPROVING THE ISSUANCE OF BONDS OF THE
DELAWARE COUNTY REDEVELOPMENT COMMISSION,
AND RELATED MATTERS
RESOLUTION 2013-015

10:00 a.m.-10:09 a.m.

Mr. Brad Bookout, Assistant Director Business Development, presented the Bell Perch Economic Development known as the "Road to Bell".

Map is available in the Auditor's Office.

MOTION: Councilman Quakenbush motioned to approved Resolution 2013-015, approving the Issuance of Bonds of Redevelopment Commission for the new road.

SECOND: Councilman Jones
Motion PASSED UNANIMOUSLY

RESOLUTION NO. *2013-015*
A RESOLUTION OF THE DELAWARE COUNTY COUNCIL APPROVING THE
ISSUANCE OF BONDS OF THE DELAWARE COUNTY REDEVELOPMENT
COMMISSION, AND RELATED MATTERS

WHEREAS, the Delaware County Redevelopment Commission (the "Commission") contemplates the issuance of bonds, in one or more series, in an aggregate principal amount not to exceed One Million Two Hundred Seventy-Five Thousand Dollars (\$1,275,000) (the "Bonds") to finance the construction, acquisition, renovation, installation and equipping of road improvements in or serving the Bell Perch Economic Development Allocation Area (the "Allocation Area"), together with related expenses (collectively, the "Project"); and

WHEREAS, the Delaware County Council (the "County Council"), as the fiscal body of Delaware County, Indiana, now desires to approve the issuance of the Bonds, which Bonds shall be payable from tax increment revenues generated by the Allocation Area (the "Tax Increment Revenues") and, to the extent necessary, from county economic development income tax revenues of the County (the "EDIT Revenues") pledged by the County to the Commission for such purpose, to the extent the Tax Increment Revenues are insufficient for such purpose;

NOW THEREFORE, BE IT RESOLVED BY THE DELAWARE COUNTY COUNCIL AS FOLLOWS:

1. The County Council hereby approves the issuance of the Bonds, in an aggregate principal amount not to exceed One Million Two Hundred Seventy-Five Thousand Dollars (\$1,275,000), to finance the costs of the Project and to pay all incidental expenses incurred in connection therewith, including the costs of issuance of the Bonds.

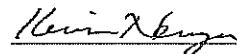
2. The County Council hereby approves the pledge of the EDIT Revenues to the repayment of the Bonds, in the event that the Tax Increment Revenues are insufficient for such purpose.

3. The proper officers of the County are hereby authorized and directed, for and on behalf of the County, to execute and deliver any contract, agreement, certificate, instrument or other document and to take any action as such person determines to be necessary or appropriate to accomplish the purposes of this Resolution, such determination to be conclusively evidenced by such person's execution of such contract, agreement, certificate, instrument or other document or such person's taking of such action.

3. This Resolution shall be in full force and effect from and after its passage.

Adopted this 23 day of July, 2013.

DELAWARE COUNTY COUNCIL



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<p>WHEREAS: It has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget;</p>		
<p>SECTION 1. THEREFORE: Be it ordained by the County Council of Delaware County, Indiana, that for the expenses of said municipal corporation for the following additional sums of money are hereby appropriated and ordered set apart out of the several funds for the purposes herein specified subject to the laws governing the same.</p>		
<p>TRANSFER AGENDA FOR THE DELAWARE COUNTY COUNCIL 7/23/2013</p>		
<p>COUNTY GENERAL</p>		
<p>JAIL 145</p>		
<p>PERSONAL SERVICES</p>		
<p>Salaries and Wages</p>		
A 124/145 Correctional Officer	-12678.43	-12678.43
B 124/145 Correctional Officer	12678.43	12678.43
TOTAL	0.00	0
<p>PUBLIC DEFENDER'S OFFICE, DEPARTMENT 139</p>		
<p>PERSONAL SERVICES</p>		
<p>Salaries and Wages</p>		
154 L. Ross Rowland	-14905.00	-14905.00
154A New Hire	14905.00	14905.00
TOTAL	0.00	0
<p>JUSTICE CENTER 124 Communications 124</p>		
<p>PERSONAL SERVICES</p>		
124/128 part-time	20000.00	20,000
124/173 Health Insurance	-20000.00	-20,000
TOTAL	0.00	0
<p>COMMISSIONERS 153</p>		
<p>PERSONAL SERVICES</p>		
<p>Salaries and Wages</p>		
119 County Bldg Custodian	-18692.40	-18,692.40
128 Part-time	18692.40	18,692.40
TOTAL	0.00	0
<p>EMERGENCY MEDICAL SERVICES</p>		
<p>PERSONAL SERVICES</p>		
<p>Salaries and Wages</p>		
130 EMT	-15129.00	-15,129.00
130 A EMT	15129.00	15,129.00
TOTAL	0.00	0
<p>OTHER</p>		
<p>ENGINEER 1135</p>		
<p>PERSONAL SERVICES</p>		
<p>Salaries and Wages</p>		
106 Staff Assistant	-16771.00	-16,771.00
A106 Staff Assistant	16771.00	16,771.00
TOTAL	0.00	0

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WHEREAS: It has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget:		ORIGINAL	
SECTION 1, THEREFORE: Be it ordained by the County Council of Delaware County, Indiana, that for the expenses of said municipal corporation for the following additional sums of money are hereby appropriated and ordered set apart out of the several funds for the purposes herein specified subject to the laws governing the same.			
addendum 7/23/2013			
EMERGENCY MEDICAL SERVICE			
PERSONAL SERVICES			
Salaries and Wages			
181 Paramedic	-20798.63	-40798.63	
181A Paramedic	20798.63	20798.63	
TOTAL	0.00		
President Nemyer	<i>[Signature]</i>		
Vice-President Jones	<i>[Signature]</i>		
Councilman Alexander	<i>[Signature]</i>		
Councilwoman Chambers	<i>[Signature]</i>		
Councilman Matchett	<i>[Signature]</i>		
Councilman Quakenbush	<i>[Signature]</i>		
Councilman Spangler	<i>[Signature]</i>		
Auditor Rust	<i>[Signature]</i>		

President Nemyer said with the delay of the Affordable Healthcare Act, Council would revert to the previous limit of part-time hours.

Ms. Dunnuck presented the changes on the part-time hour Ordinance, 2013-013.

MOTION: Councilman Matchett motioned to introduce Ordinance 2013-013, Repealing Ordinance 2013-05.

SECOND: Councilman Quakenbush

Councilman Alexander cautioned against repealing the ordinance, because it does save some money and gives a trial run.

Ms. Dunnuck said some part-time employees require a special skill set and this will not be found at 24 hours or \$8.00 per hour.

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Councilman Quakenbush said from what he has read, there are a lot of municipalities that were/are effected by the 30 hour ruling, not just Delaware County. Quakenbush said it is a coin flip coming out of Washington.

Councilman Alexander said it is on its way. At the insurance presentation they urged everyone to get prepared.

Ms. Pattie Lackey, Commissioners Office Manager, said the Commissioners Department have lost five going from full-time to part-time, then hours were cut. At Finance Committee "we" were excited, hoping to get our hours back. "So, what you are saying is "you'd rather us hire two part-time people for "my" Secretary's spot instead of having one-part-time to keep continuity and to make sure everything is done correctly.

Councilman Quakenbush said he does not agree with that.

Ms. Lackey said that is what she is hearing. "We were hoping that the ordinance would get passed and start our part-time people back up to 32.5 as of Thursday."

Councilman Alexander said he does not doubt that the ordinance will get passed but this is a chance for a trial run before penalties come into play. This is a concern. Part-time people are going to get their work done moving forward in 29 hours.

Mr. Josh Williams, Health Department, said this would help if the ordinance was passed to adjust to budget/shortfalls.

10:55 a.m.

Ms. Dunnuck said the ordinance would not be re-drafted but go to prior ordinance.

Ms. Larson asked for clarification. If the department works 40 hours, the part-time can work up to 39 hours. "We work 32.5, so part-time can only work 32?" "You have to be under what we consider full-time because of the insurance.

Ms. Dunnuck said 2013-05 will be nonexistent and Delaware County is going to be governed by the 4-tier ordinance that covers 40, 32.5 and three or four pay grades.

Motion PASSED UNAMIOUSLY

MOTION: Councilman Quakenbush motioned to suspend the rules of second reading for Ordinance 2013-013.

SECOND: Councilman Matchett

Motion PASSED UNAMIOUSLY

MOTION: Councilwoman Chambers motioned to approve Ordinance 2013-013.

SECOND: Councilman Matchett

Motion PASSED UNAMIOUSLY

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ORDINANCE NO 2013-013
AN ORDINANCE REPEALING ORDINANCE NO. 2013-15

ORIGINAL

WHEREAS, the Delaware County Council, on the 26 day of March, 2013, did adopt ordinance no. 2013-15 amending the hours available for part-time employees to work; and

WHEREAS, the Delaware County Council did so in an effort to comply with the requirements of the Affordable Health Care Act, which was to take effect in the year 2014; and

WHEREAS, these specific provisions of the Affordable Health Care Act are now not going into effect until the year 2015; and

WHEREAS, it is the intent to repeal Ordinance No 2013-15 and put into place Ordinance No's. 2011-20 and 2011-36a, as they were prior to Ordinance No. 2013-15.

THEREFORE BE IT ORDAINED, by the County Council of Delaware County, State of Indiana as follows:

1. That Ordinance No 2013-15 shall be repealed and shall have no force and effect.
2. That the issue of part-time hours shall be governed by the ordinances that are still in effect.
3. This Ordinance shall be effective when adopted by the Delaware County Council. on 25th day July, 2013.


ADOPTED THIS THE 23 DAY OF July, 2013.


Mike Jones, Council Member

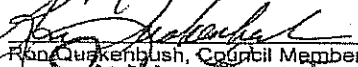

Rick Spangler, Council Member

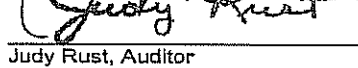

Chris Matchett, Council Member


Kevin Nemyer, Council President


Scott Alexander, Council Member


Mary Chambers, Council Member


Ron Quakenbush, Council Member


Judy Rust, Auditor

MOTION: Councilwoman Chambers motioned to amend the approved Ordinance 2013-013, to reflect the effective date being July 25, 2013.

SECOND: Councilman Matchett

Motion PASSED UNANIMOUSLY

**NEW BUSINESS
STATUS OF MANDATE**

Ms. Dunnuck said Mr. Mark Cradley, Barnes & Thornburg, had sent the draft of the written settlement to the Judges Attorney. A meeting will be scheduled or it will take place at the August 2013 Council meeting.

Mr. James Carmichael, Assessor, said there will not be enough funding regarding Indiana code 6-1.1-4-27.5. (See below).

James D. Carmichael
100 W. Main RM 101
Muncie, IN. 47305
OFFICE 765-747-7710 / FAX 765-747-7762
jcarmichael@co.delaware.in.us

Date: July 1, 2013

To: Delaware County Council Members

From: James D. Carmichael, County Assessor

Sub: Official Petition

Due to the State of Indiana ordering general reassessment back to back, there will not be enough funding to start let alone finish another reassessment.

As per Indiana code 6-1.1-4-27.5 Version b, effective 1-1-2013. With respect to a reassessment of real property, under a county's reassessment plan which was submitted to the DLGF March of this year, it is necessary to increase the levy 1.5 cents in order to pay for expenses of the 2014-2018

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budgeted reassessment of real property. Otherwise the funding will need to be pulled from other sources such as the general fund.

The levy has been affected greatly by a few issues. The first in September of 2000, The County Assessor and agreed to lower the levy to help the Council free up additional monies for the year. This was done because the reassessment was delayed for one year thus the funds were not needed. A problem arose the following year when the Council did not reinstate the levy as promised. The levy at the time was \$.04 and was reduced to \$.01. (A copy of the document with clear instructions to the Council in 2000 is attached.)

Over past budget cycles I have urged Council to reinstate at least part of the levy to cover expenses. Those requests were ignored and now you are charged with cleaning up the error.

The second issue is the tax caps and Delaware County's extremely high cap percentage which deducts about one fourth of the levied amount each year on top of the reduced levy amount.

A combination of the two issues coupled with falling gross assessed values, created a complete drainage of the fund. Spending on reassessment activity is down over one million dollars over the last decade due to the fact there are no Township Assessors and the consolidation of those 29 positions to one central location. It did help extend the inevitable but it was not enough. The reduction of the levy in between 2001 and 2008 cost the levy 2.6 million in revenue. If that revenue was intact today, this would not be an issue. State ordered reassessments, using their rules and guidelines, are not and cannot be done on the cheap. They are very labor intensive and expensive programs which are monitored on a monthly basis.

I have reviewed 14 larger counties and have discovered that 12 will not have enough levy money to complete back to back general reassessments. Some will not be able to start. In comparison, Delaware County in 2014 will have a staff equal to a county of 38-45,000 parcels. Delaware County has

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60,000 parcels. Other similar sized counties have 14-16 full and 6-8 part time and still have contractual services. Delaware will have 9 full and 3 part times with contractual services and we will still out perform those counties.

This is a statewide issue and neither of us is at fault.

It is now necessary to increase the levy by 1.5 cents to a total of 2.5 cents to cover the expenses of a newly ordered reassessment. This request is still nearly 40% less than the 2000 levy.

In the event this petition is denied by the fiscal body, the petition will be forwarded to the department for review and determination under the above code.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Carmichael", is centered below the word "Sincerely,". The signature is written in a cursive, flowing style.

James D. Carmichael
Delaware County Assessor

7/23/2013

Date: Sept. 18, 2000

To: State Board of Tax Commissioners

From: James Carmichael, Delaware County Assessor

Jane Lasater, Delaware County Auditor

Subj: Tax Levy, Reassessment.

On September 12, 2000, The Delaware County Council requested a reduction of .03 cents or an amount allowable to be taken from the 2001 reassessment levy, extending from January 2001 to December 2001 only.

We are currently estimating that \$375,000 of the budgeted amount will be returned to the reassessment fund after this year and an additional 1.1M. next year.

We thank you in advance for any assistance you can provide.

Jane Lasater, County Auditor

James D. Carmichael, County Assessor

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Ms. Judy Rust, Auditor, said she wanted to pay \$2,256. from salary adjustment line item. This request was withdrawn from Financial agenda under "Sheriff 129.

MOTION: Councilman Quakenbush motioned to approve the Council salary adjustment of \$2,256.

SECOND: Councilwoman Chambers
Motion PASSED UNANIMOUSLY

Councilman Alexander said he will send Council information on AIC.

Ms. Lackey thanked Council for passing the ordinance regarding part-time hours.

ADJOURN

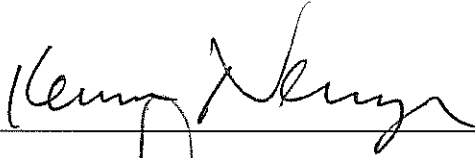
MOTION: Councilman Quakenbush motioned to approve the Council salary adjustment of \$2,256.

SECOND: Councilman Matchett

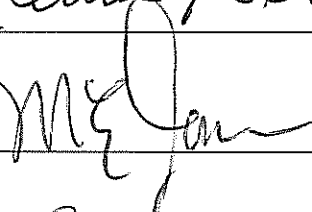
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Motion PASSED UNANIMOUSLY

President Nemyer



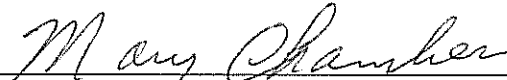
Vice President Jones



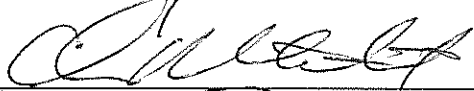
Councilman Alexander



Councilwoman Chambers



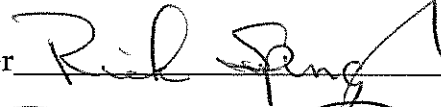
Councilman Matchett



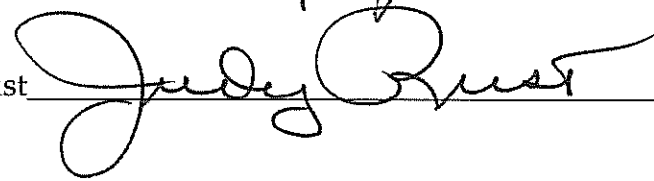
Councilman Quakenbush



Councilman Spangler



Attest, Auditor Rust



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