

**DELAWARE COUNTY COMMISSIONER'S MEETING
MONDAY, JULY 18, 2016 @ 9:00 A.M.
ROOM 309 A, 100 WEST MAIN STREET
MUNCIE, IN 47305
CALL TO ORDER
PLEDGE TO FLAG
ROLL CALL**

ORIGINAL

Mr. Shannon Henry
Mr. James King
Ms. Sherry Riggin
Auditor, Steven G Craycraft
Attorney, Mr. John Brooke

**PUBLIC HEARING
APPLICATION FOR ASSIGNMENT OF TAX SALE CERTIFICATES
TO A NONPROFIT CORPORATION
2000 BLK. N SHIREY RD – ONE ACCORD TABERNACLE CHURCH**

Reverend Eugene McComas and Betty McComas, representing One Accord Tabernacle Church are interested in the vacant lot that joins the church property. Mr. McComas is the Reverend at the church and said they are willing to maintain and mow the lot and clean the area.

No one spoke for or against the request.

MOTION: Commissioner King made a motion to close the public hearing.

SECOND: Commissioner Riggin

MOTION PASSED UNANIMOUSLY

**TABLED BUSINESS
Letter of Intent
Agreement for Property Exchange
Delaware County Commissioners
Muncie Sanitary District**

Remained tabled.

APPROVAL OF MINUTES

MOTION: Commissioner Riggin said the Commissioners own the lot in Gaston, Indiana and town of Gaston want to develop it. Riggin made a motion to approve, with changes.

SECOND: Commissioner King

MOTION PASSED UNANIMOUSLY

**CONTRACTS OR AGREEMENTS FOR APPROVAL
RAIL SPUR LOADING FACILITY ENGINEERING PROPOSAL**

Mr. Brad Bookout, Delaware County Economic Development, presented the CHA Engineering proposal. A loading dock is being built to get the railroad spur up and running. Bookout has worked with Good Industries and three potential companies in Delaware County interested in shipping the rail spur. Engineering needs completed for Trans loading. CHA formally RW Armstrong was original engineering company. They have offered to do a supplemental scope of services for \$67,700. Total cost of building loading/unloading platform is estimated at \$405,000 but nothing is designed as of date, so nothing can be sent out to bid. As reported in the Muncie newspaper, Brevini will be making a pay back in 2017 to Delaware County and EDIT could be reimbursed. This plan is in the EDIT plan. This spur could be available to those companies who would like to ship by a spur.

Companies would need to pay for loading and unloading of the goods and bringing the train cars to the facility. Commissioner Riffin said she had not heard what it would cost but it would pay for itself in a few years.

MOTION: Commissioner King made motion to approve the agreement with CHA Engineering.

SECOND: Commissioner Riffin

MOTION PASSED UNANIMOUSLY

ORIGINAL

CHA

Date: February 14, 2016
 PROJECT No. 20088130-X46952
 Extra Work No. 4

EXTRA WORK AUTHORIZATION

In accordance with the written Contract dated December 1, 2008 between the parties designated below for:

THE PROJECT: Park One Rail Spur
THE CLIENT: Delaware County

hereby authorizes the Engineer to proceed with additional services as follows:

SCOPE OF SERVICES

Additional scope of services is required to complete the survey, design, and permitting. These supplemental services are described in more detail within Section 2, 3, 4, 7, and 8 included in Exhibit A.

- Section 2: Topographical Survey
- Section 3 & 4: Concept and Final Design
- Section 7: Environmental Compliance and Permits
- Section 8: Abstracting and Right of Way Engineering

SCHEDULE

Schedule is included in Exhibit B.

FEE

For additional services performed under this Supplemental Contract No. 4, the CONSULTANT shall receive a not-to-exceed fee increase of \$67,700 in accordance with the schedule included in Exhibit C.

The CONSULTANT shall receive as payment for the work performed under this Agreement the total fee not-to-exceed \$1,024,650 unless a modification of the Agreement is approved in writing by the OWNER.

ADDITIONAL EXHIBITS

Exhibit D: Information supplied by OWNER
 Exhibit E: Proposal Graphic Plan

Upon return of a fully-executed authorization, this Supplement shall become a part of the Agreement identified above.

APPROVED BY: CHA CONSULTING, INC	APPROVED BY: DELAWARE COUNTY
NAME: David A. Henkel	NAME:
SIGNATURE: <i>David A. Henkel</i>	SIGNATURE: <i>[Signature]</i>
TITLE: Vice President	TITLE:
DATE: 7/22/16	DATE:

MICROVOTE GENERAL CORPORATION

Mr. Mike King, County Clerk, asked on behalf of the Election Board that the contract be tabled until the next Commissioners meeting. The State Election meeting is on July 27, 2016 and they may have to add a part to the contract.

MOTION: Commissioner Riggins made a motion to table the Microvote General Corporation contract until the August 1, 2016 Commissioners meeting.

SECOND: Commissioner King

MOTION PASSED UNANIMOUSLY

**LEASE WITH OPTION TO PURCHASE AGREEMENT; FIVE (5) 2017 FORD EXPLORERS
W/ACCESSORIES THAT COUNTY COUNCIL WILL PURCHASE**

Mr. John Brooke, County Attorney, reviewed the lease agreement for five Ford Explorers.

MOTION: Commissioner Riggins made a motion to approve the lease agreement for the Sheriff's Department for Five (5) Ford Explorers. The Ford Explorers will be leased by Dellen Ford.

SECOND: Commissioner King

MOTION PASSED UNANIMOUSLY

The lease agreement can be found in the Auditors office.

EXHIBIT A - DESCRIPTION OF EQUIPMENT

RE: Lease with Option to Purchase Agreement dated as of July 11, 2016, between Municipal Capital Finance (Lessor) and Delaware County (Lessee)

Below is a detailed description of all the items of Equipment including quantity, model number and serial number where applicable:

Quantity	Serial Number	Type, Make, Model
6		2017 Ford Explorers w/ Accessories

EQUIPMENT LOCATION Complete only if equipment will not be located at Lessee's address

Address	City	State
County		

EXHIBIT B - SCHEDULE OF PAYMENTS

PAYMENT NUMBER	PAYMENT DATE	PRINCIPAL COMPONENT	INTEREST COMPONENT	PAYMENT AMOUNT	OPTION PURCHASE PRICE
1	12/15/2016	24,758.61	3,216.39	27,975.00	*
2	06/15/2017	24,644.03	3,330.97	27,975.00	*
3	12/15/2017	25,170.29	2,804.71	27,975.00	109,157.48
4	06/15/2018	25,707.78	2,267.22	27,975.00	82,274.05
5	12/15/2018	26,256.75	1,718.25	27,975.00	55,121.79
6	06/15/2019	26,817.44	1,157.56	27,975.00	27,698.01
7	12/15/2019	27,390.10	584.90	27,975.00	0.00

BY: 

TITLE: Commissioner Pres.

DATE: 7/19/18

Lease agreement is in Auditor's office

**RESOLUTIONS FOR APPROVAL
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DELAWARE,
INDIANA, MAKING A FINAL
DETERMINATION OF THE TAX SALE CERTIFICATE TO BE ASSIGNED TO A
NONPROFIT CORPORATION #8
RESOLUTION 2016-039**

MOTION: Commissioner Riggin made a motion to approve Resolution 2016-039, Determination of the Tax Sale Certificate to be assigned to a Nonprofit Corporation #8.

SECOND: Commissioner King

MOTION PASSED UNANIMOUSLY

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Ms. Janet Kesler, Tax Sale Clerk, said a public hearing/legal notice will be in the newspaper. Title search and notifications will be the responsibility of the One Accord Tabernacle Church. Ms. Kesler said they have hired a lawyer.

RESOLUTION 2016-039

ORIGINAL

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DELAWARE, INDIANA, MAKING A FINAL DETERMINATION OF THE TAX SALE CERTIFICATE TO BE ASSIGNED TO A NONPROFIT CORPORATION #8

WHEREAS, Indiana Code 6-1.1-24-17 sets out the procedures for assigning tax sale certificates to a nonprofit corporation.

WHEREAS, a public hearing was held before the Commissioners pursuant to proper notice published by the Auditor; and

WHEREAS, there are one parcel in Delaware County that have been in one or more tax sales and have taxes that are severely delinquent. This parcel was offered to a nonprofit corporation that filed an application requesting same. The parcel is identified as:


18-11-01-351-008-000-003
2000 Blk. N Shirey Rd
Cert #181500144
Del. Taxes \$442.18


NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, Indiana that:

Section One. The Delaware County Board of Commissioners is hereby making a final determination of the tax sale certificates that the Board desires to assign to a nonprofit entity. Said tax sale certificate is described above.

Section Two. The Delaware County Board of Commissioners hereby assigns the tax sale certificate described above to **ONE ACCORD TABERNACLE CHURCH**.

Passed and adopted by the Commissioners on the 18 day of July, 2016.


Shannon Henry, President


Sherry Riggan, Member


James King, Vice-President

ATTEST 
Steve Craycraft, Auditor

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DELAWARE,
INDIANA, APPROVING AN
AMENDMENT TO THE PLAN FOR THE NEBO ROAD ECONOMIC DEVELOPMENT AREA
RESOLUTION 2016-040**

Mr. Tom Pittman, Barnes & Thornburg said the presented resolution would be for removal of a Delaware County parcel from Nebo Road Tax Increment Fund (TIF) and to provide an incentive for Dellen Ford by creating the parcel into the city TIF. Delaware County Redevelopment Commission and Plan Commission have approved the action plan. The city Redeveloping Commission and Plan Commission have approved establishing the same parcel for the city. By the city creating this as a TIF district, the term would be longer than what the county currently can have under state law. Ms. Loren Matthes of Umbaugh, recommended the process to be most efficient, to provide the incentive and to isolate the one parcel.

Commissioner King confirmed that this parcel would be removed from the county and moved to the city.

Mr. Pittman said the county have 12 years left for the parcel and the city would have 25 years. Dellen would be the first source of repayment of incentive but their obligation would be offset by development.

Commissioner Riggins said she did not know anything about this until she received it in her meeting packet.

President Henry asked about the plan for drainage issues.

Mr. Nick Dellen, said the pond is close to the stop light and it will be moved to the other side of the property, currently they are working with HWC.

Mr. Brooke said the county could extend out of the TIF, based on the bonds.

Mr. Pittman said that was not under the current law. That law expired on July 1, 2015.

Mr. Todd Donati, Muncie Redevelopment Commission said there is a plan in place that will allow better and improved drainage going in the southeasterly direction. The plan is not completed and is in the design stage. This will benefit any future growth on the 38 acres; Dellen will be using 12 acres and the pond 5 or 6 acres leaving 15 or 16 acres for development. The city could have partnered with the county like the American Chevrolet site, going through the steps, city and county each get 50% and making the pledges to make this work. Extension of time and also if there is a revenue source in the TIF area, the banks want to tie into the source. This removes that option and makes it self-contained on a single allocation area. The county has revenue coming in through Toyota and Benson Motorcycles. This was approved through City Council not to exceed 25 years with a bond of \$2.3 million; the road is projected to come in at \$2.7 million. Dellen will pay any difference, interest rate is being decided. This is an auto mall that will attract in and out of town purchasers allowing future developments such as restaurants and hotels. The old Hyundai has been sold and Dellen Ford has interested parties looking at the eastside building. Kmart is in the flood zone and difficult to purchase because it is limited amount of revenue to spend on renovations. The new development will bring 25-30 new

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full-time jobs and local subcontractors will be hired. Interest rate will be 4.5-6.5 rates. Photos and layouts of the buildings are available.

Commissioner King asked how much revenue Nebo TIF would be losing.

Mr. Donati said right now, based on revenue sources, \$200,000 year, but Donati said “you are not losing anything. You are either committed or nothing will go there.” A road would be developed like it was on the opposite side and it creates development and takes care of infrastructure for the future.

Commissioner King said he does not understand why it could not go through with the county since it was already created as a TIF district.

Mr. Pittman said at the time, Nebo Road TIF was created it was completely in the county. Since then TIF is completely in the city’s district. Indiana law thinks this is more of a city TIF district than the county because the county could not create a TIF district at the location now. The idea at first was to ask for a bond issue through Delaware County Redevelopment and move forward with the plan. Then we thought, the life of the TIF was 12 years, why not extend the life of the Delaware County parcel TIF. Indiana law does not allow this. Do we have enough TIF stream, based on the rest of the life of the parcel, in the hands of Delaware County to provide the level of incentives. We did not unless we through in TIF with other parcels, which no one wanted to do. Indiana law does allow the city to create a new 25 year life TIF district. This cannot be done unless Delaware County lets go of the parcel. Delaware County could never bond against that parcel without the cities approval.

Commissioner Riggins welcome Dellen and said she liked the idea of auto mall. Riggins said she would have liked to see the information sooner.

Mr. Donati apologized too and had explained to the consultant to get the information to the Commissioners.

Commissioner King only received the resolution. Nothing about the drainage was given to the Commissioners. Will the lines be tied into Yorktown or Muncie Sanitary?

Mr. Donati said at this time Muncie Sanitary which will allow future the development in future infrastructure. This will be costly and it is in review at this time. Also they could go across to the gravity flow drain on Nebo Road and hook into Yorktown. A meeting will take place regarding this matter.

Commissioner King thought there had been an agreement with the city and Yorktown if development took place then there would be a tie in.

Donati said only at the time for American Chevrolet, due to needing to go through a property at that time. The gravity flow is to service 60 acres.

Commissioner Riggins said that the city would need to face the facts that they should have been out there years ago.

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Mr. Donati said a lot of monies has been spent on the entrance and this will look nice.

Commissioner King said one of the reasons the Redevelopment Commission gave the property to the city is because it was inside the limits of the city.

Mr. Donati said it was not given to the city. It was originally in the county but now in the city. This is effective way to remove the parcel and allow the city to move forward.

Mr. Pittman said this will not cost the county or Redevelopment Commission and is a positive.

MOTION: Commissioner Riggan made a motion to approve Resolution 2016-040 of the Board of Commissioners of the County of Delaware, Indiana, Approving an Amendment to the Plan for the Nebo Road Economic Development Area.

Commissioner King would like to know the cost with bonding and drainage issues.

Mr. Donati said he would bring the drainage plan to the Drainage Board.

SECOND: Commissioner King said he would have liked to have more information but for Mr. Dellen and his business he is saying "yes." King said he has a hard time moving a business from one side to another.

MOTION PASSED UNANIMOUSLY

ORIGINAL

RESOLUTION NO. 2016-040

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF
DELAWARE, INDIANA, APPROVING AN AMENDMENT TO THE PLAN FOR THE NEBO
ROAD ECONOMIC DEVELOPMENT AREA**

WHEREAS, the Delaware County Redevelopment Commission (the "Redevelopment Commission") previously adopted and amended a Declaratory Resolution (the "Declaratory Resolution") establishing the Nebo Road Economic Development Area (the "Economic Development Area") and the Nebo Road Allocation Area No. 2 (the "Allocation Area") in the County, and approving an Economic Development Plan for the Economic Development Area (the "Plan"); and

WHEREAS, on July 14, 2016, the Redevelopment Commission approved and adopted a Resolution (the "2016 Resolution") amending the Declaratory Resolution to remove certain property from the Economic Development Area and the Allocation Area; and

WHEREAS, the Redevelopment Commission submitted the 2016 Resolution to the Delaware-Muncie Metropolitan Plan Commission (the "Plan Commission") for its approval pursuant to IC 36-7-14-16; and

WHEREAS, the Plan Commission heretofore issued its order approving the 2016 Resolution;

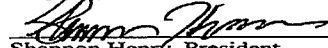
NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Delaware, Indiana, as follows:

1. The Board of Commissioners hereby approves the amendment to the Plan as provided in the 2016 Resolution in the form attached hereto as Appendix A, and hereby approves the order of the Plan Commission approving the 2016 Resolution.


2. This Resolution shall be in full force and effect from and after its passage by the Board of Commissioners as required by law.

DULY PASSED on this 18 day of July, 2016, by the Board of Commissioners.

BOARD OF COMMISSIONERS OF THE
COUNTY OF DELAWARE, INDIANA


Shannon Henry, President


James King, Vice-President


Sherry Riggie, Member

ATTEST:


Steve Craycraft, Auditor, Delaware County

DEPARTMENT HEADS AND ELECTED OFFICIALS

Ms. Angie Moyer, Project Manager, gave an update Nebo/Jackson on closing the road. This will not be closed longer than 50 days. The surface is being finished on Industrial Park and then they will be paving Hoyt and Tillotson ext. Bridge 85, located in Albany, Indiana is now open to traffic. The bridge at the reservoir will be discussed further in August with the contractor. The road cannot be closed for longer than 120 days.

Commissioner Riggins said she would let the new restaurant in the area know about the plan.

President Henry asked Sheriff Dudley to monitor the handicap parking in the Plaza.

Sheriff Dudley said they are having problems with two businesses in the Industrial Park with big trucks. Dudley asked the Commissioners to send a letter to the businesses.

Commissioner Riggins asked that City Hall create an ordinance regarding parking around the courthouse.

Mr. Dudley said the city monitors the city streets.

Commissioner Riggins said she had a problem with only one Security Guard being at the front door and complaints.

Mr. Dudley said that is all they have right now. Merit Deputies would take care of it.

MONTHLY/WEEKLY REPORTS

MOTION: Commissioner Riggins made a motion to approve claims in the amount of \$1,127,637.10.

SECOND: Commissioner King

MOTION PASSED UNANIMOUSLY

QUESTIONS, COMMENTS, ANSWERS, OTHER BUSINESS & DISCUSSION

Ms. Melanie Marshall, Fair Board member, invited all to the 2016 county fair.

Mr. Dudley said to stop by the Sheriff's office at the fair. Handicap parking has been moved closer to the buildings and they have added more benches. A dunk tank has been added and all proceeds will go to help kids go to "Kids Camp."

Mr. Bob Shroyer, local farmer asked that the Commissioners contact the State regarding Canadian Thistles.

Ms. Moyer will contact INDOT regarding the Canadian Thistles.

RECESS

MOTION: Commissioner King

SECOND: Commissioner Riggins

MOTION PASSED UNANIMOUSLY

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President Shamon Henry



Vice President James King



Member Sherry Riggan



Auditor Steven G Craycraft