

STATE OF INDIANA)  
 SS)  
 COUNTY OF CLAY)

Council President Larry Moss called the regular meeting of the Clay County Council to order on Monday, August 1 2016, at 6:00 p.m. Council members present were Larry Moss, Michael McCullough, John Nicoson, Pat Heffner, and Jackie Mitchell. Toni Carter and Jason Britton were absent. Auditor Jennifer M Flater made a record of the proceedings, to wit:

Jackie Mitchell led the Pledge of Allegiance and opening prayer was offered by Larry Moss.

A motion to approve the July 5, 2016, regular meeting minutes was made by Jackie Mitchell and seconded by Mike McCullough. Motion carried 5 ayes.

**IN THE MATTER OF ADDITIONAL APPROPRIATION**

Larry Moss read the following:

COUNTY EMERGENCY APPROPRIATION ORDINANCE

Whereas, It has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

Sec.1. Be It Ordained by the County Council of Clay County, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds names and for the purposes specified, subject to the laws governing the same:

|                           |                          |               | Aye      | Nay           |
|---------------------------|--------------------------|---------------|----------|---------------|
| IVC TIF                   |                          |               |          |               |
|                           | Other Services & Charges | \$81,200.00   | <u>5</u> | <u>      </u> |
| COUNTY GENERAL            |                          |               |          |               |
|                           | Personal Services        | \$ 5,000.00   | <u>5</u> | <u>      </u> |
|                           | Supplies                 | \$ 5,000.00   | <u>5</u> | <u>      </u> |
| RAINY DAY                 |                          |               |          |               |
|                           | Capital Outlays          | \$20,000.00   | <u>5</u> | <u>      </u> |
| SPECIAL LOIT DISTRIBUTION |                          |               |          |               |
|                           | Supplies                 | \$ 808,986.00 | <u>5</u> | <u>      </u> |

Presented to the Clay County Council, read in full and adopted this 1st day of August, 2016.

| AYE                                | NAY   |
|------------------------------------|-------|
| _____                              | _____ |
| _____                              | _____ |
| <u>Larry Moss /s/</u>              | _____ |
| <u>Jackie Mitchell /s/</u>         | _____ |
| <u>John Nicoson /s/</u>            | _____ |
| <u>Michael McCullough /s/</u>      | _____ |
| <u>Patricia Heffner /s/</u>        | _____ |
| Members of the Clay County Council |       |

ATTEST: Jennifer M Flater /s/  
 Jennifer Flater, Clay County Auditor

Jennifer Flater explained the request for \$81,200.00 for the IVC TIF. The \$6,200.00 is for the interest payment to RNB and the \$75,000.00 to reimburse the County for the Industrial Road and to cover the cost of adding the new road for TKO. Motion to approve \$81,200.00 for IVC TIF was made by Mike McCullough and seconded by Pat Heffner. Motion carried 5 ayes.

Bob Pell explained the request for \$5,000.00 for transcriptions is due to more trials and attorneys are requesting transcriptions. The \$5,000.00 for supplies is to cover the rest of the year. Motion to approve \$10,000.00 from County General for Prosecutor's Office was made by Mike McCullough and seconded by John Nicoson. Motion carried 5 ayes.

Bryan Allender explained the request for \$20,000.00 from Rainy Day is to cover the repairs at the new Health Department. Motion to approve \$20,000.00 from Rainy Day was made by Pat Heffner and seconded by John Nicoson. Motion carried 5 ayes.

Bryan Allender explained the request for \$808,986.00 from Special LOIT Distribution. This is the 75% from SEA 67 for road repairs. The Commissioners are trying to get the \$1,000,000.00 matching grant money also and need the Special LOIT money appropriated. Motion to approve \$808,986.00 from Special LOIT Distribution was made by Mike McCullough and seconded by Jackie Mitchell. Motion carried 5 ayes.

## IN THE MATTER OF PDF TAX ABATEMENT

Larry Moss read:

### RESOLUTION NO. 2016-9

A Resolution of the County Council of  
Clay County, Indiana, Designating an Area Within  
Clay County, Indiana as an Economic Revitalization Area  
for the Purpose of a Personal Property Tax Abatement

WHEREAS, A Petition for a personal property tax abatement has been filed with the County Council of Clay County, Indiana (hereinafter "County Council") requesting that the property described therein be designated an Economic Revitalization Area for purposes of personal property tax abatement; and

WHEREAS, **Process Development and Fabrication, Inc.** (hereinafter the "petitioner") has submitted a Statement of Benefits and provided all information and documentation necessary for the County Council to make an informed decision, said information including a description of the real property which is more particularly described in Exhibit A.

WHEREAS, petitioner has represented and presented evidence that in connection with this Project it currently has an existing 144 full-time jobs with an annual payroll of \$6,283,000.00. Completion of this project will permit petitioner to maintain the existing full-time jobs and will create approximately 4 new permanent full-time jobs with a total annual payroll of approximately \$83,200.00. Petitioner has further represented and presented evidence that the cost of this project will be approximately \$762,000.00 for new equipment (the "manufacturing equipment").

WHEREAS, the County Council is authorized under the provisions of I.C. 6-1.1-12.1-1, et seq. to designate areas of the County as economic revitalization areas for the purpose of tax abatement; and

WHEREAS, the County Council has considered the Statement of Benefits and has conducted a complete and proper investigation of the subject property and neighborhood to determine that the area qualifies as an economic revitalization area under Indiana statutes; and

WHEREAS, the County Council has found the subject property to be an area where facilities that are technologically, economically or energy obsolete, are located and where the obsolescence may lead to a decline in employment and tax revenues and has become undesirable for or impossible of normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements, character of occupancy, age, obsolescence, substandard buildings and other factors, which prevent normal development or use;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED by the County Council of Clay County, Indiana, that:

1. The petitioner's estimate of the cost of new manufacturing equipment is reasonable for manufacturing equipment of that type in view of current technologies.
2. The petitioner's estimate of the number of individuals who will be employed and retained, and the benefits thereby, can reasonably be expected to result from the project and installation of new manufacturing equipment.
3. The petitioner's estimate of the annual salaries or wages of the individuals who will be employed and retained, and the benefit thereby, can reasonably be expected to result from the project and the installation of the new manufacturing equipment.
4. That the benefits about which information has been requested can reasonably be expected to result from the installation of the new manufacturing equipment.
5. Based upon: (1) the Petitioner's total investment in real and personal property; (2) the number of new full-time equivalent jobs created or retained; (3) the average wage of the new employees compared to the State minimum wage; and (4) the infrastructure requirements for Petitioner's investment and the totality of the benefits of the proposed project and installation of the new manufacturing equipment are sufficient to justify personal property tax

abatement over a \_\_\_\_\_ (\_\_\_\_) year deduction period, in accord with the attached Deduction Schedule and each such deduction should be, and they are hereby, allowed in accord with the attached Abatement Schedule.

6. That the Statement of Benefits submitted to the County Council is hereby approved and the Real Estate described in Exhibit A is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1, et seq. and petitioner is entitled to personal property tax abatement over a \_\_\_\_\_ year deduction period as provided therein in accord with the attached Abatement Schedule for the proposed acquisition of the new manufacturing equipment.

7. That notice hereof should be published according to law stating the adoption and substance hereof, that a copy of the description of the affected area is available for inspection in the County Assessor's Office and stating a date on which the Council will hear and receive remonstrances and objections and take final action regarding this designation, all as required by law.

8. That this Resolution is supplementary to and in addition to any prior resolutions.

9. That this abatement is subject to the terms and provisions of the Abatement Calculation Agreement entered by and between County Council of Clay County, Indiana and Petitioner pursuant to I.C. 6-1.1-12.1-2(i).

10. Pursuant to I.C. 6-1.1-12.1-14, the County Council of Clay County, Indiana, has, by Resolution 6-2008, established an Abatement Fee, Petitioner has been advised of said fee and agreed to the imposition of the Abatement Fee, and the incorporation of such fee in this Resolution. Now, therefore, the County Council of Clay County, Indiana, incorporates herein the provisions of I.C. 6-1.1-12.1-14 and declares that the percentage to be applied by the County Auditor for purposes of Step Two of I.C. 6-1.1-12.1-14(c) is 5%.

Passed in Open Council this \_\_\_\_ day of \_\_\_\_\_, 2016.

#### CLAY COUNTY COUNCIL

Michael D McCullough /s/  
Michael D. McCullough

Jacqueline Mitchell /s/  
Jacqueline Mitchell

\_\_\_\_\_  
Toni Carter

Larry J Moss /s/  
Larry J. Moss

\_\_\_\_\_  
Jason Britton

John Nicoson /s/  
John Nicoson

Patricia Heffner /s/  
Patricia Heffner

This instrument prepared by \_\_\_\_\_  
Louis F. Britton, COX, ZWERNER, GAMBILL & SULLIVAN, LLP  
511 Wabash Avenue, Terre Haute, IN 47807; (812) 232-6003.

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7/19/2016

Traci Orman presented Resolution 2016-9 PDF Personal Property Tax Abatement. Jason Maurer with PDF stated the purchase for \$762,000.00 in new equipment and PDF would hire 4 new employees. The Council felt a five year abatement would be appropriate.

Motion to approve first reading of Resolution 2016-9 PDF Personal Property Tax Abatement was made by Jackie Mitchell and seconded by John Nicoson. Motion carried 5-0.

#### IN THE MATTER OF CHILD RESTRAINT GRANT

Sheriff Paul Harden presented the FY 2017 Child Restraint Grant. This is a reimbursable grant for car seats for July 1, 2016 thru June 30, 2017 for \$1,992.55.

Motion to approve Child Restraint Grant was made by John Nicoson and seconded by Mike McCullough. Motion carried 5-0.

