

Tipton County Redevelopment Commission Minutes

February 26, 2018 at 6:00 p.m. in the John Tipton Room, Tipton County Courthouse

Members Present: Jeff Hoover, Gerald Shuck, Jane Harper, Beth Roach, Jim Mullins, Denny Henderson, and Mark Manier. Absent was ex-officio member Jim Ankrum.

Others: See attendance sheet attached.

Agenda Items:

Update on Round-About (RAB) on West Side of 28/31

President Hoover introduced County Engineer Phil Beer to provide an update on the status of the RAB west of 31 on State Road 28. He passed out an 11 x 14 sheet to members showing the design that had been submitted to INDOT. Phil explained that there were some unique configurations with the design due to some existing right of ways and other factors. He also explained that unfortunately the engineers could not provide anything other than a residential entrance to the properties south of State Road 28. He said INDOT was basically good with the design, which is larger than the original 150' radius design, as this one is a 170' radius. The preliminary estimate including lighting and signage and "everything" is \$1,060,000. Jeff Hoover asked who would be responsible for the road to the south. Phil responded that he thought it would be the county. Jeff also asked how the Davenport and Gasho properties would obtain access during the construction phase. Phil Beer said that eastbound State Road 28 would still be open during construction so those 2 properties would have access.

Jane Harper commented that when the Commission approved moving forward with the round-about, it was done so with the understanding that it would not be economically feasible, nor fair to the taxpayers if we would not be able to also connect property south of St Rd 28. With no way to access the Gasho commercial property, other than through Mr. Davenport, there is a concern that the Gasho property, which was rezoned commercial several years ago, and because the Davenport property is not even for sale, how is Mr. Gasho to get access to his commercial property? Phil Beer said that is between Gasho and INDOT. Jane Harper stated that she spoke with Shelley Haney (INDOT) in January and Shelley told her that if a property is zoned commercial, INDOT has to provide access in some way, either via an access road behind the property or in some other fashion. Jane did not think it was reasonable to expect Mr. Gasho to have to buy the Davenport property to gain a commercial access to his commercial property and that a decision to go forward would only service the north side of 28. She also reminded the Commission that the decision was approved based on Love's and Chrysler coming and at this time we only know that Love's is coming. We have no commitment agreement from Chrysler. We cannot make the bond payments with Love's and Chrysler the way it was and certainly cannot make them with just Love's. Nevertheless, the decision was based on two businesses coming and we only have one commitment at this time, she stated. Jeff Hoover commented that Chrysler had hoped that a natural gas line could be placed on the west side for their use and at this time, that is

not feasible. Chrysler is still weighing their decision to go with electric. Mark Manier commented that above ground LP tanks could be a feasible option for CDJR. Jane feels it would be more prudent to wait until we know for sure that we have two businesses coming. Jeff asked how much it would cost to add the south leg during construction and Phil responded "a couple hundred thousand" in addition to the purchase price of the Davenport parcel. Jane asked how long the funds would be available if we put the project on hold. Jeff replied that there is no drop date and that the funds would continue to be available. Beth Roach agreed that our vote was based on two businesses coming and Dennis Henderson agreed that we were always going to depend on other TIF funds if no other businesses come, but with only one business it will be even more difficult.

Jim Mullins stated that Rex Gingerich with CDJR *wants* to be at the U.S. 31 location and is simply trying at this time to make the numbers work so he can proceed. He does not think it will take long for them to make their final decision. Jeff commented that he spoke with Scott Campbell who is moving forward with his obligation on putting in Campbell Crossing and Field Drive.

Jim Mullins then moved to table the decision on the round-about pending the decision by Chrysler dealership as to whether or not they are coming. Jeff asked for clarification and Jim Mullins clarified that his motion was to table *all work* related to the round-about.

Motion was seconded by Beth Roach. Dennis Henderson asked if the Janson lawsuit had been dropped and Jim Mullins said it had not been. Dennis said if the lawsuit had not been dropped then he believed the round-about was a dead issue. Jane commented that she believed that it was not fair to Scott Campbell that he is providing the funding for the development, and Janson's participation in a lawsuit is penalizing Scott Campbell. The Mullins motion on the floor passed unanimously.

Jane asked Phil Beer for clarification on the cost of the round-about. Phil commented that it was approximately \$1.2 million and not \$2.2 million.

Update on Lawsuits

Mark Regnier commented that he will file an "answer" to the current filing on the "utility" lawsuit and explained that it is merely a technicality. Jim Mullins wanted to reiterate that the only reason the other parties were named is because the city intervened and insisted that the indispensable parties be named. Ultimately it will be only the Commissioners who will settle the suit on behalf of the county. It would be less cumbersome if the Commissioners spoke on behalf of RDC.

Jim Mullins moved to allow the Commissioners to act on behalf of the RDC when making decisions for the utility lawsuit. Gerald Shuck seconded, and motion passed unanimously.

On the "10 acre" lawsuit, Jeff Hoover relayed that it had not been dropped. The agreement with Janson and Campbell, which was tied to the dropping of the lawsuit, was terminated in December. Jim Mullins said that during the time that we are waiting for Chrysler auto dealership to make its decision,

Janson should make a decision on whether he is willing to drop the suit. Jeff suggested that we file a request for a summary judgment in the court system in order to end the "10 acre" litigation. Jane commented that Mark Regnier commented it could cost three to five thousand to file for a summary judgment on behalf of the RDC.

Mark Regnier remarked that he could not see where the "10 acre" lawsuit had any real connection with the building or not building of the round-about and did not understand why they were joined as he does not believe they are related. Jim Mullins explained that it was the RDC that had connected them as leverage.

Jim Mullins moved to officially recognize the "10 acre lawsuit" as independent from the round-about project and that we separately determine the round-about decision based upon economic factors including Chrysler deciding to come or not to come and that we also instruct county attorney Mark Regnier to proceed with a request for summary judgment on the lawsuit as a separate issue.

Jane Harper seconded the motion. Mullins, Harper, Roach, and Hoover voted aye. Henderson, Shuck, and Manier voted nay. Motion carried 4/3.

O.W. Krohn Invoice

Jeff stated he had 13 email chains involving Mr. Krohn and did ask him for some input and Krohn did work up some illustrations. Jeff also had 2-3 conference calls that Mr. Krohn participated in. Beth Roach noted that Mr. Krohn caught some errors in some calculations and did some work in securing some financing. Giving him any money will depend on whether we receive any financing for the round-about. Jane asked what his rate per hour was, but Jeff had not yet gotten a firm number. Jim Mullins thought it might be about \$215/hour. Jane reminded the RDC that any payment should not exceed \$8500 and recommended that this issue be tabled.

28/31 East Side Activity

Jeff commented that most developers indicate that they are not interested in development as long as litigation is in place on the east side. Gerald noted that this was his reasoning for his vote on the previous motion. He wanted to maintain a form of leverage to force Mr. Janson to drop the lawsuit.

Minutes

Gerald Shuck moved to accept the minutes from January 10, 2017, seconded by Dennis Henderson. All in favor.

Public Comment

*Jim Leffler stated he believed that when the BOC approved the rezoning of the "Gamblin" (now Gasho) property, that they had agreed a road would be run between the 2 properties to provide a commercial entrance. Jim Mullins wondered if a document like that existed, would it survive a change in ownership.

*Vicky Boyd asked if the Commission was aware if there were any grants available for the round- about because her research had led her to find that there indeed were grants available through INDOT. Jeff appreciated Vicky's work and said he would follow up on her leads.

*Brent Snow commented that he would like to see an official letter or someone actually from INDOT to come to a meeting and explain to us about access on the south side and whether INDOT is responsible for providing Gasho access. Mr. Snow also commented that the "10 acre" lawsuit was a leftover from the 'old' RDC and he appreciated it now being separated as its own being.

*Jim Ashley commented that he took issue with Mr. Snow's comments as he believes that the RDC and other government entities should not even be dealing with a developer who has filed multiple lawsuits "against almost every entity in Tipton County" and he asked why we are dealing with a person who has shown such disdain for Tipton County. He also commented that commercial development is rarely supported with tax dollars and he asked why "the developer" is not contributing more to his own development. "If a developer cannot afford it, then the market is not there for you to do the project. If the developer has prospects that want gas service, then the developer should provide it because it enhances the value of his property. If the market won't support the cost of the development, then it is just not the right time."

*Nathan Kring stated that he believed it was a mistake to de-couple the lawsuit.

*Scot Gasho asked how long the decision for his access will be prolonged. He also said that there are many levels of problems that need to be addressed immediately because "developers" are shying away from Tipton due to a lack of cohesiveness and information available online. (Jeff Hoover responded to Scot that he would have an update on the status of the round-about and a commercial access by the next meeting.)

*Bob Edinger stated he was glad to see the "east side" issues were separated from the "west side" issues. He also asked what Mr. Janson was specifically asking for with the lawsuit on the "10 acres" and Mark Regnier gave an explanation. Bob also asked specifically on what Mr. Janson's desires were regarding the "10 acres".

*Jane Harper commented that she and Jeff Hoover have both tried to no avail to get Michael Hicks (Prof of Economics, Ball State) to come and speak with the Commission and she invited any other board member to also take a turn at attempting to bring Michael Hicks to Tipton.

*Mark Baird spoke to the issue of "TIF" monies and how they are monies that can only be spent on dedicated projects. He also commented that there is a certain standard of development a community must need to pay for local services.

Mark Manier moved to adjourn. Seconded by Jim Mullins. Motion carried.



4-26-18

R.D.C.

Sign in sheet 2-26-18

- 1 Mike Badin
- 2 Jim Luffin
- 3 Charlotte Huff
- 4 BOB EDINUGLI
- 5 Vince Paeff
- 6 Brent Snow
- 7 Brian DeLoRoss
- 8 Michael Terley
- 9 Nate Mahoney
- 10 Josh Will
- 11 Mark R. Rejo
- 12 John Ogil
- 13 Chris Lonke
- 14 Mark Wiggington
- 15 Mackenzie Stillson
- 16 _____
- 17 _____
- 18 _____
- 19 _____
- 20 _____