







echoed her sentiments. Cindy Bracy voiced her support for the resolution citing this was the way business is heading. She added it might help attract a younger demographic. Dave Haines agreed he participated in several meetings virtually.

With no further business for the council Jeanne Houchins made a motion to adjourn the meeting; Dave Haines seconded the motion and the meeting was adjourned at 7:06 p.m.

**JAY COUNTY COUNCIL**

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ATTEST:   
JAY COUNTY AUDITOR

**April 10, 2024**

The Jay County Commissioners and Jay County Council met in a joint session on Wednesday, April 10, 2024 at 5:30 PM in the auditorium in the courthouse. Chad Aker, president of the Jay County Commissioners; Matt Minnich president of the Jay County Council, council members Cindy Bracy, Harold Towell, Faron Parr, Dave Haines, and Randy May, auditor Emily Franks and attorney, Wes Schemenaur were also in attendance. Absent were commissioner Rex Journey, Brian McGalliard, and council member Jeanne Houchins. The purpose of the special meeting was to hear from Jason Semler, financial consultant from Baker Tilly Financial LLP, regarding countywide broadband incentive request and a possible creation of a TIF solar area.

Attorney, Wes Schemenaur, gave a brief overview of the previously approved countywide broadband project with Mainstream Fiber. After the previous joint meeting, Mainstream Fiber submitted documents to include a contract that would require approval from the county commissioners. As part of the agreement with the county, in addition to the approximately \$3.9 million payment Mainstream would receive, they are asking for the county to allow a tax exemption district be created for their utility property tax bill. Based on Indiana code, a personal property tax exemption district can be created. This would not be considered the same as a traditional tax abatement. Mainstream would be exempt from paying personal property tax entirely. The county commissioners do have the ultimate approval of this request, but council should also be aware of how this allowance will affect the county. He wanted Jason Semler, Baker Tilly, to review and explain to both boards, the financial impact to the county before moving forward.

Mr. Semler explained that the assessed value from any investment that comes into the county, adds to the tax base. This may not mean new money for the county, but it could help to reduce tax rates for taxpayers in the investment area. If Mainstream is granted the requested tax-exempt status, the county will still see benefit from the additional assessed value. Jason felt that their request was a rare incentive. Commissioner president, Chad Aker, stated that Mainstream has already completed projects in other counties and inquired what types of tax relief they were receiving in those counties. Mr. Semler was not aware of what other counties were granting nor had he spoken with this company. He then gave an example of how a 20-million-dollar investment, distributed across five townships evenly, could benefit tax rates and individual taxpayers within those units. By granting the requested personal property tax exemption district for this project, the county would be giving up any tax rate relief forever.

An alternative incentive could be to create a TIF, tax increment financing, barrier. This structure would capture only the assessed value of the fiber lines for a certain time period, but only up to 25 years. Any revenue generated can then be used to create a bond of equal TIF revenue size. Mainstream would purchase this bond and in return, overtime, as taxes are paid, they would receive payment in the form of a principal interest payment. This idea is similar to the idea of a tax abatement and it does not last forever. Matt Minnich asked what the difference in benefits between TIF barrier option and a long-term tax abatement are. Mr. Semler believed that if it qualifies, a personal property abatement can have up to 20-year life. He recommended going with the traditional abatement structure for short term incentives and the TIF barrier option for incentives with a longer time period.

Mr. Schemenaur stated that Mainstream would like a response from the county soon so they can finalize the grant submission process by the deadline. Cindy Bracy asked for grant filing deadline dates. Mr. Schemenaur was not exactly sure but knew that they want to finalize by the end of April. Mr. Semler also requested both boards to also consider the 3.9-million-dollar incentive Mainstream will be receiving and if this money is already available or will they need time to pursue financing options. Mr. Schemenaur stated that there is already a 4-year payment structure setup and this would not be an issue. Mr. Aker spoke for commissioners in saying that they plan to work with the council and any opinions and feedback would be helpful in the decision-making process.

Lastly, Mr. Semler explained the benefits of creating TIF districts in solar project areas. All TIF revenue is distributed to the redevelopment commission for various projects. The POFT TIF is currently the only TIF the county has setup. The redevelopment commission is looking for other sources of revenue as this will expire with only an anticipated 13-14 more years of revenue coming from this source. Currently with three, potentially four, solar projects coming in to different parts the county, this could provide funding for various projects. Mr. Semler added that this idea would follow some of the discussion from the prior topic. If the county would choose to not create TIF in the designated areas, the assessed value is added to the tax base and tax rates will be reduced. Alternatively, if the assessed value is captured through the TIF process, redevelopment would receive these dollars and could be used for various capital projects in the certain TIF areas.

By creating these TIF areas, taxpayers could see a delay the tax rate reduction, but they could see the benefits through redevelopment capital projects. Each year, the Jay County Redevelopment Commission can decide to capture all or a portion of assessed value in the TIF area, which could give some relief to the tax rate. Any revenue generated can only be used to directly or indirectly benefit these TIF

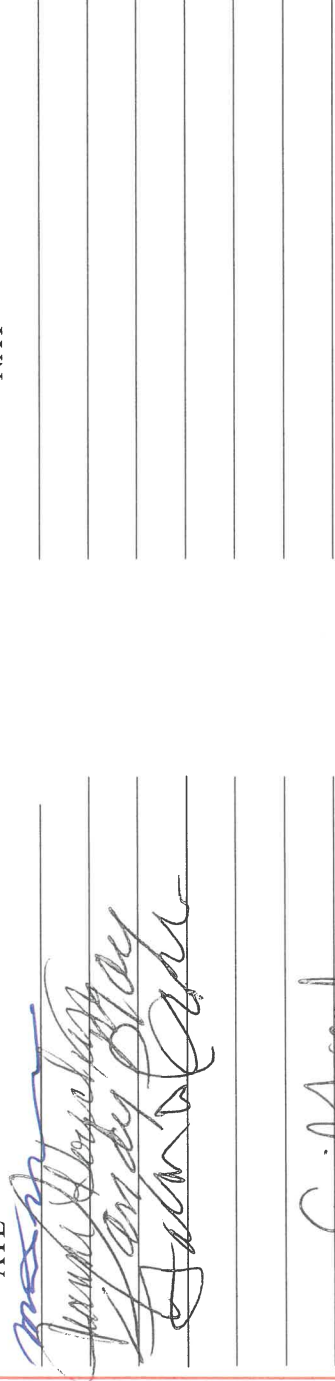
areas. Cindy Bracy and Chad Aker both agreed that these areas could use another funding source. Mr. Aker felt that the possible revenue could be used in the township, not just directly for road projects, but also indirectly for capital improvement projects. Mr. Semler stressed that if this is something that they are thinking about, it is better to do it before construction begins and the land changes value in order to receive the most benefit.

No decisions were made on either topic, but Wes would like both boards to consider and decide if this is something they would like to pursue. With no further business, Cindy Bracy made a motion to adjourn at 7:23 p.m.; Randy May seconded the motion and the motion passed by unanimous vote.

**JAY COUNTY COUNCIL**

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ATTEST:   
JAY COUNTY AUDITOR

**APRIL 10, 2024**

The Jay County Council met in session on Wednesday, April 10, 2024, at 6:00 PM, in the auditorium at the Jay County Courthouse. Attending from the council was Harold Towell, Faron Parr, Dave Haines, Cindy Bracy, attorney Wes Schemenaur, auditor Emily Franks, and Matt Minnich, president presiding, absent Jeanne Houchins. Cindy Bracy made a motion to approve the minutes from March 13, 2024. Faron Parr seconded the motion and the motion passed by unanimous vote.

**Additional Appropriations:**

**LIT- ECONOMIC DEVELOPMENT**

1112-001-30-0209 Arts Place \$15,000.00  
The request will be used towards the Our Town grant match to create a regional Arts Master Plan. The use of Arts Place services in other counties was discussed. For example, Mercer County is included in the Jay County Service area. Cindy Bracy made a motion to approve the additional from LIT Economic Development Fund. Faron Parr seconded the motion. The motion passed to majority vote with Harold Towell voting against the motion. Randy May entered the meeting.

1112-001-30-0235 Pennville Park \$5,000.00  
Mrs. McClain explained the additional \$5,000 would be paid to Pennville Economic Development for the park project. This would allow the funding to come from another revenue source for the grant. Cindy Bracy made a motion to approve the additional from LIT Economic Development Fund. Dave Haines seconded the motion and the motion passed by unanimous vote.

**FIREARMS**

4906-001-40-0022 Equipment \$2,677.56  
Larry "Ray" Newton, sheriff, discussed the request was for the purchase of accessories for new firearms. Dave Haines made a motion to approve the additional from the firearms fund. Faron Parr seconded the motion and the motion passed by unanimous vote.

**COUNTY FORFEITURE**

4911-001-40-0022 Equipment \$11,038.74  
Faron Parr made a motion to approve the additional for the County Forfeiture Fund. Dave Haines seconded the motion and the motion passed by unanimous vote.

**TITLE IV-E REIMBURSEMENT**

8891-001-30-0087 Pauper Counsel \$1,110.00  
Cindy Bracy made a motion to approve the additional. Faron Parr seconded the motion and the motion passed by unanimous vote.

**ARP 2021 CLFRF**

8950-001-30-0148 Professional Services \$31,987.29  
Invoice for services completed by REA for the 68 acre development project. Harold Towell showed concern about the environment phase of the invoice. County attorney, Wes Schemenaur, was unsure what would actually be encompassed in the environmental study. Faron Parr made a motion to approve the additional from the ARP 2021 CLFRF fund. Dave Haines seconded the motion and the motion passed by majority vote with Cindy Bracy voting against the motion.

**RCAP GRANT-RESIDENTIAL CARE ASSISTANCE PROGRAM**

9115-001-30-0083 Repairs and Maintenance \$43,250.00  
Ms. Franks explained the county will need to establish a separate fund for the reimbursable grant. Once RCAP approves the form, this would allow the department to start purchasing as soon as possible. Cindy Bracy made a motion to approve the additional for RCAP Grant. Faron Parr seconded the motion and the motion passed by majority vote with Harold Towell voting against the motion.

**ROSE GOLD SOLAR**

Andrew Buroker, attorney representing Leeward Energy, discussed a permit delay letter of understanding regarding the construction beginning deadline for a planned solar project in the county. The 150-megawatt solar project will be located just north of Dunkirk on approximately 1400 acres, that will connect to the Jay substation. After installation, it will have a 30-to-40-year life expectancy. Sam Brooks, representative from Leeward Energy that handles projects in Indiana and Illinois explained project updates and possible amendments to the current tax abatement agreement. The company currently has 31 operating facilities throughout the United States. However, due to unforeseen circumstances, the original proposed December 31, 2023 project beginning has been halted. The cause of the delay is due to interconnection and liability issues with the provider, PJM. The provider has made changes to the original study process for grid connection, which has caused a new expected start date of March 2026 with an August 2027 operation date. With their experience with PJM, thus far, there could be more project delays in the future but Leeward hopes to sign the interconnection planning agreement October 2025. Kelly Pacifico, also representing Leeward Energy, explained that PJM is one of only a dozen federal entities that are interconnection operators that report to FERC, Federal Energy Reporting Commission. This fact makes it difficult to find other possible providers for this part of the project.

Mr. Buroker assured council that Leeward plans to be up front with the county regarding all changes and procedures. He has drafted an amendment to the current Economic Development Agreement and forwarded it to county attorney, Wes Schemenaur and outside council Rick Hall for review. This amendment focuses only on the two date changes in the project timeline. There will also be a new schedule for the personal property and real estate abatement agreement that he hopes will be approved by the council at their next meeting.

Cindy Bracy raised concerns about the timeline of the project. Mr. Brooks explained that many factors can play a part in the delay such as project size, cost of equipment, updates and upgrades. Unfortunately, there are currently 300 other projects that are also in the transition cluster one stage and that the delay to Jay County's Rose Gold Solar project is not an isolated issue. Matt Minnich questioned if it would be more mutually beneficial to both parties to modify the original full agreement by extending the abatement and EDA schedule rather than amending. Mr. Buroker stated that the county ultimately controls the project but this would require the county to consult Baker Tilly again to review a possible new study and how it would impact the county. The outcome to this study could result in very little difference, add more delays to project and be no more benefit to the county on a fiscal standpoint. County attorney, Wes Schemenaur, said he would reach out to Baker Tilly and Rick Hall if the council would like to move forward with a review but said it would be best to sign the amendment as is and revisit this idea later. Mr. Schemenaur added he would like 30 days to review the amendment and allow both parties to resolve any issues before council could potentially approve and sign at May's council meeting.

#### **ECONOMIC INJURY DISASTER PROGRAM**

Arlace Green from the small business administration discussed a program that they are offering to small business and non-profits in the county. Due to a recent storm, these entities are eligible to obtain a loan, with interest rates as low as 4%. Although Jay County did not sustain primary physical damages from this incident, adjoining counties are also eligible for this offer, as they could see results economically. The deadline to file for this program is December 30, 2024.

#### **JAIL STAFFING STUDY**

Jay County Sheriff, Larry "Ray" Newton presented a recent 2024 jail staffing study to the council. In 2023, a jail inspection was completed and resulted in a jail study request. The most recent jail study data states that the facility needs more staff. This same study was completed in 2014 and the need for more staff was also stated at that time.

Mr. Newton introduced Bill Wilson, a representative with Jail Services. Mr. Wilson is also a member of the Indiana Sheriff's Association. He detailed the jail as the largest provider of health care, mental health, food and laundry. These facilities need appropriate well-trained staff and resources to complete the daily operations within the jail. He explained the seriousness with the types and amounts of medical care that is changing and increasing within the jail. The county has a constitutional obligation to provide medical care of inmates. He added when people are placed into these facilities, they typically have not received basic medical and dental care and have other issues that have not been addressed including drug use and mental health concerns.

The sheriff's association recently sent an email to county sheriff departments throughout the state asking the status of their liability insurance. The response the association received showed record high numbers of carriers have cancelled or are no longer renewing their policies. These counties are being moved to secondary markets to be insured and to where they might be insuring themselves based on type of claims. The staff analysis examined the facility and determined where employees are needed and how many hours they are required. Individuals need to be available to respond to transport inmates, emergencies, for meals, welfare checks, or in some cases continual observation. All aspects should have security included.

The results of the study include the addition of 9 employees to the current 6 full-time jail employees. Matt Minnich asked for clarification where the current 16 employees are in the study. As the study showed each employee assigned a post. The calculations that are used would require 4.75 employees needed to cover 24 hours a day, 7 days a week at each assigned post. Mr. Newton stated the department is already currently short employees and are requiring employees to do multiple jobs. The council will take the study under advisement during the 2025 budget process.

#### **BITTER RIDGE**

Emily Franks, County Auditor, presented figures for an amendment to an original abatement for Bitter Ridge to council. The personal property tax is located in Richland & Jefferson townships. They would like to amend the percentage of total tax value subject to the abatement from an average of 90% to 100% on their abatement forms. Bitter Ridge felt that they were unfamiliar with how to complete the required abatement documents and would like the opportunity for the council to accept the amendment. After a brief discussion, Faron Parr made a motion to not to allow the amendment to the abatement and keep it as is. Dave Haines seconded the motion and the motion passed by unanimous vote.

With no further business for the council Cindy Bracy made a motion to adjourn the meeting, Randy May seconded the motion and the meeting was adjourned at 7:23 p.m.

JAY COUNTY COUNCIL

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Harold Ford  
James Hancock  
Kendy Black  
Earl S. P.  
Andy Bury  
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ATTEST: Emil Grank  
JAY COUNTY AUDITOR