

CITY OF WINCHESTER  
COMMON COUNCIL  
MEETING MINUTES  
MONDAY, JULY 15, 2019

Council Chamber/City Hall/113 E. Washington Street  
Public Hearing @ 6:30 p.m.

Public Hearing TOA Winchester, LLC, Tax Abatement and Designation of an Economic Revitalization Area (ERA)

Mayor Byrum opened the floor for the public hearing concerning TOA Winchester, LLC, tax abatement and the designation of an ERA. Roland Abraham, Superintendent, Randolph Central School Corporation, complimented TOA for the way they gave back to the community. He said TOA donated Fifty Thousand Dollars (\$50,000) to help with the High School Softball Diamond and have donated robots to the school and they've talked about doing welding work. He said he appreciates how they've given back to the school corporation. Greg Beumer, Executive Director Randolph Economic Development Corp (REDC) said that representatives for TOA have information to present. It was decided they would present during the meeting. Mayor Byrum closed the floor at 6:32 p.m.

Public Hearing TOA Winchester, LLC, Waiver of Non-Compliance of Certain Conditions Concerning the Granting of a Deduction for Rehabilitation or Redevelopment of Real Property

Mayor Byrum opened the floor for the second public hearing concerning TOA Winchester, LLC, and tax abatement request at 6:32 p.m. There being no public comment in favor or against, Mayor Byrum closed the floor at 6:33 p.m. The floor was reopened to consider the waiver of noncompliance for tax abatement. There being no public comment, the floor was closed at 6:34 p.m.

Public Hearing Additional Appropriation for C. E.D.I.T (County Economic Development Income Tax).

Mayor Byrum opened the floor for the third public hearing for an additional appropriation from the C.E.D.I.T. Fund in the amount of Three Thousand Dollars (\$3,000). Funding would be used for a billboard located at the Winchester Speedway Racetrack for promoting the City of Winchester and the Racetrack. There being no public comment, Mayor Byrum closed the floor at 6:33 P.M.

Council Chamber/City Hall/113 E. Washington Street  
Meeting @ 6:34 p.m.

Pledge – Mayor Byrum  
Moment of Silence – Mayor Byrum

Mayor Byrum called the meeting to order and presided over the meeting. Clerk-Treasurer, Vicki Haney, recorded the minutes.

The Clerk-Treasurer's roll call showed five City Council Members present.

District 1	Councilor Larry Lennington
District 2	Councilor Tom Sells
District 3	Councilor Ron Loyd
District 4	Councilor Leesa Friend
At Large	Councilor Jason Allen

Additional Officials Present:

Greg Beumer, Executive Director Randolph Economic Development Corp (REDC), Meeks Cockerill, City Attorney; Jon Reed, Police Chief; Dwayne Wiggans, Fire Chief; Chris Martin, Wastewater Superintendent and Shean Bosworth, Street and Park Superintendent

Citizens Present

Deb Henning, Judith Moody, Karen Wilkins, Lynn Humphrey, Kristopher Bilbrey, Mark Burton, Dennis Whitted, Leslie Jones, Linda Rittenhouse, Nathan Goodman, Levi Cross and Shawn Patterson, Mikio Yoshida, President of TOA Winchester, LLC, Tom Carpenter, Vice President of TOA Winchester LLC, and Yuka Kikuchi, Translator for TOA Winchester, LLC

Media Present:

Bill Richmond (Star 98.3 Radio)  
Jeff Ward (News-Gazette Newspaper)

Approval of the Minutes:

Councilor Lennington moved to approve the meeting minutes of the June 17, 2019 meeting. Councilor Allen seconded. Motion carried 5-0.

Council Member Issues and Concerns

Mayor Byrum opened the floor to council member issues and concerns. Councilor Allen said that the 214 W South St property was recently demolished. With that in mind, Councilor Allen said he spoke to Attorney Orlosky, who is handling the purchases of the properties from the Randolph County Commissioners. Attorney Orlosky will submit a letter on July 24 to the Judge who will sign the letter. At that point, the City will own the properties. Councilor Allen said that at that time they can move forward with abating the properties. Attorney Cockerill said they will get a court order and then a tax deed. The court order can be appealed for Thirty (30) days so it would be unwise to tear anything down within that time. He suggests the Council be exceedingly careful. Mayor Byrum said he knows there's excitement about the demolitions He said they will stay on top of it and get the remaining ones done as soon as they can. Mayor Byrum stated he has had a request from the Police and Fire Department to use some of those properties for training. Councilor Allen asked how long the fire department will be using the building and asked if they have a designated spot for training. Upon Councilor Friend's request, Mayor Byrum read a list of the parcels the City will be receiving from the Randolph County Commissioners within

the next Thirty (30) days: 518 North West St, 843 North Meridian St, 534 South West Street, 214 W South Street and 213 East Short Street.

Mayor Byrum reported the Board of Public Works and Safety (earlier this evening) approved Three (3) applications for demolition assistance.

The Board of Public Works and Safety approved the following parcels for demolition assistance: 121 East Franklin Street, 131 East Franklin Street and 713 Richmond Street. Sidewalk Replacement applications for 412 Browne Street and Randolph Central School Corporation (sidewalk located on the west side of the Field House on High Street) were approved as well. Councilor Allen said he knows they've torn down the property at 214 West South St and the dumpster fee came in at Eight Thousand Dollars (\$8,000) which, when combined with the demolition fee, saved them Four Thousand Dollars (\$4,000) and he asked that the process would be repeated to save the taxpayers money. Mayor Byrum stated that yes, anytime we can save taxpayers money and get the results we are looking for it's a win-win situation, so absolutely. Councilor Friend said that, in addition, they could apply to the Randolph County Solid Waste District (SWMD) for free removal of solid waste up to Fifty (50) tons, which will save more money. Councilor Friend said Leslie Jones wants to give the Council a letter of interest to acquire the property of 214 West South St. Attorney Cockerill said they don't own it yet and it would be up to the Council to dispose of that property. Council could vote today on the process that would be put in place after they owned the property. He said in the past the statutory process was to get two appraisals and put the bid in the newspaper. The bid is normally kept open up to Sixty (60) days, which means it can be stopped at any time. If they don't get the appraised bid they can reopen the bid and then an affidavit can be processed on it. At that point, they can sell it for less than the appraised price. He said they can vote on it now to get the process going.

Councilor Friend made a motion to advise legal counsel to move forward with the normal process to sell 214 West South once the City owns it. Councilor Sells seconded. Motion carried 5-0.

Councilor Allen said there was discussion between Councilors to get Five Hundred Twenty Five Thousand Dollars (\$525,000) of the IHEDA (Indiana Housing & Community Development Authority) loan forgiven leaving Two Hundred Ninety Thousand Dollars (\$290,000) allocated to the Wings (Welcoming Indiana's Next Generation) Fund. He said Mayor Byrum submitted his own proposal to appropriate money from E.D.I.T. to pay the Wings Fund. Mayor Byrum said yes, he did that but there wasn't agreement from all parties. He also proposed a compromise which didn't work. At this time he has withdrawn the proposal. He said they can continue to talk about it and if an agreement is reached they can resubmit a proposal. Councilor Allen asked if VOA (Volunteers of America of Indiana) can be in the room to talk about it. Mayor Byrum said its economic development. Councilor Allen stated it's a taxpayer issue so everyone needs to be at the table and council needs to discuss it more to determine if it's classified as an economic development issue. The whole goal is to get the City out of the business of being a landlord. Councilor Loyd asked if the VOA is interested in owning it. Mayor Byrum said they are very interested, but the problem as far as the Council goes is that once the lease disappears and VOA owns the property, how they are held accountable to paying One Hundred Thousand Dollars (\$100,000) into the WINGS Fund lease. There is a best-effort clause in the lease now,

but that would disappear. Councilor Loyd asked if VOA could buy the building from the City for what they bought it and that amount could go into the Wings fund. He would like to ask the VOA. Attorney Cockerill said they can vote to have an executive session. Councilor Allen said that the City's goals should be to keep VOA here to help rehabilitation and to also do their duties by the taxpayer by holding VOA accountable to the best effort clause. He would like the VOA to be present so they can discuss concerns.

Councilor Friend made a motion to pursue discussion of whether or not it's appropriate or legal to have an executive session with VOA and the City of Winchester to talk about property and financial issues regarding their practice here in Winchester. Councilor Allen seconded. Motion carried 3-2. Councilor Lennington and Councilor Sells were in opposition.

Councilor Friend asked if they could set a meeting for when they will award the properties. Mayor Byrum said that he will determine who approves the quotes, and he can award it. If the cost goes over Fifty Thousand Dollars (\$50,000), at which point he'll return to the Council Allen stated Council appropriated Fifty Thousand Dollars (\$50,000.00) to get it done at that amount. Mayor Byrum stated this is a common practice for the executive to do. His office contracts a lot of work. Councilor Allen said that's typically because the mayor typically goes and gets quotes so the Council doesn't have to. Mayor Byrum said they don't own the properties yet. Councilor Allen said that he tried to help out because it was taking too long and he took the initiative to try to help out and try to get the properties torn down because he had received so many complaints about properties.

Councilor Sells said he would like it to be clear that he voted negative on the meeting because he would prefer it to be a public meeting rather than an executive meeting. They don't have to make it open to public comment but he would prefer it be a public meeting. Councilor Friend said she would be fine with that. Attorney Cockerill read the regulations for executive sessions. He confirmed that if they were going to do an interview with a commercial prospect they could host an executive session.

Councilor Friend asked Chief Wiggans if he could let them know which properties he would be interested in using so that they could mark them off the list. He said he could. Mayor Byrum asked the Chief to submit those to him. There being no further council concerns, Mayor Byrum closed the floor.

### Public Concerns

Dennis Whitted, 418 S East Street, came on behalf of his daughter who will be buying a house located at 421 East Franklin Street, from him. It now has a Six (6) foot privacy fence, along with trimmed bushes. The way it is laid out and the traffic patterns make for difficult mowing and many near accidents. He's concerned about his grandchildren playing in the front yard. He's requesting that the intersection of Greenville Avenue and East Franklin Street become a three-way stop in order to slow traffic. It can be difficult to see down Greenville Avenue from Franklin Street. Clerk-Treasurer Haney said that she received a complaint from a citizen today about the

height of the bushes. Mayor Byrum said the next step is to put it on the Council agenda for the next meeting. They thanked him and said his concern was duly noted.

Kristopher Bilbrey, 801 N Main Street, said he knew that the Council was legally allowed to hold an executive session but he requested that the meeting be held in public. Transparency is important to him.

Leslie Jones, 230 South Meridian St., wanted to publicly thank the City for the removal of the blighted building on 214 West South St.

There being no further public concerns, the floor was closed.

## NEW BUSINESS

### Fountain Park Cemetery

Councilor Lennington gave an update on Fountain Park Cemetery. He said everything is going well, The committee is doing a wonderful job and they're a great group. Councilor Allen asked if they ever found a groundskeeper to replace the previous one and Councilor Lennington said the position is still open.

## UNFINISHED BUSINESS

### Resolution No. 2019-12

Clerk-Treasurer Haney presented Resolution No. 2019-12 entitled "RESOLUTION OF THE CITY OF WINCHESTER, INDIANA, ADDITIONAL APPROPRIATION RESOLUTION FOR VARIOUS FUNDS". Funding would be used for a billboard located at the Winchester Speedway Racetrack for promoting the City of Winchester and the Racetrack and it would be disbursed for Three Thousand Dollars (\$3,000) from the C E.D.I.T. fund.

Councilor Sells moved to have Resolution No. 2019-12 read by title only. Councilor Allen seconded. Councilor Lennington asked what the sign does for the City of Winchester. Mayor Byrum answered it was for promotion. It shows that the City of Winchester supports the racetrack and it encourages people to come into town and spend their money at the racetrack. Clerk-Treasurer Haney mentioned that in previous years and administrations this annual appropriation was disbursed from the C. E.D.I.T. fund for this purpose. Mayor Byrum also mentioned that it was agreed upon in the last meeting, this was more of a formality.

Councilor Sells moved to approve Resolution No. 2019-12. Councilor Loyd seconded. Councilor Friend asked if what it meant for it to be from various funds, and wondered if it needed to be more specific. Clerk-Treasurer Haney said it was the classification of the expenditure. Motion carried 5-0.

### Resolution No. 2019-13

TOA Winchester, LLC, presented Resolution No. 2019-13 entitled "CITY COUNCIL OF WINCHESTER, INDIANA, CONFIRMATORY RESOLUTION FOR THE DESIGNATION OF AN ECONOMIC REVITALIZATION AREA".

Councilor Sells moved to have Resolution No. 2019-13 to be read by title only. Councilor Allen seconded. Motion carried 5-0

Attorney Cockerill read Resolution No. 2019-13 by title only. Councilor Sells moved to approve Resolution 2019-13. Councilor Allen seconded. Motion carried 5-0. Thus it becomes Resolution No. 2019-13.

#### Resolution No. 2019-14

TOA Winchester, LLC, presented Resolution No. 2019-14 entitled "COMMON COUNCIL OF WINCHESTER, INDIANA, A PRELIMINARY RESOLUTION GRANTING TAX ABATEMENT TO TOA WINCHESTER, LLC". Councilor Allen clarified that this would be a tax abatement agreement for Five (5) years. Attorney Cockerill said that was displayed on the second page of the Resolution. Councilor Sells pointed out that this was a Five (5) year plan with Subaru, primarily Subaru in Lafayette. They are supplying the materials for Three (3) different Subaru models, and this would keep those jobs here. Greg Beumer, Executive Director of REDC, thanked them for considering the tax abatement. Beumer handed out information from the Randolph County Assessor's office. He pointed out how much goes to TOA and how much eventually goes to the City of Winchester. He wanted to clarify that this is Sixteen Million One Hundred Thousand Dollars (\$16,100,000) of new equipment and it would not serve to replace any equipment in the plant. This is new business through the new equipment. Mr. Mikio Yoshida, President of TOA Winchester, LLC and Tom Carpenter, Vice President of TOA Winchester, LLC, were there to answer questions. Councilor Allen asked if the equipment could be used longer than the Five (5) years. Yes, they said that it could be. Councilor Lennington asked if they've already put in Fourteen Million Six Hundred Thousand Dollars (\$14,600,000) for the equipment. That was correct. He asked if they had people running it at the moment. No, they will need Twenty-Four (24) employees to run it. They are at full employment now, plus the Twenty-Four (24) new jobs that will need to be filled. Councilor Lennington confirmed that the rate would be Fourteen Dollars (\$14) an hour. Councilor Friend asked how many employees they have right now. Currently, the number employed is Two Hundred and Seventy-Five (275). Councilor Allen asked if they have any long term plans to expand. Vice President Carpenter answered yes; they're planning on having new business. Councilor Friend asked if they have a timeline for a new business. Vice President Carpenter said they do have new business starting this fall but it will not yet create future jobs.

Councilor Sells moved to have Resolution No. 2019-4 read by title only. Councilor Friend seconded. Motion carried 5-0.

Attorney Cockerill read Resolution No. 2019-14 by title only. Councilor Sells moved to approve Resolution No. 2019-14. Councilor Allen seconded. Motion carried 4-1 with Councilor Lennington casting the negative vote.

Attorney Cockerill said that at the next meeting on August 5, they would vote to finalize the resolution. Councilor Allen thanked TOA for sticking around in Winchester.

#### Accounts Payable Vouchers (APV)

Clerk-Treasurer Haney began by saying that she added an APV from Freedom Life Church in the amount of Two Hundred and Fifty (\$250) to be expensed from the Mayors Promotion.

Mayor Byrum explained that it was for Freedom Life's back to school efforts to fill backpacks for students who needed help.

The June end-of-the-month General APV totaled Fifty-Eight Thousand Three Hundred Twenty-Five Dollars and Eight Cents (\$58,325.80).

General	\$4,609.89
Motor Vehicle Highway	\$264.40
Ambulance Non Reverting	\$283.05
Employee Welfare Benefit Plan	\$53,093.46
Weed Assessment Fund	\$75.00

The July 1-10 General APV totaled Forty-Eight Thousand Five Hundred Thirty-Nine Dollars and Thirteen Cents (\$48,539.13).

General Fund	\$19,327.75
Motor Vehicle Highway Fund	\$631.55
Light Fund	\$5,284.03
Court Cash Due County	\$784.00
City Court User Fee	\$870.00
Fireman's Pension Fund	\$3,548.50
Ambulance Non-Reverting Fund	\$155.09
C.E.D.I.T.	\$5,467.25
Sidewalk Rehabilitation	\$394.04
Animal Control	\$227.30
Cumulative Capital Improvement	\$11,815.00
Winchester Fire Department Prof Dev	\$34.62

Payroll totaled Fourteen Thousand Three Hundred Sixteen Dollars and Fifty-Five Cents (\$14,316.55) Total APV equaled One Hundred Twenty One Thousand One Hundred Eighty-One Dollars and Forty-Eight Cents (\$121,181.48).

Councilor Allen moved to approve the APV's but abstained from approving the claim for Freedom Life Church because he's part of the congregation. Councilor Sells said Councilor Allen didn't have to abstain but he could make it public knowledge. Councilor Sells seconded. Motion carried 5-0.

Clerk-Treasurer Haney presented the Redevelopment Commission Accounts Payable Vouchers (APV) which included Wind Turbine and Bond Payments for the wind turbine and the bond payments totaling Two Hundred Sixty Thousand Five Hundred Eighty-Nine Dollars and Thirty-Three Cents (\$260,589.33). Councilor Allen asked why the motor at the turbine went out. Mayor Byrum stated it was because it was about Six (6) years old. Councilor Sells moved to approve the APV's for the Redevelopment Commission. Councilor Friend seconded. Councilor Allen

asked if they'll ever make money off the wind turbine. Clerk-Treasurer Haney stated she provided a spreadsheet for the wind turbine in the Council packets distributed for the July 15 meeting. Motion carried 5-0.

Clerk-Treasurer Haney confirmed the Council would hold a budget workshop on July 16<sup>th</sup> at 5:30 pm.

Mayor Report

Mayor Byrum requested additional appropriations for a sign to be located at the Vision Park Industrial Park and business requests for economic development grants. He said they've reached Gold Status with the help of Randolph County. The sign located at Vision Park was removed last year and it needs to be replaced. Councilor Allen would like to see estimates for the sign. Mayor Byrum stated he had some business request economic development grants but he can't deal with them because he doesn't have money appropriated. Mayor Byrum is requesting an appropriation at the discretion of the Council. Councilor Friend asked if they have money in the E.D.I.T. fund for it already. Mayor Byrum said there is nothing to deal with within the E.D.I.T fund and therefore he cannot move forward to present an E.D.I.T. plan to the E.D.I.T. board because there is no money appropriated. He estimates Twenty Thousand (\$20,000) or Twenty-Five Thousand (\$25,000) would be enough right now. Councilor Friend said she would like to see a proposal come before the E.D.I.T. Committee and the Committee could have a meeting to discuss it.

Adjournment

There being no further information to discuss, Councilor Allen motioned to adjourn. Councilor Friend seconded. Motion carried 5-0. The July 15, 2019 meeting was adjourned at 7:33 p.m.

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Mayor, Shon Byrum

ATTEST:

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Clerk-Treasurer, Vicki Haney