

June 10, 2019

The Common Council met with Mayor William McKean for a regular meeting on Monday, June 10, 2019 at 7:30 p.m. in the Council Chambers at City Hall according to the posted notice. Councilmen Gregg Sprunger, Curtis Wurster, Ron Dull, and Mark Wynn were present along with City Attorney Dave Baumgartner and Becky Sprunger for Gwen Maller. Not in attendance, Council members Curtis Wurster and Philip Provost and Clerk-Treasurer Gwen Maller.

Others present, Sandra Affolder and Matt Lingo with FCC-Adams and Interim Executive Director of Adams County Economic Development, Larry Macklin.

Councilman Gregg Sprunger opened the meeting with the pledge of allegiance and Mayor McKean gave the invocation.

Minutes

On a motion by Ron Dull and a second by Mark Wynn, the minutes of the May 28, 2019 meeting were unanimously approved. 3 Yeas-0 Nays

Claims

On a motion by Gregg Sprunger and a second by Ron Dull, the claims were unanimously approved for payment. 3 Yeas-0 Nays

Date for City Wide Trick or Treat Night

Mayor McKean shared an email from Jen Lehman, events coordinator at the Muensterberg Plaza and Clock Tower stating that Treats at the Tower will be held on Tuesday, October 29, 2019. In the past, the city has coordinated that event with city wide Trick or Treat night. On a motion by Gregg Sprunger and a second by Mark Wynn, the council unanimously approved Tuesday, October 29, 2019 as City Wide Trick or Treat night in the City of Berne. 3 Yeas-0 Nays

FCC-Adams

Larry Macklin came before the council to explain the need for the council to consider Resolution 2019-6-1, which is a waiver of non-compliance for Resolution 2015-5 passed by council on May 11, 2015 for FCC-Adams. In explaining the need for the waiver, Mr. Macklin stated that FCC-Adams is in the 4th year of the 5 year Phase In or Super Tax Abatement. Due to construction and equipment delays beyond their control, FCC-Adams was unable comply with the original resolution completion date of July 2016. Mr. Macklin further explained that in talking with the Department of Local Government Finance (DLGF), this is not unusual and DLGF has a mechanism in place to extend the compliance date which will be January 2019. Mr. Macklin also stated that Clerk Treasurer Gwen Maller and City Attorney Baumgartner worked very hard on this.

Public Hearing Resolution #2019-6-1 waiving non-compliance with Resolution 2015-5-2.

Mayor McKean opened the hearing for comments by citizens. Mr. Macklin stated that the Adams County Economic Development Corporation rises in support of Resolution 2019-6-1 and extending FCC-Adams date of compliance to January of 2019.

With no other comments from the public, the hearing was closed.

In presenting Resolution 2019-6-1 to the council for their consideration, Attorney Baumgartner stated that the Berne Redevelopment Commission met on June 3, 2019 and passed resolution 2019-2 waiving Non-Compliance By FCC-Adams LLC With SB-1/PP IN Tax Phase In because FCC-Adams is in our TIF district. Attorney Baumgartner also noted that FCC-Adams exceeded their initial investment in Resolution 2015-5-2 from \$116,700,000.00 to \$135,082,350.00. From information supplied by Clerk-Treasurer Maller, FCC-Adams has grown to over 690 employees, invested in over \$235,108 million dollars in purchased equipment and paid over \$41,635 million dollars in acquiring real estate.

A question was asked by council if the new resolution changes the start and end date of the original tax abatement of 10 years. Both Mr. Macklin and Attorney Baumgartner assured the council that Resolution 2019-6-1 is simply a mechanism for FCC-Adams to remain in compliance with both the DLGF and the City and does not change the 10 year start and end date of the tax abatement.

On a motion by Ron Dull and a second by Gregg Sprunger, the council unanimously approved Resolution 2019-6-1 waiving non-compliance for FCC-Adams. 3 Yeas-0 Nays

RESOLUTION 2019-6-1

A RESOLUTION WAIVING NON-COMPLIANCE WITH RESOLUTIONS 2015-5-2

WHEREAS, the Common Council adopted Resolution 2015-5-2 on May 11, 2015, confirming the establishment of the area described in Exhibit “A”, attached hereto, as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-2, and

WHEREAS, the Common Council granted FCC (Adams), LLC an alternate abatement schedule for New Manufacturing Equipment on May 11, 2015; and

WHEREAS, the SB-1/PP filed by FCC (Adams), LLC set forth an original project completion date of July 31, 2016, with an estimated proposed project cost of \$116,700,000.00; and

WHEREAS, due to a variety of factors beyond the control of FCC (Adams), LLC, the project was unexpectedly delayed in completion and the investment increased to the sum of \$135,082,350.00.

BE IT RESOLVED THAT: The non-compliance of the completion of the project for New Manufacturing Equipment by the original anticipated completion date as set forth in the SB-1/PP filed by FCC (Adams), LLC, and approved in Resolution 2015-5-2 adopted by the Common Council on May 11, 2015, is hereby waived.

BE IT FURTHER RESOLVED THAT: The completion date on the SB-1/PP filed by FCC (Adams), LLC, and approved in Resolution 2015-5-2 adopted by the Common Council on May 11, 2015, granting a tax abatement for New Manufacturing Equipment is hereby modified and amended to include

an approved completion date of January 31, 2019, and the project cost of \$135,082,350.00.

Duly passed, adopted and resolved by the by the Common Council of the City of Berne, State of Indiana, on June 10, 2019.

**COMMON COUNCIL OF THE
CITY OF BERNE**

Gregg A. Sprunger, President
Curtis L. Wurster
Ronald N. Dull
Mark D. Wynn
Philip E. Provost

William F. McKean, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer

Both Sandra Affolder and Matt Lingo thanked the City for working with FCC-Adams on being in compliance.

Attorney Comments- None

Mayor Comments

Mayor McKean advised the council that he and Gwen Maller have been working on the 2020 salary ordinance and will be proposing a 3.1 % across the board pay increase for city employees and most likely for council and the mayor's office. The Salary Ordinance will be introduced at the June 24th council meeting. Mayor stated that he is hosting a Mayors Roundtable on Friday, June 14th hosted by Smith Brothers. The salt spreaders have been stored.

Council Comments Ron Dull reported that the Dots in Blue Water team will be heading back home Thursday, June 13th from Haiti and they would appreciate prayers for safe travel.

With nothing further to discuss and on a motion by Ron Dull and a second by Gregg Sprunger, the council meeting was adjourned.

William F. McKean, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer