

November 26, 2019

Commissioners' Conference Room

Vigo County Annex

Terre Haute, Indiana

Roll Call:

Present: Brad Anderson, Judy Anderson

Absent: Brendan Kearns

Others Present: County Attorney Mike Wright, James Bramble, Cheryl Loudermilk, Tammy Allen, Bob Murray, Kevin Gardner, Larry Robbins, Brandon Halleck, Donna Williams, Mike Esau, Howard Greninger, Sherri Hines, Vicki Oster, Sondra Gray, Nancy Allsup, Vicki Weger, Bill Watson, Aaron Loudermilk, Kylissa Miller, Channel 2 News, Channel 10 News, Mike Schalburg, Mike Ciolli, Andre Kumerow, Connie Flood, Kristin Craig, Martha Crossen.

Pledge of Allegiance.

Presentation from Spectacle Jack, LLC. John Keeler, Vice President and General Counsel, for Spectacle Jack, LLC, gave a presentation to the Board. He expressed his gratitude to the legislators and all the governing boards in Vigo County for their willingness to work with Spectacle Jack and get all these actions accomplished. He presented a local development agreement that was being worked on with the local government and community leaders. The parties are the County and Spectacle Jack. The payment that the casino will make is 3% of AGR. AGR is a gaming tax terms that means bets minus payoffs. So what is left after the payoffs is what the payment would be based on. There is also the newly enacted sports betting which provides for 3% of the net commissions the casino receives from sports betting. The agreement provides that the 3% (which is estimated to be approximately \$3,000,000.00 per year based on the assumption of \$100,000,000.00 of AGR) is destined to go to a 501(c)(3) not-for-profit foundation that would be created if the local development agreement is approved and Spectacle Jack receives the license. It would be governed by a board of 5 directors. Those directors would be appointed as follow: the County Commissioners would appoint one member from the County Council; the Mayor of Terre Haute would appoint one person that is a member of the City Council; the casino would appoint two members; and the President of the Chamber of Commerce would appoint the fifth member. In the event that Spectacle Jack would sell the casino, the agreement provides the two casino members would resign and in their place the President of the County Commissioners and the Mayor would each appoint another member to take their place. The purpose of the Foundation is to support the local plan that the community is in favor. The agreement also contains a provision that requires the casino to be constructed by organized labor. In the event of disputes, there is an arbitration provision. The agreement is contingent upon the approval of the Indiana Gaming Commission and the award of the license. Mr. Keeler then asked if there were any questions. The County Attorney advised that he had no questions regarding the agreement. Commissioner Brad Anderson indicated that they would take the matter under consideration.

Mr. Keeler then advised that they had entered into an agreement with Hard Rock Casino if Spectacle Jack obtains the license. The location would be south of the Wal-Mart on 22 acres near the intersection of Interstate 70 and State Road 46 on land that is now vacant. Mr. Keeler also presented several renderings of the proposed casino and talked about the amenities. He indicated that the casino would employ about 600 people. They had an economic development study done which revealed that for those 600 employees that were directly employed, there was estimated to be another 800 employees within the community that would have jobs as a result of the casino. Tax revenues for the combined different entities but exclusive of the local development agreement, was estimated to be in the neighborhood of \$6,000,000.00-\$6,500,000.00 per year with the local development agreement and \$100,000,000.00 AGR. County Attorney Michael Wright indicated that the Commissioners felt that all three Commissioners needed to be present to vote on this action and that one member had been unable to participate today. The Indiana Open Door Law allows meetings to be recessed and then reconvened on notice. Upon discussion, it was decided to reconvene this meeting on Monday, December 2, early in the morning to allow everybody to be present. Commissioner Judy Anderson had questions with regard to how the Board was appointed and how the Foundation was going to operate and if it was a standard procedure. Mr. Keeler indicated that each community was unique in how these things were handled. Kristin Craig then talked about forming an unofficial task force. The group consisted of her, Commissioner Brad Anderson, Mayor Duke Bennett, City Council President Martha Crossen and Vigo County Council President Aaron Loudermilk. This group agreed that they would like these funds to go into a fund that would allow us to determine how to best use these funds for projects for ourselves as a community, not tie them into specific projects. **Motion: Action:** Act on these matters when the meeting is reconvened on Monday, December 2. **Moved by:** Judy Anderson, **Seconded by:** Brad Anderson, **Passed:** all ayes.

Agreement for County Engineer – LPA & Clinton Road Corridor. Larry Robbins presented three agreements as follows:

- a. Supplemental Agreement with HWC Engineering. DNR indicated they wanted some photographic evidence of one of the bridges (#322 on 13th Street over Lost Creek) before it was deconstructed. So that needed to be added to the contract. The fee for that photo documentation was \$6,000.00. This supplement is just to increase that agreement for that photo documentation. **Motion: Action:** to approve. **Moved by:** Judy Anderson. **Seconded by:** Brad Anderson. **Passed:** all ayes.
- b. INDOT LPA Contract for the next phase of Clinton Road. For fiscal year 2024. This just identifies when the funds will be available through our MPO and the agreement is in the amount of \$3,382,400.00. This will go toward the next phase of Clinton Road. This is just the award from INDOT and when the money will be available. **Motion: Action:** to approve. **Moved by:** Judy Anderson. **Seconded by:** Brad Anderson. **Passed:** all ayes.
- c. Corridor Study Agreement with USI Consultants. This is to look at the entire Clinton Street Corridor just to help identify what that needs to look like in the future. This agreement is to execute that corridor study. This will help identify some issues that have arisen in the past. **Motion: Action:** to approve. **Moved by:** Judy Anderson. **Seconded by:** Brad Anderson. **Passed:** all ayes.

Agreement for Community Corrections. Community Corrections has been experiencing problems with the equipment all across the board with regard to in-home detention. The new technology just a better

product all the way around. He lined up a new agreement with Sentinel Offender Services to provide new equipment. It's primarily a user service where people who are on it pay for it themselves and those who are indigent is paid for by the Court's program. Approval was being requested to change out the system completely with all new equipment. **Motion: Action:** to approve. **Moved by:** Judy Anderson. **Seconded by:** Brad Anderson. **Passed:** all ayes.

Appointment Wabash River Heritage Corridor Commission. This is a resolution for appointment to the Wabash River Heritage Corridor Commission. Last year this was Brendan's appointment with Adam Grossman as his proxy and in talking to Brendan before he left, he is asking to be re-appointed to that. **Motion: Action:** to approve. **Moved by:** Judy Anderson. **Seconded by:** Brad Anderson. **Passed:** all ayes.

Service Agreement – Nyhart. Vigo County Auditor James Bramble presented a service contract for an actuarial of date on the County's liability for post-employment health care. It's an issued tied in with GAAP financial statements. They're going to calculate our liability with other post-employment benefits which we have, primarily COBRA benefits. Nyhart will provide data collection analysis in preparation for the comprehensive annual report in actuarial valuation and disclosures as required. Cost initially is \$6,500.00 and \$3,00.00 annually after that to keep it up to date. **Motion: Action:** to approve. **Moved by:** Judy Anderson. **Seconded by:** Brad Anderson. **Passed:** all ayes.

Review of Minutes/Claims. Vigo County Auditor James Bramble presented minutes for approval from October 22, 2019, October 29, 2019, November 6, 2019, and the rezoning board meeting of November 14, 2019. Since Commissioner Judy Anderson was only present for one of those meetings, it was decided that signature would be tabled until Monday, December 2, 2019 when all Council members would be present to sign for meetings attended to maintain a quorum. Mr. Bramble then presented claims for November 2-6 in the amount of \$186,614.96 and the period November 9-15 in the amount of \$519,051.28 plus payroll of \$954,023.72 for a total of \$1,473,075.00 and claims for November 16-22 in the amount of \$4,003,111.12. **Motion: Action:** to approve. **Moved by:** Judy Anderson. **Seconded by:** Brad Anderson. **Passed:** all ayes.

Comment from Elected Officials. Martha Crossen commented regarding the LDA. She wanted to encourage, because of the process of the money coming to the community, whoever is appointed to see the role as a very public one. She will request, and she hopes that the County Council and Commissioners will also request, periodic reports on the way the Foundation is being run/handled. She feels that it's very important that the community be informed on the process.

Comment from Public or other Vigo County Representatives. Donna Williams, on behalf of the citizens group, invited the Commissioners and the Chamber and Spectacle Jack, LLC to attend a public session at the library this Saturday, November 30, at 9:00 a.m. to continue this conversation. Her group supports the casino but thinks it's important for the public to have an opportunity to ask questions.

Mike Esau next questioned whether these meetings were publicized and, if so, how they were publicized when the proposed LDA was drawn up. Mr. Esau requested a copy of the documents for the public to review. County Attorney Wright advised that the document is not a formalized document yet and should not be available for viewing until he could confer with the attorneys for Spectacle Jack. Mr. Esau then questioned what he saw as a conflict regarding appointment of 2 members of the Board being a part of the developers. Mr. Esau next commented on the presentation by Bill Watson and the change in

home detention services. He felt that the County should absorb all costs regardless of the ability of the person to pay. Commissioner Brad Anderson indicated that they would look into it.

Kylissa Miller advised that the annual certifications that are due relating to county contracts with business interests of relatives and also employment supervision of relatives have been submitted for 2019.

Andrew Kummerow asked if the proposed location of the casino was going to be located in a TIF district. If that is correct, wouldn't the property taxes generated by the casino be limited for the use of the TIF district and those funds would not be available for use of the public schools?

Mike Esau then questioned whether or not there was a guarantee of payments if the casino did not make any money or they make less than projected. Could they actually pay no money based on the fact they would have no profit? County Attorney Wright advised that the proposed agreement is 3% of adjusted gross receipts. Mr. Esau then wanted to know if Spectacle Jack could release the employment data on those 600 jobs being promised, i.e. full-time, part-time, how many hours worked, etc. Commissioner Brad Anderson indicated that was probably something they could ask about.

Motion: to recess and reconvene on December 2, 2019 at 9:00 a.m. when all Commissioners could be present. **Moved by:** Judy Anderson. **Seconded by:** Brad Anderson seconded the motion. **Passed:** all ayes.



Brad Anderson, President



Judy Anderson, Secretary

Attest:



James W. Bramble, Auditor



Brendan Kearns, Member