

TOWN OF DANVILLE

Town Council Agenda

April 3, 2024

7:00 PM

- I. Establish Quorum, Call Meeting to Order**
- II. Pledge of Allegiance**
- III. Approval of Minutes**
- IV. Public Comment** – 3 minutes per person
- V. Public Meeting**
 - A. Proclamation: Letter Carriers Stamp Out Hunger Food Drive Day – Town Manager**
 - B. TIF Management Reporting – Baker Tilly/Town Planner**
 - C. Ordinance 6-2024: Request for Super-Voluntary Annexation (Public Hearing) – Town Planner**
 - D. Ordinance 7-2024: Additional Appropriation – Clerk/Treasurer**
- VI. Staff and Council Comments**
- VII. Claim Docket**
- VIII. Payroll Docket**
- IX. Adjournment**

NOTICE: The public meetings of the Danville Town Council conducted within these chambers shall be video recorded. Said recording will be part of the public records of the Town of Danville and shall be published upon the Town of Danville's website for public access. All individuals attending public meetings hereby give to the Town of Danville, their permission for said publication, which may contain their image or statements.

TOPIC SUMMARY

Approval of Minutes:

3/20/24: Council Meeting. *Will require a Vote.*

- A. Proclamation: Letter Carriers Stamp Out Hunger Food Drive Day** – Town Manager will present a proclamation to declare the second Saturday of May 2024 as “Letter Carriers Food Drive Day”. *Will require a Vote.*
- B. TIF Management Reporting** – Town Planner will introduce Heidi Amspaugh of Baker Tilly. She will provide a presentation of the requirements of TIF Reporting and the annual report. *Requires no further action.*
- C. Ordinance 6-2024: Request for Super-Voluntary Annexation (Public Hearing)** – Town Planner will present a request for Super-Voluntary Annexation of the property located at 186 South C.R. 400 East. The petitioners are Clyde Orr & Louis and Shiela Jones. A timeline of the annexation process has been included in the packet. **A public hearing will need to be gaveled open – comments taken – public hearing gaveled closed.** *Requires no further action.*
- D. Ordinance 7-2024: Additional Appropriation** – Clerk/Treasurer will present an ordinance for an additional appropriation in the Police Continuing Education Fund. Public notice was provided through proper advertising of tonight’s public hearing in accordance with Indiana Statute. **A public hearing will need to be gaveled open – comments taken – public hearing gaveled closed.** This is up for adoption tonight and meets all requirements for this procedure due to advertising and public hearing. No suspension of the rules is required. *Will require a Vote.*

Staff and Council Comments

Claim Docket

Payroll Docket

Motion to Adjourn

*****Council Members are requested to sign documents after the close of the meeting*****

Proclamation

"Letter Carriers' Stamp Out Hunger® Food Drive Day"

- WHEREAS:** Every year on the second Saturday in May, letter carriers across the country collect non-perishable food as part of the nation's largest one-day food drive, distributing the donations to local food banks; and
- WHEREAS:** The Letter Carriers' Stamp Out Hunger® Food Drive is just one example of how letter carriers work to make a difference in the lives of those they serve. Since the pilot drive was held in 1991, more than 1.9 billion pounds of food have been collected; and
- WHEREAS:** We recognize all letter carriers for their hard work and their commitment to their communities. All of the food collected in our community stays in our community and we support carriers' efforts to help those in need in our community; and
- WHEREAS:** We also recognize the noteworthy milestone of 32 years that the National Association of Letter Carriers' Food Drive celebrates in 2024.

NOW, THEREFORE, We the Town Council of Danville, Indiana, by the authority vested in us, do hereby proclaim the second Saturday of May 2024 as "LETTER CARRIERS FOOD DRIVE DAY" in the Town of Danville, and we encourage the citizens of our community to support the food drive by placing non-perishable food items near their mailbox on food drive day. Your letter carrier will pick it up while delivering the mail. Together, we can all help to feed our hungry.

IN WITNESS WHEREOF, we have hereunto set our hand and caused the Seal of Danville, Indiana to be affixed this 3rd day of April, the year of our Lord two thousand and twenty-four.



Chris Gearld, President

Michael Chatham, Vice President

Greg Irby

Attested By:

Bret Doub

Carrie Lofton, Clerk-Treasurer

Dave Potter

TIF MANAGEMENT ANNUAL REPORT OF THE REDEVELOPMENT COMMISSION
(PURSUANT TO IC 36-7-14-13)

FROM: DANVILLE REDEVELOPMENT COMMISSION
TO: INDIANA DEPARTMENT OF LOCAL GOVERNMENT FINANCE (DLGF)
CC: DANVILLE TOWN COUNCIL
CHRIS GEARLD, COUNCIL PRESIDENT; EXECUTIVE OF UNIT
DATE: _____ (To be provided by April 15, 2024)

Pursuant to Indiana Code 36-7-14-13, the Danville Redevelopment Commission hereby provides to the Town Council, Chris Gearld, Executive of Unit, and the Department of Local Government Finance, the following information for the year 2023 with respect to each of the tax increment financing districts created by the Redevelopment Commission, as follows:

MANAGE TIF DISTRICTS AND AREAS (list TIF Allocation Area(s) and expansions)						
TIF Allocation Area Name	TIF Code	Indiana Code	Purpose	TIF Area Nickname	Establish Date	Description
Downtown Main #1 Allocation Area	132061	IC 36-7-14 and IC 36-7-25	Econ Dev	Downtown Main #1	8/9/2019	N/A
East Main Corridor Allocation Area	132062	IC 36-7-14 and IC 36-7-25	Econ Dev	East Main Corridor	8/9/2019	N/A

PERSONNEL: Active Commissioners as of 12/31/23 (Info prepopulates in Gateway)						
Name	Title	Active at Year Start	Active Start Date	Active at Year End	Active End Date	
Ben Corner	President	Yes	1/1/2023	Yes	12/31/2023	
Brad Logan	Member	Yes	1/1/2023	Yes	12/31/2023	
Ellen Wilborn	Member	Yes	1/1/2023	No	12/31/2023	
Dr. Tracey Shafer	Non-voting School Board Member	Yes	1/1/2023	Yes	12/31/2023	
Commissioners Removed in Prior Year						
Name	Title	Active at Year Start	Active Start Date	Active at Year End	Active End Date	
Greg VanLaere	Member	Yes	1/1/2023	No	9/1/2023	
Employees of the Commission						
Name	Amount	Salary/Compensation				
N/A						

FINANCE SECTION					
Total Revenues and Expenditures by TIF Area					
TIF Area Name	Total Revenues	Total Expenditures			
Downtown Main #1 Allocation Area	\$5,194.00	\$0.00			
East Main Corridor Allocation Area	\$545,118.38	\$60,233.00			
Redevelopment Commission Expenditures					
Category	Subcategory	Description	Amount		
Other Services and Charges	Professional Services	Professional Services	\$40,380.95		
Capital Outlays	Improvements other than buildings	Grants	\$19,852.05		
Grants/Loan					
TIF Area Name	Fund	Entity	Purpose	Amount	
East Main Corridor Allocation Area	East Main Corridor Allocation Fund - 4451	Downtown Danville Partnership	Alley improvements	\$19,852.05	
TIF Distributed to Other Units	Fund	Entity	Purpose	Amount	
TIF Area Name					

Additional Notes regarding RDC:
Expenditures paid from the TIF Account (Fund 8800) are tied to the East Main Corridor Allocation Area.

FUND BALANCES SECTION: Fund Balances as of December 31, 2023:			
TIF Area Name	Fund Name	Balance	
Danville TIF (Inactive)	TIF Allocation Fund - 8800	\$0.00	
Downtown Main #1 Allocation Area	Downtown Main Allocation Fund - 4445	\$7,481.79	
East Main Corridor Allocation Area	East Main Corridor Allocation Fund - 4451	\$787,378.82	

DEBT PAYMENTS MADE SECTION			
TIF Area Name	Debt Name	Split/Adjust Pmt. (Portion of P&I paid from TIF)	Maturity Date of Bonds
N/A			

PARCEL LISTS AND DOCUMENTS (to be uploaded directly into Gateway)
See attached.

Danville Downtown Main #1 Area

County	Parcel Number	Property Type Code	Taxpayer Name	Gross Assessed Value	Net Assessed Value	Base AV	Incremental AV
32	32-11-04-488-001.000-003	R	Danville Christian Church	101,200	0	0	0
32	32-11-04-488-003.000-003	R	PYRAMID CONSTRUCTION & MAINT	146,200	146,200	129,929	16,271
32	32-11-04-488-004.000-003	R	52 NJS LLC	108,600	108,600	108,600	0
32	32-11-04-488-006.000-003	R	HORNER REAL ESTATE GROUP LLC	75,000	75,000	75,000	0
32	32-11-04-488-007.000-003	R	HORNER REAL ESTATE GROUP LLC	75,000	75,000	75,000	0

Danville East Main Corridor Area

County	Parcel Number	Property Type Code	Taxpayer Name	Gross Assessed Value	Net Assessed Value	Base AV	Incremental AV
32	32-11-01-390-001.000-003	R	WELL NPSL LANDLORD LLC	62,600	62,600	0	62,600
32	32-11-01-390-002.000-003	R	WELL NPSL LANDLORD LLC	113,700	113,700	0	113,700
32	32-11-11-229-001.000-003	R	EXCHANGERIGHT NET LEASED PC	3,216,500	3,216,500	6,531	3,209,969
32	32-11-11-229-002.000-003	R	GOODWILL OF CENTRAL & SOUT	1,968,800	0	5,626	(5,626)
32	32-11-12-127-001.000-003	R	WELL NPSL LANDLORD LLC	18,817,500	15,871,713	0	15,871,713
32	32-11-12-127-002.000-003	R	WELL NPSL LANDLORD LLC	2,272,600	2,272,600	0	2,272,600
32	32-11-12-127-003.000-003	R	WELL NPSL LANDLORD LLC	36,900	36,900	0	36,900
32	32-11-12-127-004.000-003	R	WELL NPSL LANDLORD LLC	216,400	216,400	0	216,400
32	32-11-12-127-005.000-003	R	WELL NPSL LANDLORD LLC	62,200	62,200	0	62,200
32	32-11-12-127-006.000-003	R	WELL NPSL LANDLORD LLC	72,100	72,100	0	72,100
32	32-11-12-127-007.000-003	R	WELL NPSL LANDLORD LLC	47,500	47,500	0	47,500
32	32-11-12-127-008.000-003	R	WELL NPSL LANDLORD LLC	300,600	300,600	58,376	242,224

ORDINANCE NO. 06-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DANVILLE, INDIANA, ANNEXING TERRITORY TO THE TOWN OF DANVILLE, PLACING THE SAME WITHIN THE CORPORATION BOUNDARIES THEREOF AND MAKING THE SAME A PART OF THE TOWN OF DANVILLE

CLYDE ORR & LOUIS AND SHEILA JONES SUPER-VOLUNTARY ANNEXATION

WHEREAS, the Town Council ("Council") of the Town of Danville, Indiana ("Town" or "Danville") has received a petition ("Petition") requesting that certain territory generally located in Section 7, Township 15 North, Range 1 East, Center Township, Hendricks County, Indiana, as hereinafter described ("Annexation Territory"), be annexed by Danville; and

WHEREAS, this Petition has been signed by all (i.e. 100%) of the property owners within the Annexation Territory; and

WHEREAS, the Council deems it desirable and in the best interests of the Town to annex the Annexation Territory; and

WHEREAS, this Annexation Territory is more commonly known as 186 South County Road 400 East and is fully described in the attached legal description (Exhibit A) and illustrated on the attached map (Exhibit B); and

WHEREAS, where the legal description attached as Exhibit A describes land this is contiguous to a public right-of-way that has not previously been annexed, the Annexation Territory shall include the contiguous public right-of-way even if it is not described in Exhibit A, except to the extent prohibited by I.C. § 36-4-3-1.5(c); and

WHEREAS, where the parcel of property within the Annexation Territory is adjacent to a parcel of property within the existing Town limits, the Annexation Territory boundary shall conform to and match the boundary of the existing Town limits so long as it does not result in adding or removing parcels of property from the Annexation Territory depicted in Exhibit A; and

WHEREAS, the Annexation Territory consists of approximately 4.10 acres, and is contiguous to the existing Town limits; and

WHEREAS, prior to adoption of this Ordinance, the Council, by resolution, will have adopted a written fiscal plan and definite policy for the provision of services of both a non-capital and capital nature to the Annexation Territory that meets the requirements of I.C. § 36-4-3; and

WHEREAS, the terms and conditions of this annexation, including the written fiscal plan, are fairly calculated to make the annexation fair and equitable to property owners and residents of the Annexation Territory and of the Town; and

WHEREAS, prior to the final adoption of this Ordinance, the Town will have conducted a public hearing pursuant to proper notice issued as required by law; and

WHEREAS, the Council finds that the Annexation pursuant to the terms of this Ordinance is fair and equitable and should be accomplished.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Danville, Indiana, as follows:

1. The above recitals including Exhibit A are incorporated herein by this reference as though fully set forth herein below.
2. In accordance with I.C. § 36-4-3-5.1 and other applicable laws, the Annexation Territory is hereby annexed to the Town and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
3. The Annexation Territory is assigned to Council District (Ward) No. 3.
4. All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby superseded. The paragraphs, sentences, words, and Annexation Territory of this Ordinance are separable, and if a court of competent jurisdiction hereof declares any portion of the Ordinance or the Annexation Territory unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of the Annexation Territory or this Ordinance.
5. The effective date of this annexation shall be as soon as allowed by law following its adoption, execution, and publication as required by law.

Introduced on March 20, 2024 and adopted by the Town Council of the Town of Danville, Indiana, on April 17, 2024.

THE TOWN COUNCIL OF THE TOWN OF
DANVILLE, INDIANA

Chris Gearld, President

Michael Chatham, Vice-President

Greg Irby, Member

Brett Doub, Member

Dave Potter, Member

ATTEST:

Carrie Lofton, Clerk-Treasurer

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law."

Lesa Ternet
Document prepared by: Lesa Ternet



DULY ENTERED
FOR TAXATION

SEP 18 2023 MC

Nancy L. Marsh

AUDITOR HENDRICKS COUNTY

TRUSTEE'S DEED

THIS INDENTURE WITNESSETH, that **Alberta Ann Wroten, Trustee of the Wroten Family Trust Agreement dated November 17, 2004** ("Grantor"), by virtue of the power and authority granted under the provisions of said Trust Agreement and under Indiana Code, hereby CONVEYS to **Clyde Orr and Christine Orr, husband and wife** ("Grantee"), for the sum of one dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hendricks County, State of Indiana, to-wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

Subject to all easements, restrictions and rights of way.

Subject to all taxes now a lien and to become a lien thereon.

Address and/or Parcel Number: 186 S County Road 400 E., Danville, IN 46122
32-10-07-240-009.000-002 and 32-10-07-240-008.000-002

The undersigned person executing this deed on behalf of Grantor represents and certifies that she is duly authorized to execute and deliver this deed and that she has full legal capacity to convey the real estate described herein, as acting Trustee of the Grantor trust.

IN WITNESS WHEREOF, the said Alberta Ann Wroten, Trustee of the Wroten Family Trust Agreement dated November 17, 2004, has hereunto set her hand, this 14 day of Sept, 2023.

The Wroten Family Trust Agreement dated November 17, 2004

By: *Alberta Ann Wroten, Trustee*
Alberta Ann Wroten, Trustee

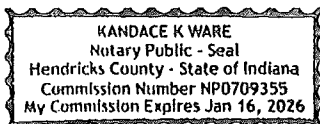
(notary acknowledgement on separate attached page)

Sales Disclosure Included
9/18/2023 DKR

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

Before me, a Notary Public in and for said County and State, personally appeared Alberta Ann Wroten, Trustee of the Wroten Family Trust Agreement dated November 17, 2004, and acknowledged the execution of said Trustee's Deed to be her voluntary act and deed for the uses and purposes expressed therein.

Witness my hand and notarial seal this 14 day of Sept, 2023.



Kandace K Ware
Notary Public - Signature

Notary Public - Printed Name

Resident of _____ County

My Commission Expires: _____

Send Tax Bills To: SAAME

Grantee's Mailing Address: 186 S CR 400 E Danville IN
46122

Commitment No.: 23-06076

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, Ben Comer.

This instrument was prepared by Ben Comer, Attorney-at-Law, 71 West Marion Street, P.O. Box 207, Danville, Indiana 46122, telephone: (317) 745-4300.

EXHIBIT A

Part of the Northeast quarter of the Northeast quarter of Section 7, Township 15 North, Range 1 East bounded and described as follows, to-wit:

Beginning at a point in the East line of said quarter quarter section which is 822.25 feet South of a brass plug at the Northeast corner of aforesaid quarter quarter section and running thence South on and along said East line 217.8 feet; thence West at right angles to said East line 200.0 feet; thence North parallel to said East line 217.8 feet; thence East parallel to the South line of this tract 200.0 feet to the place of beginning containing 1 acre, more or less.

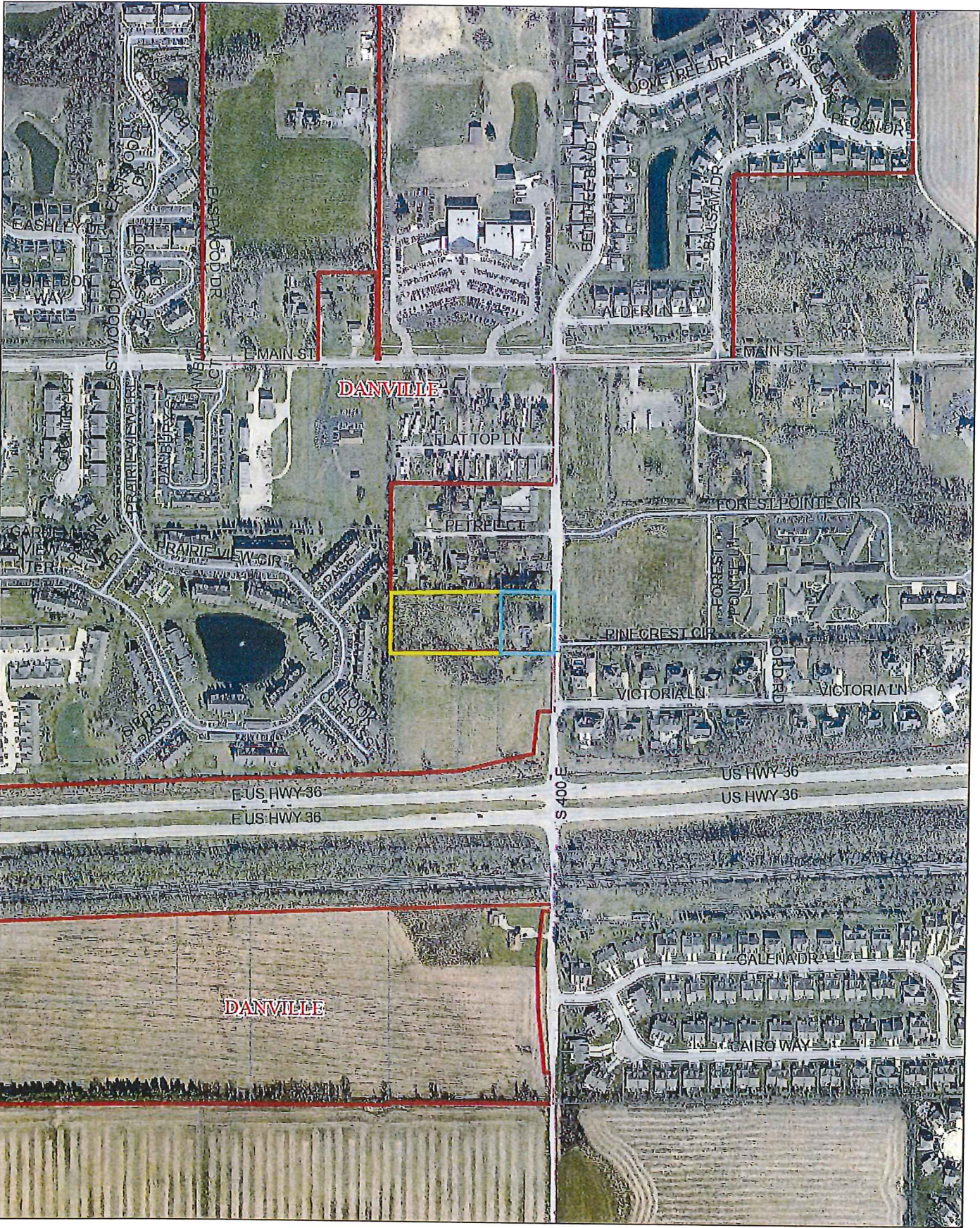
ALSO:

Part of the Northeast quarter of the Northeast quarter of Section 7, Township 15 North, Range 1 East, bounded and described as follows, to-wit:

From a monument marking the Northeast corner of said quarter quarter section run thence South on and along the East line thereof a distance of 822.25 feet; thence West at right angles to said East line a distance of 200 feet to the place of beginning: FROM SAID BEGINNING POINT run thence West 417.58 feet and to the East line of a tract of land conveyed to William T. Gill et al by virtue of a deed recorded in Deed Record 164 pages 286 in the office of Recorder of Hendricks County, Indiana, at a point which is 822.25 feet South of the North line of said quarter quarter section; thence South on and along above mentioned East line 217.8 feet; thence East 417.8 feet to within 200 feet of the East line of said quarter quarter section; thence North 217.8 feet to the point of beginning.

Containing 2.1 acres, more or less.

Exhibit B
Orr_Jones Annexation



Fee: \$50

PETITION FOR ANNEXATION

Common Address of Property: 186 South County Road 400 East

[attach legal description and map showing location of property]

Petitioner Name(s): Louis Jones Sheila Jones

Mailing Address of Petitioner: 3751 Flatbush Lane Danville, IN 46122

Petitioner's Phone Number: 317-681-9189

Petitioner's Email: Sheila.jones2472@gmail.com

Property Owner's Name (if not Petitioner) Clyde H Orr

Property Owner's Mailing Address: 8292 S. SR 39 Clay City, IN 46118

Tax ID / Parcel Number: 02-2-07-51E 240-008 + 009

of Persons Living on Property: NA Acreage: 008/2.10 ac 009/1.0 ac
3.10 total

Zoning Sought: Residential Current County Zoning: PB / Planned Business

Present Use of Property: Residential

Plans for Changes in Use of Property: None

Reasons for Seeking Annexation: We want utilities

Electrical Service Provider: Duke Existing Sidewalks: Yes ☐ No ☒

Existing Utilities: Well ☒ Septic City Other West Central Well to be abandoned: Yes ☒ No ☐

Sheila & Louis Jones
Name(s) of Petitioner(s) - printed or typed

Sheila Jones David Jones Clyde Orr
Signature(s) of Petitioner(s):

3/8/24
Date

[attach affidavit of consent to annexation signed by all owners of the property to be annexed
who have not signed this document as petitioner(s)]

Debra Turner 3-8-24
Received by Date

**AGREEMENT NOT TO REMONSTRATE AGAINST ANNEXATION FOR
CONNECTION TO THE TOWN OF DANVILLE'S SANITARY SEWER
AND/OR WATER DISTRIBUTION SYSTEMS**

We, Berta & Louis Jones Clemons, owners of approximately _____ acres of real property (henceforth called the "Property") described in the attached exhibit "Exhibit A" agree to waive our right, and that of any successors in title, to remonstrate against pending or future annexations of the property by the Town of Danville ("Town") in consideration for the Town's agreement to allow the development on the property to be connected to the Town's sanitary sewer and/or water systems. Connection to and use of the Town's sewer and water systems shall be subject to the terms and conditions generally applicable to other new connections made for properties within the Town (e.g. the sewer laterals and their connections to the Town's sewer main must meet Town specifications; all tap-in and sewer use fees must be paid and the Town's sewer use ordinance requirements must be followed).

We the undersigned agree that this waiver of the right to remonstrate shall also bar the filing of a declaratory judgement action or any other legal or equitable action to contest or appeal the annexation of the property.

Executed this 8 day of March, 2024

Charles D. Jones
Property Owner

Berta & Louis Jones Clemons
Property Owner

Acceptance of the Town of Danville:

By: Mark R. Morgan
Mark Morgan, Town Manager

Date: March 13, 2024

Super-Voluntary Annexation Timetable
Clyde Orr & Louis and Sheila Jones
186 South County Road 400 East

Mar 8th Petition was filed for annexation into the Town of Danville.

Mar 12th Legal notice submitted to *The Republican*.

Petitioner submits a public hearing notice for annexation to run once in The Republican on March 14th.

Mar 14th Notice of public hearings on annexation and zoning appears in *The Republican*. Minimum 20-day waiting period begins before public hearing may be held on annexation ordinance.

Mar 20th Annexation ordinance is introduced.

Apr 2nd Minimum 20-day waiting period for public hearing ends.

Apr 3rd Town Council holds public hearing on annexation.

Apr 3rd Minimum 14-day waiting period begins before Council can take final action on annexation.

Apr 17th Minimum 14-day waiting periods ends. Town Council may take final action on annexation at next regularly scheduled meeting.

Apr 17th Fiscal plan is adopted by Town Council.
Town Council adopts annexation ordinance.

Apr 19th Clerk-Treasurer submits public notice on approved annexation to paper.

Apr 25th Public notice on approved annexation is published.
30-day waiting period begins before annexation can be recorded.

May 25th 30-day waiting period ends.

May 28th *Clerk-Treasurer records annexation with County and files annexation with the appropriate agencies no later than ninety (90) days after the expiration period for an appeal.*

ORDINANCE NO. 7-2024
ADDITIONAL APPROPRIATION

WHEREAS the proper officers of the Danville Town Council of Town of Danville,
(Adopting Body) (Taxing Unit)

Hendricks County, Indiana have determined that it is now necessary to appropriate more
(Name of County)

money for calendar year 2024 than the amount that was fixed by the Danville Town Council
(Year) (Adopting Body)

and finally determined in the annual budget under Indiana Code 6-1.1; and

WHEREAS notice was duly given to the public in accordance with IC 6-1.1-18-5(a) and IC 5-3-1-2(b)
for a public hearing on a proposed additional appropriation and a public hearing was held on

April 3, 2024, by the Danville Town Council regarding the same:
(Date) (Year) (Adopting Body)

THEREFORE, BE IT ORDAINED (RESOLVED) by the Danville Town Council of
(Adopting Body)

Town of Danville, Hendricks County, Indiana that a need now exists for an additional
(Taxing Unit) (Name of County)

appropriation out of the following fund or funds named, and for the purposes specified, subject to laws
governing the same:

FUND INFORMATION		
Fund Name: Continuing Education		
Budget Classification	Additional Amount Requested	Additional Amount Adopted
Personal Services	\$	\$
Supplies	\$	\$
Other Services and Charges	\$20,000	\$20,000
Township Assistance	\$	\$
Debt Service	\$	\$
Capital Outlays	\$	\$
Total:	\$20,000	\$20,000

Duly adopted by the following vote of the members of said Danville Town Council this 3rd
(Adopting Body)
day of April, 2024.

ADOPTION INFORMATION			
Official Vote		Name	Signature
Nay	Aye		
		Christopher Gearld	
		Michael Chatham	
		Gregory Irby	
		Bret Doub	
		David Potter	

Attestation by Secretary of Governing Body	
Date	