**FRANKLIN COUNTY AREA PLAN COMMISSION**

 **MEMORANDUM & MINUTES**

 **February 13, 2019 @ 7:00 PM**

 **COMMISSIONERS/COUNCIL PUBLIC MEETING ROOM 203**

**THOSE PRESENT:** Area Plan Commission Members; Mary Rodenhuis, Ruthie Mannix, Robert Braun, Glenn Bailey, Ed Derickson, and Chris Ernstes. Also present; Tammy Davis, Commission Attorney; Cindy C. Orschell, Director; Nichole J. Staudt, part-time administrative assistant.

Robert Braun opened the meeting with the Pledge of Allegiance.

Roll Call performed.

**MINUTES Of January 09, 2019-** MOTION- Glenn Bailey moved to accept, 2nd Mary Rodenhuis. AIF. MC. Ed Derickson abstained.

**Election of Officers-** Ruthie Mannix nominated Robert Braun for President, 2nd Chris Ernstes, Ed Derickson moved to close nominations. AIF MC

Glenn Bailey nominated Ruthie Mannix for Vice-President, 2nd Mary Rodenhuis, Ed Derickson moved to close nominations. AIF MC

**TIF District-** Nick Lawrence-Vice-President of Economic Development and Redevelopment Commission- I came here tonight to discuss the second step in the expansion of the TIF district. Proposed expansion is 16 parcels with the use of public roadways. These parcels are already zoned general business or industrial. For the Redevelopment Commission this means flexibility in funds. This is a ribbon expansion that will connect several properties. We utilize public roadways to access these parcels. This is to encourage and attract development in Franklin County. We are here to seeking approval of executive order prior to public hearing with Commissioners. Ruthie- I am puzzled by the maps. I am not sure what a Ribbon TIF is. Is everything along the red line developable? Nick- No. That just shows the road where we would expand our development along those roads. Ruthie- Why the connecting line? Nick- With the Ribbon TIF, it allows the ability to moves funds from project to project if needed. Grant Reeves- Ribbons are rights of way for roads. It does not affect property owners, auditor or taxes. Robert- Does that mean that you can spend money on different parcels for instance, on sewers? Grant- The funds can also cover infrastructure. This would also cover sewer or services, but it would have to be useful to one of the 16 parcels. Nick- You can have infrastructure outside of the parcel boundaries to serve the district. Robert- So within those two districts there are 16 parcels? Nick- What we are proposing is an expansion of the district by 16 parcels. Property owners can opt out of being in the TIF District. We are following the ordinance that dictates the choice of the property owners. Grant-The county originally had an “opt in” option stating that there had to be a signature; they subsequently amended that to make it an “opt out” provision. I am not aware of anywhere else in the state that has that provision. Glenn- So how did these 16 parcels get chosen? Did you guys start it? Did they initiate it? Nick- the Redevelopment Commission determines areas that are potentially developable for industry or business. Initially we started looking at parcels that were zoned industrial or general business and through process of elimination of parcels that already had businesses on them were cut, along with sites that had employable businesses or the potential for employable businesses. Road frontage and zoning left us with these 16 parcels with the best sites for development and some of them requested to be a part of this. Ruthie- So none of the 16 parcels are zoned agricultural? Nick- No, our focus was on industrial and general business. Ruthie- So ease my mind on this, the ribbon part of this goes through agricultural zone and I just have this fear that these agricultural parcels will be re-zoned because they are along the Ribbon line. Nick- The Ribbon is only the roadway that connects the parcels. There are no plans on developing those other parcels. Chris Ernstes- on Exhibit B, are these plans included on the original. Nick- We have to include those as a part of the economic development plan, so we have to state what we would want those roadways used for. Generally speaking we would use those for infrastructure items, etc. Chris- This isn’t any different than what has already been applied. Nick- We have amended it to include the new 16 parcels. Ruthie- So in terms of the infrastructure, number one is improving wastewater and water, roadway and access. I notice the resolution on number 4, roadway and access, you list all of the roads. I have a hard time in my mind of making that any kind of Ribbon. In terms of wastewater, does that mean in the future you would want to have a sewer put in on Holland Road, and would then all of those people on Holland Road have to tap into that? Presumably you don’t see semis driving on Holland Road. Nick- Presumably but there are semis that do drive that road. Nick- The infrastructure goes by a project by project basis. Ed Derickson- Was there any consideration given to including the new storage across from Garr Hill campground with the storage units and boat/ RV storage? Nick- They didn’t request to be in the TIF. We had a discussion with the property owner but they did not want to be included. Chris- By approval of this it doesn’t necessarily state that as different projects become initiated or the desire to initiate different projects that would be included in this list. Each one of those projects would have to stand before whatever types of zoning, additional uses or any other type of permitting that would be necessary. Nick- Correct and ideally as development would come along we would come back and amend our plan to be more specific as to what we are planning with the project. Chris- This is more a statement of intent. This is what you intend to do? Nick- This is what we intend to do and then as the TIF develops it gets more specific with the individual projects. Ruthie- On the document that you wrote up, number one, where it conforms to the comprehensive plan, but number two, tell me exactly what we are signing on to? It seems really open ended to me. Grant- Under state law the full breath of that, is that it conforms to the comprehensive plan. That is the standard language. A lot of these documents are created with the assistance of counsel. This will not take effect unless the commissioners approve it. It is broad language but it is stock language. It means that you are approving it to the full scope of your authority under the Area Planning Development. What if we amended this document and took out number two? Is it still a legal document? Grant- We could probably take out “approved” and “ratified”. I would have to run that up the flagpole to the Indiana Council to make sure. However this is the statute of the form. We definitely need the “approved” and “confirmed” that is statutory language. The “ratified” is fairly standard but I don’t know that it has to be in there. Robert- I have a question about tax. I understand the basis of how a TIF works but it would be good to clarify. If there is property right now that is taxed a certain amount and the area is TIF’d, there is a factory that goes up, and the tax increases, the county receives the original amount and the additional money goes to the TIF for doing your development? If there is an overall tax increase for every parcel in the county and it a 10% increase, does the county get that 10% or does the TIF district. Nick- The increased value of the TIF is captured by the TIF. On an annual basis there is what’s called an equalization that occurs that accounts for trending that is in the market. So as property values go up, the idea is to extract that value just because the market is good. That being said it is captured by the TIF. That is only if there is an increase in value. Grant- there is a neutralization process that happens annually with the Auditor that contains mathematical formula. That shows changes in the area and not just the market. Bob- If we approve this and it goes to the commissioners and they approve it, what timeline would this be on? Nick- So the life of the TIF is 25 years from original adoption. Bill Schermer- The clock doesn’t start as far as date or time of approval. The timeline doesn’t start until the TIF establishes debt. So far the existing TIF has not acquired debt so that clock has never started.

Sarah Duffy- I am not here to object to the TIF expansion of the 16 parcels. However, the paperwork you were given tonight was written by a consultant and an attorney. This paperwork is what a handful of property owners and the redevelopment commission wants for the future of Franklin County. This paperwork does not say anything about how you as the Area Planning Commission interpret the comprehensive plan. This paperwork does not say anything about the other land owners along the road. I am asking you to get clarification and to get that in writing as part of your required review. I think you have gotten good clarification from the speakers. When you sign this, you are agreeing that the paperwork and I will quote from it “In all respects approved, ratified and confirmed” in number two. It is not clear in the paperwork why the lines are drawn to cover entire roads in agricultural areas. . You will be agreeing to the maps in exhibit A, all of these roads. You will be agreeing to exhibit B that talk about promoting development in the “area”. Exhibit A, if the plan is to truly to develop 16 parcels then the paperwork should spell out just 16 parcels. Let’s be very clear about Old State Route 1 and the agricultural areas in the comprehensive plan. Not all of these areas are suitable for development. I am just asking to get is spelled out in writing what they have told us tonight accurately. I would say, don’t give a free pass to developing a bigger area than the 16 parcels. Later, a developer comes back to see you and the county council and says “ APC, you really can’t deny my reason. You already signed the paperwork that this area should be developed”. Don’t Greenlight for more spot zoning. I have actually taken that document that you are being asked to sign prepared by the attorney and consulted, and I have drafted some clarifying language for you to consider. You could choose to amend the resolution already prepared for you and specify in there that you are talking about the 16 parcels. Please I ask you one last time to serve the best interest of the entire county and just spell things out a little better in writing what you are verbally told tonight.

Chris- Does this draft you gave us address all of your points? Sarah- It is just specifying that it is 16 parcels. I thought I had asked that question, maybe I didn’t get a specific enough answer. I had asked that this was only for these parcels and there wouldn’t be a green light for further development. That every project still had to stand on its own merit. Sarah- I heard that too and I am just asking you to get that answer in writing. Chris- Tammy, Is there anything that you see in this document that legally would bind us to accepting any projects that would be outside of what our normal process would be? Tammy- What Sarah is saying is that instead of it saying “area” it should specify 16 parcels. Sarah- In exhibit A it keeps talking about “the area” until the end when it states “16 parcels”. So I am just saying don’t tie your hands for the future when the developer comes in and says “ I should be able to develop this because you have already agreed that this follows the comprehensive plan” in this, read the language, the area. Tammy- the 16 parcels are itemized out correct? Chris- yes. Tammy- So it’s just the 16 that are listed out? Chris- yes and they are listed. Nick- It does say the 16 parcels. The auditor can’t determine right of way of roads. Nothing changes in the zoning. These parcels are zoned what they are zoned. If a developer comes and wants to put a nuclear power plant on something that is zoned local general business, zoning would trump that, because it’s TIF’d doesn’t mean that applies. The Ribbon connections don’t come into any allocation. They just need to be there as a part of the connection to meet the compliance with state law. Sarah- Maybe you could put that wording into what the APC signs. Chris- So the way that I look at this then, when you are talking about the TIF, all you are talking about is a way to identify a certain type of financial support if certain developments occur. Just because that is agreed upon that the idea that it this identified area is compatible with our comprehensive plan doesn’t mean that we are doing anything or saying anything other than that. Tammy- Everyone still has to go through the same hoops as they do today. Chris- That’s how I understand it. Bill- Along that Ribbon for instance if a parcel of property wanted to be developed they are going to have to go back to zoning and request a re-zone properly to do so. If they want to be a part of the TIF, we have to start this whole process over again, just as we did and put that parcel number in the TIF. The only parcel numbers that can be included in this is the 16 parcels that are listed. The Ribbon is just a tool that is used so that we can share money from one are to another area of the TIF. Sarah- Bill, I have no problem with the TIF and the 16 parcels, but I am looking down the road and trying to prevent the county from being sued. Not TIF, nothing about TIF. When a developer says I want to put something on the upper part of Holland Road, and, you think that area is suitable for economic development. You have already said it conforms to the comprehensive plan. Mary- You have already showed today where those 16 parcels have been laid out. Tammy- You are approving the whole thing. Mary- That would be our legal standing; this is what was approved. I understand your concern with the language, however, we do have the legal language that these are the 16 that we meant and these are the 16 that we are talking about. Sarah- That is why I am trying to get the “16” put in the document that you are asked to sign tonight. Chris- As I see it, it’s there because those 16 parcels are listed out. Anyone can approach us with any type of development plan they want to proceed with and from a legal standpoint, regardless of whether there is potential tax money to support what they want to do. That does not trump what our code says. It is still going to have to pass the merits of our codes. Even if they wanted to tie into the money they would have to add them to the TIF. Which means they would have to re-zone and re-start the process. Glenn moves to approve initial order. 2nd Mary. AIF MC

**Updates –** Robert- Do we have any updates on the appointment of Mr. Brown to the commission? Tammy- I have spoken to him. I am still investigating and waiting to hear back from Indianapolis.

Tammy- Ms. Witt has filed and answer with the courts and contacted the office. She is working on getting the semi-truck removed. Mr. Presley’s certified mail was returned unsigned. I will have to have the Sherriff serve him with the filed documents.

Mary- Webinar for zoning will be held as a public meeting on March 01, 2019. Cindy will take care of advertising for this event. All are encouraged to come.

MOTION- Chris Ernstes moved to adjourn meeting by, 2nd by Mary Rodenhuis. AIF MC. Meeting adjourned at 8:00 pm

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Robert Braun, President

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Nichole J. Staudt, Recording Secretary