

September 6, 2017

MEMORANDUM FOR: Brown County Commissioners, 201 Locust Lane, Nashville, IN 47448

SUBJECT: Question Regarding the Zoning Request for Snyder Farm to From R1 to GB in support of the Maple Leaf Performing Arts Center (MLPAC) Project

CURRENT STORIES – POST APC MEETING ON AUGUST 22, 2017

1. Have you read the stories about Maple Leaf that were published in the Brown County Democrat, on August 30, 2017 (*Enclosure 1*). If so, can you share your observations? Stories included the following:
 - a. Debatable Maple Leaf Project Moves on to Commissioners
 - b. New developments prompt planning discussion
 - c. Maple Leaf: What are the other options?
 - d. Letters to the editor:
 - i. Too many unanswered questions on Maple Leaf, by Sherrie Mitchell
 - ii. Seniors don't want to lose "peaceful existence" by Jean Miller
 - iii. Drivers who disregard rules should be stopped by James Michael Mullen

APC METTING AUGUST 22, 2017

In preparation for August 22, 2017, Area Plan Commission (APC) zoning hearing on Maple Leaf, I identified concerns and sent a list of questions in advance to the APC members, the Planning Director and the APC Attorney. When I was allotted my three minutes for questions, I provided ten copies of my letter to the board and asked the acting President – Carol Bowden, if the APC would address my questions. My request was refused. Carol Bowden reinforced that the APC does not have the final decision – that it is up to the commissioners. *Enclosure 2* provides a copy of my letter.

Questions:

2. Should the APC have addressed my concerns and questions? If not, why not?
3. Given the APC refusal to address my questions, will the commissioners provide me with a written response to my concerns and questions?
4. Should the APC have documented procedures, shared with the public that identifies the process that will be used by members to assess the benefits of a project against the criteria identified in the plan? (This change can help assure the community that the plan commission performed their due diligence before providing a recommendation).

- a. Note: Planning Director, Chris Ritzmann stated: *"If residents want more assurance that the objectives of the comprehensive plan are being followed when the APC and BZA make their decisions, one thing those members could do is to cite the items in the comprehensive plan that they believe support their vote, she said."*

APC ADMINISTRATION

5. What are your criteria for appointing and/or reappointing members to the APC? What do you consider acceptable performance? Do you have a documented policy and job descriptions?
6. Should APC members that have political and financial interests that would benefit from tourism, have secluded themselves from voting?
7. Given County Surveyor Dave Hardin had to recuse himself from voting, he was allowed to appoint a substitute – Ric Fox. How often has this option been exercised and why was it done with this vote?

LAND USE – OPTIONS FOR INVESTING REVENUE FROM INNKEEPERS TAX

8. On the topic of Land Use, is the possible transition of Snyder Farm as an extension to Salt Creek Plaza the best use for this property? Planning Director, Chris Ritzmann has stated: *"The Snyders' land is adjacent to a "significant" commercial district - Salk Creek Plaza – so it's likely that the property eventually would be rezoned to accommodate business use."*
9. Can the revenue from the innkeeper's tax be used to purchase Snyder Farm to promote Brown County culture, history and agritourism? The county purchase of this land might also allow for an extension of Salt Creek Trail. *Note also that Land Use Plans are considered an integral part of a county's' comprehensive plan.*
10. Given the constraints of IC-6-9-14 Brown County Innkeepers Tax, should all county citizens have the opportunity to decide how best to invest revenue from the innkeeper's tax?
11. Bruce Gould as a representative of the CVB and CVC, about the Snyder Farm location, stated: *"It's this or nothing."* Did he exceed his authority?

COUNTY COMPREHENSIVE PLAN

12. *Enclosure 3* identifies the minimum technical requirements for a Comprehensive Plan. Do you believe the current County Comprehensive Plan meets this criterion?

Note: Chris Ritzmann has also stated that \$30,000 is sufficient to update the plan. The Federal and State government estimates that \$50,000 is needed to develop a plan to meet the "minimum" requirement.

13. *Enclosure 4* provides an outline of a collaboration agreement between the APC and RDC that was forwarded to all APC and RDC members on August 14, 2017. Do you support this collaboration to develop an updated comprehensive plan and economic development strategy?

Chris Ritzmann stated: "*Brown County's plan meets the minimum standards, but it is vague, and, in some cases, contradictory, she said. If it's going to be used as a basis for rezoning requests, it needs to be updated and possibly expanded, she said.*"

14. Should the County Comprehensive Plan be updated **BEFORE** a decision is made on the zoning request for Maple Leaf? If not, why not?

CVC/CVB ADMINISTRATIVE OVERSIGHT

The innkeeper's statute requires that the CVC annually prepare a budget taking into consideration the recommendations made by a not-for-profit corporation (CVB) and shall submit it to the county council for its review and approval.

15. When appointing CVC members, what are your expectations for conformance to this requirement? Are you aware that the CVB files an annual 990 to the Internal Revenue Service? Do you review the budget and annual report (990)?

Form 990: Return of Organization Exempt From Income Tax) is a United States Internal Revenue Service form that provides the public with financial information about a nonprofit organization. ... It is also used by government agencies to prevent organizations from abusing their tax-exempt status.

16. What other options did you consider regarding the possibility of investing revenue from the innkeeper's tax?
17. Given the authority to appoint CVC members, should a vision and strategy for tourism be included in the County Comprehensive Plan? If so, should the appointment/re-appointment

of CVC/CVB members specifically address their support for the plan?

18. Given the leading advocates for Maple Leaf have a financial interest in the venue and its location and also represent the Convention Visitors Commission (CVC) and Convention Visitors Bureau (CVB), should the RDC be asked to ensure that appropriate government offices perform their due diligence in ensuring that Maple Leaf is the best option for the County?

ECONOMIC IMPACT

19. In making a case for Maple Leaf, CVB member Bruce Gould has stated:

"This could be what it takes to turn things around economically for Brown County," Gould said. "This will have huge economic impact on the entire county. The biggest impact will be the need for new motels and restaurants. We're projecting at least one or two new motels will be needed," he said. That would mean additional jobs, too, he added.

These claims on the impacts of Maple Leaf on the "entire county" may be somewhat overstated. *Enclosure (5)* includes an article that concludes the following:

"Economic impact studies of tourism in Indiana and Brown County reinforce the benefits of sustaining a tourism industry. However, tourism, by itself, has not and cannot provide a sustainable economic future for Brown County. Further, too much tourism can have detrimental effects on the attributes that have attracted pioneers, artists, residents, and visitors to Brown County since 1836."

DUE DILIGENCE

The combination of Big Woods/Hard Truth Hills and Maple Leaf will result in significant increases in year-round tourism that has a high probability of having adverse effects on the senior community living near the venue and on the culture of Brown County as described in the current county comprehensive plan.

When I became aware that the RDC might be asked to get involved in vetting the Maple Leaf project, I started collecting information and questions from county citizens. Due to the lack of a formalized county process for vetting projects such as Maple Leaf, I adopted a format used by the military. *Enclosure 6* provides a draft of the outline.

MANAGEMENT AND FINANCIAL OVERSIGHT

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20. It appears that a revenue bond may be a financing option. If so, is the following sequence of events accurate?
- a. Approved by Area Planning Commission?
 - b. Pending approval by the Commissioners?
 - c. Pending approval by the Council?
 - d. Moves to bond council Barnes & Thornburg *(Revenue bonds do not require a public vote of approval as do general obligation bonds)?
 - e. Moves to the underwriter to sell the bonds - Barnes and Thornburg?
21. Will taxpayers have the option for a remonstrance?
22. If Maple Leaf is approved with the issuance of a revenue bond, then is the governing body the Brown County Convention & Visitors Bureau? If so, and Maple Leaf is very profitable at the expense of any other music venue (Bill Monroe Music Park, Red Barn, Mike's Music and Dance Barn, Playhouse,) where is the documentation (including contracts) that provide the detail on the management of the venue and revenue?

CONCLUSION

There is no immediate need to rush the Maple Leaf Project without first ensuring county government performs their due diligence. Let's work together to ensure the best options for Brown County citizens.

Respectfully,



Tim Clark
Brown County

cc: Brown County Democrat

Enclosures:

2. Letter to the Area Plan Commission, August 21, 2017, subject: Question Regarding the Zoning Request for Snyder Farm to From R1 to GB (Docket Number 17-RZ-04)
3. Indiana Office of Community and Rural Affairs, Comprehensive Plans, Minimum Technical Requirements
4. Brown County Planning – Concept for Collaboration between the APC and RDC
5. Article: Tourism and Economic Sustainment. To be published in the Brown County Democrat, by Tim Clark, Brown County Redevelopment Commission
6. Draft Proposed Work Plan/Outline: Project Analysis and Review, Maple Leaf Performing Arts Center.
7. Concerns about music venue's effect on seniors, traffic by James Mullins, Hawthorne Hills Apartments