

BOONE COUNTY BOARD OF COMMISSIONERS

PUBLIC NOTICE OF SPECIAL MEETING

The Boone County Board of Commissioners will be holding a special meeting on Thursday, November 14, 2024, at 8:30 AM in the Connie Lamar Room located in the Annex Building at 116 W. Washington Street, Room 105, Lebanon, Indiana 46052.

The purpose of the meeting is to discuss a Memorandum of Understanding (MOU) with the Indiana Economic Development Corporation (IEDC).

The Board of Commissioners for Boone County Indiana acknowledges its responsibility to comply with the American Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternate audio/visual devices, and amanuenses) for participation in or access to County sponsored public programs, services and or meetings, the county requests that individuals make request for these services forty-eight (48) hours ahead of the scheduled program, services and/or meeting. To make arrangements, contact Kaylee Jessie, Administrative Assistant at (765) 483-4492 or email: kjessie@co.boone.in.us.

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE NOVEMBER 14, 2024 SPECIAL MEETING

The Boone County Board of Commissioners met in regular session at 8:30 AM on Thursday, November 14, 2024 in the Connie Lamar Meeting Room located on the main floor of the Boone County Annex Building at 116 W. Washington Street, Room 105, Lebanon, IN 46052 with the following personnel in attendance:

Donnie Lawson	Commissioner, President
Jeff Wolfe	Commissioner, Vice President
Tim Beyer	Commissioner
Bob Clutter	County Attorney
Kaylee Jessie	Executive Administrator

DETERMINATION OF QUORUM AND PLEDGE TO THE FLAG

Commissioner Lawson opened the meeting at 8:31 AM with a quorum of all three (3) Commissioners present and led the Pledge to the Flag in unison.

IN THE MATTER OF MEMORANDUM OF UNDERSTANDING WITH THE INDIANA ECONOMIC DEVELOPMENT CORPORATION

Bob Clutter, County Attorney, presented the Memorandum of Understanding (MOU) with the Indiana Economic Development Corporation (IEDC). Previously, representatives from the county commissioners, council, assessor, auditor, IEDC, and legal counsel for both the IEDC and the county met to discuss property taxes. The IEDC has filed for exemptions by submitting a Form 136 to the county. Earlier this week, the Property Tax Assessment Board of Appeals (PTABOA) ruled in favor of granting the exemption. Given that the county will not collect property taxes on the land purchased by the IEDC, the IEDC has agreed to consider making a one-time economic development payment. This request will be submitted to the State Budget Committee for formal approval. If approved, the State Budget Committee will fund one or two projects specifically related to the LEAP Project, including updates to the comprehensive plan and the thoroughfare plan—both directly resulting from the development's impact on the county.

Commissioner Wolfe read the entire MOU into the record. This agreement between Boone County (via its Board of Commissioners and Assessor) and the IEDC addresses the exemption of IEDC-owned properties from property taxes in Boone County in relation to the LEAP Lebanon Innovation and Research District (Project LEAP). The IEDC has identified a 9,000-acre area in Boone County, designated as Project LEAP, for the development of a research and innovation park aimed at attracting industries such as advanced manufacturing, technology, and aerospace. This project is expected to drive economic growth, job creation, and investment.

Under Indiana law, the IEDC is exempt from paying property taxes on properties it owns in Boone County, both now and in the future, as long as it submits a Form 136 for each property it owns. Boone County may request an Economic Development Payment from IEDC to support specific projects related to the LEAP area, which IEDC will consider based on detailed proposals.

Victoria Wessler, a Boone County resident, sought clarification on the previous tax payments made by the IEDC. She questioned the timing, purpose, and rationale behind these payments, particularly given that the IEDC no longer feels compelled to make future payments. County Attorney Clutter explained that the IEDC made approximately \$250,000 in payments for the Eli Lilly parcels prior to closing, as PTABOA had not yet ruled on the exemption status. Wessler also requested further explanation of the assignment clause in the MOU, which she felt heavily favored the IEDC over Boone County. Clutter clarified that any new partner would need to be a nonprofit entity, which would already be exempt from taxes. Wessler expressed concerns about the County losing its ability to have a say in future partnerships, urging the commissioners not to relinquish this right.

Clutter further emphasized that the IEDC's tax-exempt status has been clear from the beginning. The IEDC has purchased land in other counties where it has been granted similar exemptions. He explained that under state law, the IEDC could petition the governor to have the property taxes completely erased, which would result in Boone County receiving nothing. However, the MOU allows the county to collect funds that could be allocated toward updating its comprehensive and thoroughfare plans.

Commissioner Wolfe added that it is his understanding that the nonprofit owners' association, would assume control of the agreement if transferred to a nonprofit, would be formed with input from both the IEDC and local government. Initially, Wolfe had been assigned as a representative but noted that another commissioner would now take his place.

Brian Daggy, another Boone County resident, expressed his belief that the commissioners were dealing with a difficult situation. He criticized the IEDC for purchasing prime farmland without a buyer lined up for development, leading to vacant land for several years. Daggy stressed the need for better economic planning within the IEDC, particularly considering economic downturns and rising interest rates, which have already occurred. He also raised concerns about the use of tax dollars in acquiring property and questioned the rationale behind using additional tax dollars to make a payment to the county. He mentioned that he and others would address these issues with the new administration and advised the commissioners to monitor developments such as Intel's project in Columbus, OH.

Commissioner Wolfe remarked that he proposed to legislatures this past week that they consider a double-net lease for the farmland, suggesting that farmers leasing the land would pay the taxes during the lease term.

Jodi Stewart, a Boone County resident, voiced her frustrations as she is directly impacted by the decisions made due to the IEDC's land purchases around her property.

Maria Flora, another Boone County resident, inquired about the annual property tax loss to the county. County Attorney Clutter estimated that the county would lose approximately \$410,000 in property taxes annually, with Boone County's share ranging from 10-15%, depending on the township and other tax entities. Flora also asked about the nonprofit owners' association's role in conveying property. Clutter

explained that most of the property would be sold to innovation users, with only a small portion designated for nonprofit use, such as parks or trails.

Commissioner Wolfe clarified the process that would follow the meeting, referencing Indiana's tax appeal procedure. Form 136 is filed with the Assessor's Office and reviewed by the PTABOA, which can approve or deny the request. The matter can then be brought before the State Tax Board for further consideration. If both the local and state boards deny the request, the entity can petition the governor, who has the authority to unilaterally erase the property taxes. The county recognizes the IEDC's exemption status and has made efforts to secure some benefits from the arrangement.

Commissioner Wolfe made a motion to approve the MOU Regarding Property Taxes for Properties IEDC in Boone County, Indiana. Commissioner Beyer seconded the motion; motion passed unanimously 3-0.

IN THE MATTER OF LETTER REQUESTING ECONOMIC DEVELOPMENT PAYMENT

Bob Clutter, County Attorney, presented the letter to Indiana Economic Development Corporation requesting consideration of an Economic Development Payment. This request is for a payment to help offset the projected cost to the County for two specific and necessary County projects.

1. Comprehensive Plan Update. The County's Comprehensive Plan, adopted pursuant to IC 36-7-4-501 et seq., was last revised in 2009. The plan did not contemplate the dramatic growth that will occur in areas surrounding the LEAP project. According to a recent housing study, the County has a housing shortage of approximately 6,000 dwelling units. As the LEAP area develops, this shortage will become much more acute. While many future residential developments will occur within the boundaries of municipalities in the County, many will also occur in the unincorporated areas under the jurisdiction of the County. There will also be concomitant pressure to develop ancillary and supporting commercial and retail uses in these areas surrounding LEAP. The 2009 Comprehensive Plan shows that most of the unincorporated areas around LEAP are recommended for agricultural use. While we anticipate agricultural areas will remain, there will be many areas near the LEAP project that will experience significant development – none of which was considered or contemplated by the existing Comprehensive Plan.

The County has recently released an RFP to multiple consultants to assist us in conducting the public meetings and revising the Comprehensive Plan. We have not yet received any responses, but the anticipated cost to the County is estimated to be \$350,000.

2. Thoroughfare Plan Update. The County adopted a Thoroughfare Plan and Local Road Safety Plan in 2017, well before the advent of the LEAP project in the County.

The County is appreciative of the working relationship with the IEDC and its vendors/consultants on the improvement of local roads during the construction of the Eli Lilly campus. There have been dramatic upgrades to County Roads 375 North, 450 North and 150 West (Witt Road). As the LEAP project continues to advance and develop, particularly west of I-65, many more county roads will need to be

reconstructed, some widened and many will need to be reclassified. The current Thoroughfare Plan and Local Road Safety Plan must be revised and updated so as to anticipate not only the LEAP district itself but the inevitable growth and use of transportation infrastructure in the surrounding areas.

A draft RFP has been prepared but not yet released to transportation consultants. The anticipated cost of this project is estimated at \$300,000.

The Commissioners are respectfully requesting an Economic Development Payment to assist in defraying the above costs as the necessary updates to the Comprehensive Plan and the Thoroughfare Plan are a direct result of the LEAP project. If a payment is forthcoming it shall be deposited in a restricted fund per the Boone County Auditor such that the proceeds will only be used for those plan updates.

Commissioner Beyer made a motion to approve the letter to Indiana Economic Development Corporation requesting consideration of an Economic Development Payment. Commissioner Wolfe seconded the motion; motion passed unanimously 3-0.

IN THE MATTER OF ADJOURNMENT

With no further business, Commissioner Beyer moved to adjourn the Boone County Commissioners' Meeting at 9:18 AM on Thursday, November 14, 2024. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.