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Luann G. Welmer, Clerk-Treasurer

CITY COUNCIL MEETING
CITY HALL
TUESDAY, APRIL 17, 2012
6:00 O'CLOCK P.M.

I. Meeting Called to Order

A. Opening Prayer
B. Pledge of Allegiance
C. Roll Call
D. Acceptance of Minutes

II. Unfinished Business Requiring Council Action

A. First Reading of an Ordinance entitled "ORDINANCE NO._____, 2012, AN ORDINANCE VACATING PUBLIC RIGHT-OF-WAY." (First Financial Bank Vacation) Jeff Bergman.

B. Second Reading of an Ordinance entitled "ORDINANCE NO_____, 2012, AN ORDINANCE TO AMEND THE COLUMBUS MUNICIPAL CODE TO ADD SECTION 5.24; AN ORDINANCE TO REGULATE MASSAGE ESTABLISHMENTS." Chief Maddix.

C. Second Reading of an Ordinance entitled "ORDINANCE NO._____, 2012, AN ORDINANCE EFFECTIVELY AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, AND REZONING THE SUBJECT PROPERTY BY AMENDING THE ZONING CONDITIONS AT A LOCATION DESIGNATED AS "CDc" (COMMERCIAL: DOWNTOWN CENTER WITH CONDITIONS)." (Hotel Indigo Rezoning) Jeff Bergman.

D. Second Reading of an Ordinance entitled "ORDINANCE NO._____, 2012, AN ORDINANCE AMENDING ORDINANCE NO. 32-2009 ESTABLISHING SERVICE FEES FOR WASTE DISPOSAL SERVICES." Mayor Brown.

City Hall • 123 Washington Street • Columbus, Indiana 47201 • lwelmer@columbus.in.gov
812-376-2510 • Fax: 812-376-2651

III. New Business Requiring Council Action

A. Reading of a Resolution entitled "RESOLUTION NO._____, 2012, RESOLUTION AUTHORIZING THE MAYOR AND THE CLERK-TREASURER TO EXECUTE STATEMENT OF BENEFIT FORMS IN CONJUNCTION WITH AN APPLICATION FOR TAX ABATEMENT IN A PREVIOUSLY DESIGNATION ECONOMIC REVITALIZATION AREA PURSUANT TO INDIANA CODE 6-1.1-12.1-7."(Rightway Fasteners, Inc.) Jim Clouse.

IV. Other Business

A. Standing Committee and Liaison Reports

B. Next regular meeting is scheduled for **Tuesday, May 1, 2012 at 6:00 o'clock P.M. in City Hall.**

C. Adjournment.

City of Columbus – Bartholomew County
Planning Department

123 Washington Street
Columbus, Indiana 47201
Phone: (812) 376-2550
Fax: (812) 376-2643

MEMORANDUM

TO: Columbus City Council Members

FROM: Jeff Bergman

DATE: March 27, 2012

RE: First Financial Bank Lindsey Street Right-of-way Vacation Request
(Plan Commission Case #VAC-12-01)

Attached please find information provided by the City Engineer's Office and intended as follow-up to the March 20, 2012 discussion of First Financial Bank's request to vacate a portion of the Lindsey Street right-of-way. The attachments include a traffic study for that immediate area and a drawing portraying a 2-lane configuration for Lindsey Street between 2nd and 3rd Streets.

At this time the Planning Department is able to also provide the following additional information:

- The area proposed to be vacated is approximately 5,000 square feet.
- The area proposed to be dedicated as right-of-way is approximately 300 square feet.

The Planning Department has contacted representatives of First Financial Bank and they plan to be in attendance at the April 3, 2012 City Council meeting to answer any questions regarding the bank's plans for the property and interest in the right-of-way vacation. Also, First Financial has agreed to provide stakes on the property showing (1) the proposed location of the new Lindsey Street right-of-way (after the proposed vacation) and (2) the proposed location of the parking lot expansion. These stakes should be in place shortly.

Both Dave Hayward and I will again be in attendance at the April 3, 2012 City Council meeting to continue this discussion. Please feel free to contact either of us with any questions you may have.

2nd & Lindsey
Traffic Study

- Existing Traffic Counts / Widths / Number of Lanes

Street	Traffic	Width	Lanes	Parking
3rd Street	22,640	50'	3	No
Lindsey St. (2nd – 3rd)	200 (est)	18'	1	No
Lindsey St. (south)	20 (est)	28'	2	Allowed
2nd Street	400 (est)	50'	3	No
Brown Street	6,120	40'	3	No

All traffic counts are per day.

- Trip Generation

	Units	Rate/day	Trips per day	Class.
First Financial	15,205 sft	265/1000sft	4,029	Drive-in Bank
Pump House	8,000 sft (est)	90/1000sft	720	Quality Rest.
Cole Apartments	146 units	6/unit	876	Low Rise Apts.
Cole Retail	9,531 sft	90/1000sft	858	Quality Rest.
Goodyear property	9,200 sft.	90/1000sft	828	Quality Rest.
Other	Riverfront Park		200	City Park
TOTAL			7,511	

- Traffic Assignment

	Trips per day	3rd	Lindsey	2nd	Brown
First Financial	4029	2829	100	100	1000
Pump House	720	180	360	360	180
Cole Apartments	876		100	876	
Cole Retail	858			200	800
Goodyear property	828	100	200	828	600
Other	200	50	100	100	50
Totals	7511	3159	860	2464	2630

- Total Projected Traffic

	Current	LOS	Generated	Total	LOS
3rd Street	22,640	B	3159	25,799	B
Lindsey St. (2nd – 3rd)	200	A	860	1,060	A
2nd Street	400	A	2464	2,864	A
Brown Street	6,120	B	2630	8,750	B

March 23, 2012

- Previous Studies
  - Current intersection configuration
    - Designed and configured as part of 2nd Street Bridge project.
    - Two-way traffic on Lindsey south of 3rd was considered to be unsafe and would significantly increase vehicular delays. Will not be allowed by INDOT.
    - Connection of Lindsey Street to SR 46 (south of Goodyear Bldg. and Pump House) was considered unsafe. Will not be allowed by INDOT.
  - Riverfront Study - 2002
    - Pretty aggressive development ideas, high density and high traffic generation, many of which cannot or will not happen.
    - On-street parking was considered a possibility, if needed, along Lindsey Street north and south of 2nd and along 2nd Street.
    - No additional traffic capacity was considered necessary.
    - Roundabout or traffic circle was an option to be considered at 2nd & Lindsey and at the driveway to the Pump House. No conclusion or recommendation.

- Other Considerations
  - Re-use or redevelopment of Goodyear property – current thought is that the existing building (approx. 9,200 sq. ft.) will be remodeled and renovated. We have assumed quality restaurant use, which is would generate the highest traffic volume of all potential uses. The owner/developer may request vacation of Lindsey Street south of 2nd or south of Pump House driveway (1/2 would go to Goodyear parcel and ½ to railroad). They could also propose to improve the R/W to add on-street parking.

- Conclusions
  - Based on traffic projections and assignments for current development plans for the vicinity, pavement widening for additional traffic capacity is not expected to be needed.
  - Based on current development plans for the vicinity, additional on street parking is not expected to be needed, except possibly along the section of Lindsey Street south of 2nd Street.
  - The excess right-of-way along Lindsey Street north of 2nd Street, which is proposed to be vacated, is not expected to be needed for any pavement widening projects.
  - Pedestrian traffic in this vicinity should be expected to increase with the completion of the current development projects. Further increases will result if the riverfront area is developed as park space and when the People Trail connection along the river is completed. With the increased pedestrian activity, there may be a need to calm the vehicular traffic, which may be done by narrowing 2nd Street. The traffic control at 2nd and Lindsey should be an all-way stop to enhance safe pedestrian movement.

Trip Generation Rates Considered

First Financial

- Walk-in Bank 156.48 / 1000 sft
- Drive-in Bank 265.21 / 1000 sft

Pump House

- Quality Restaurant 89.95 / 1000 sft

Cole Apartments

- Low Rise 6.59 / 1000 sft
- High Rise 4.20 / 1000 sft

Cole Retail

- Quality Restaurant 89.95 / 1000 sft

Goodyear Property

- Quality Restaurant 89.95 / 1000 sft

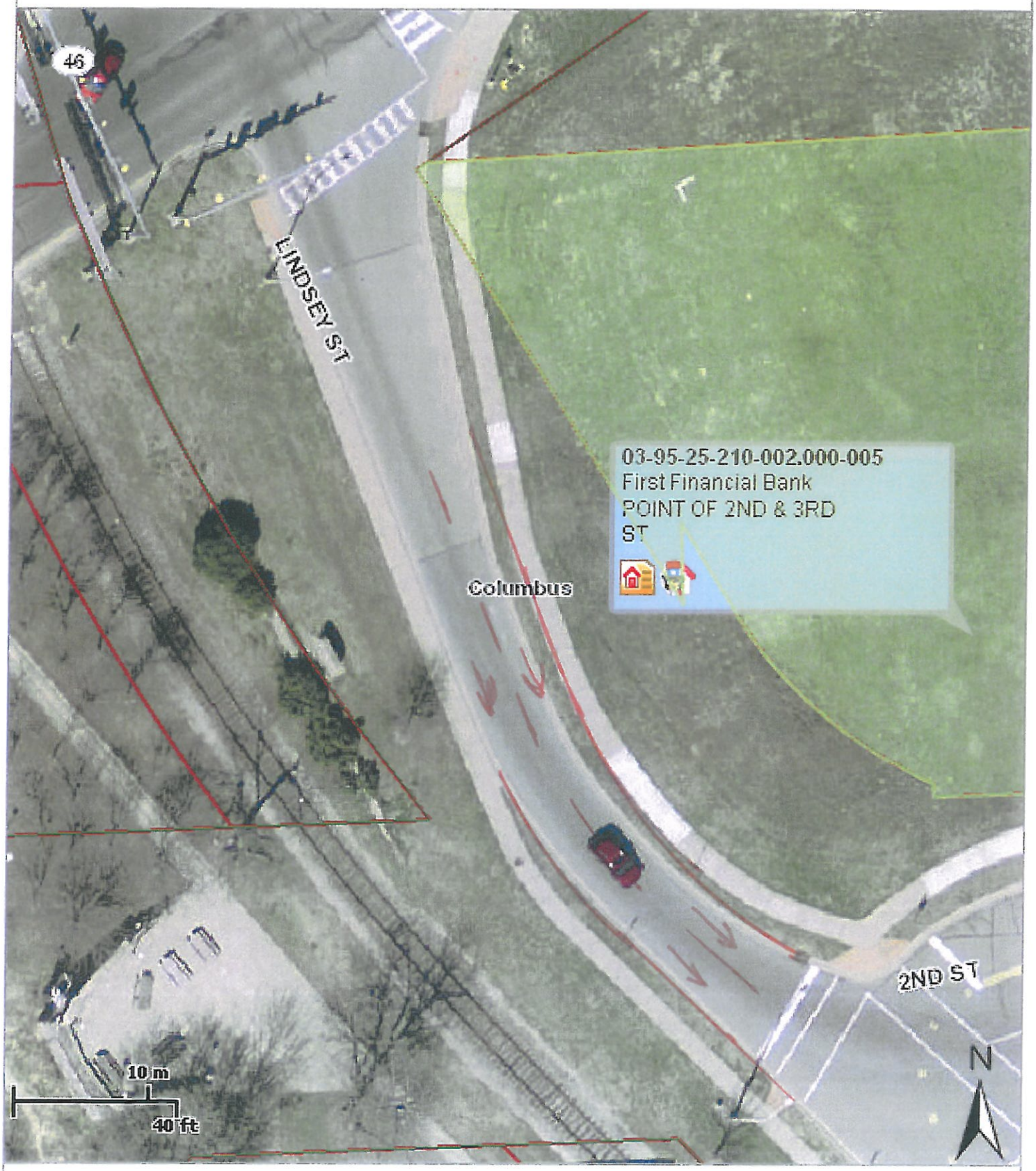
Others for reference

- Office General 11.01 / 1000 sft
- Office single Tenant 11.57 / 1000 sft
- Drug Store 90.06 / 1000 sft
- City Park 1.59 / acre

Source: ITE Trip Generation Manual

March 23, 2012

Lindsey Street
Added Lane



Disclaimer:

Printed: 03/27/12

Ordinance No. _____ 2012

ORDINANCE TO AMEND THE COLUMBUS MUNICIPAL CODE TO ADD SECTION 5.24; AN ORDINANCE TO REGULATE MASSAGE ESTABLISHMENTS

WHEREAS, Indiana Code 36-1-3-2 et. seq. grants to the City of Columbus, Indiana all of the powers that are needed for the effective operation of government as to local affairs; and

WHEREAS, Indiana Code 36-1-5-4 et. seq. grants to the City of Columbus, Indiana, powers that are necessary to incorporate by reference into an ordinance or code any material; and

WHEREAS, the City of Columbus, Indiana recognizes the need to establish an ordinance regulating Massage Establishments.

NOW THEREFORE, BE IT ORDERED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA that Section 5.24 is added to the Columbus Municipal Code entitled: Massage Establishments under Title 5, Business Licenses and Regulations:

Chapter 5.24

MASSAGE ESTABLISHMENTS

Sections:

5.24.010	Definitions.
5.24.020	Permit Requirements.
5.24.030	Massage Establishments.
5.24.040	Application for Employee/Independent contractor Permit.
5.24.050	Rejection of Application.
5.24.060	Fees.
5.24.070	Renewal.
5.24.080	Minimum Requirements for Facilities.
5.24.090	Inspection.
5.24.100	Operation.
5.24.110	Revocation or Suspension of Permit.
5.24.120	Display of Permit.
5.24.130	Penalty.

5.24.010 Definitions.

For the purposes of this chapter, certain terms and words are defined as follows:

A. MASSAGE. A manual soft tissue manipulation, and includes holding, causing movement, and/or applying pressure to the body.

B. MASSAGE ESTABLISHMENT. Any building, room, place or establishment, other than a massage therapy school certified by the state, or a regularly licensed hospital or dispensary, where massage and/or massage therapy are practiced upon the human body with or without the use of mechanical or bath devices, by anyone not a physician, osteopath, chiropractor, podiatrist or physical therapist duly registered with and licensed by the state.

C. MASSEUSE, MASSEUR. A person who practices massage but does not meet any of the criteria for permit or permit exemption in § 5.24.020.

D. MASSAGE THERAPIST. A person who practices, administers or teaches all or any of the subjects or methods of treatment defined herein as massage therapy pursuant to Indiana Code 25-21.8 as amended.

E. MASSAGE THERAPY. Means the application of massage techniques on the human body, including, the use of touch, pressure, percussion, kneading, movement, positioning, nonspecific stretching, stretching within the normal anatomical range of movement, and holding, with or without the use of massage devices that mimic or enhance manual measures; and the external application of heat, cold, water, ice, stones, lubricants, abrasives, and topical preparation, that are not classified as prescription drugs; and does not include: spinal manipulation; and diagnosis or prescribing drugs for which a license is required pursuant to Indiana Code 25-21.8-1-4 as amended.

F. MASSAGE THERAPY PRACTICE. A building, room, place or establishment that employs only massage therapists to perform massage therapy.

G. PERSON EMPLOYED. Any person who performs any function at a massage establishment, including but not limited to a masseuse, masseur or massage attendant, either:

1. As an employee or independent contractor; or,
2. Otherwise, with the knowledge and consent of the owner or operator of the establishment.

H. SEXUAL AND/OR GENITAL AREA means and includes genitals, pubic area, anus or perineum, and breast.

5.24.020 PERMIT REQUIREMENTS.

A. A person can operate a massage establishment, massage therapy practice or practice as a massage therapist, masseuse or masseur without obtaining a city permit if he/she:

1. Has been awarded Certification as a Certified Massage Therapist or Massage Therapist by the Indiana State Board of Massage Therapy pursuant to regulations as adopted in Indiana Administrative Code 847, with certification displayed in a prominent location; or
2. Is a Licensed Practical Nurse, Registered Nurse, physician, chiropractor, osteopath, cosmetologist, esthetician, physical therapist,

or assistant physical therapist with license displayed in a prominent location; or

3. Is a student enrolled in a educational institute of professional massage therapy instruction accredited by the state of Indiana, performing massage therapy as part of his/her training requirements in accordance with the standards and practices of the educational institute.

B. All other businesses and persons employed must obtain a city permit.

5.24.030 MASSAGE ESTABLISHMENTS.

A. The application for a permit to operate a massage establishment under this chapter shall be made with the Columbus board of public works and safety, or its designee, on forms provided by the Clerk-Treasurer, and shall contain the following information:

1. The name of the applicant, social security number, and all aliases and business names used by the applicant to conduct business;
2. The residence address of the applicant, and applicant's residence addresses for the past ten years and the dates of residency at each such address;
3. A copy of a valid Indiana driver's license or Indiana state identification card;
4. The applicant's fingerprints taken within the previous 60 days by the Columbus Police Department;
5. Employment history for the ten years prior to the date of application, and all massage or similar business history and experience;
6. A list of all applicant's convictions, excluding traffic violations;
7. A picture of the applicant;
8. The business address of the applicant;
9. The number of massage tables, showers, stalls or other such individual units in the establishment.
10. Applicant information:
    a. In the case of an individual: age, social security number, date of birth and citizenship of the applicant;
    b. In the case of a corporation or partnership: date of incorporation or partnership, federal identification number and citizenship of each manager, officer or partner;
11. In the case of a corporation, the state in which it is incorporated;
12. Information regarding persons employed by the applicant's establishment or who have a financial interest in the applicant's establishment: names, addresses, date of birth, social security numbers, citizenship and designations;
13. Whether any applicant, or in the case of a corporation, its managers, officers, directors or stockholders, have ever been previously engaged in operating a massage establishment;
14. Whether any applicant, or in the case of a corporation, its managers, officers, directors or stockholders, have ever been convicted of any act of violence, moral turpitude, sex offense including but not limited to

prostitution or public indecency involving the act of touching oneself or another in a sexual manner (see § 5.24.100(F)) or prior violation of this chapter;

15. Authorization for the city, its agents and employees to seek information and to conduct an investigation into the truth of the statements set forth in the application and to permit inspection.

B. If there is any change in the permitted business during the term of the permit such that the information provided in the application form is no longer complete or accurate, then the permittee shall notify the Clerk-Treasurer in writing within 30 days after such change occurs. Failure to comply with this division (B) shall be a violation of the Code.

C. The Clerk-Treasurer shall forward the completed permit application to the Columbus board of public works and safety, or its designee. The Columbus board of public works and safety shall vote on the permit application and shall either approve or deny the permit. A massage establishment may not be open for business if it does not have a current permit, or if it does not meet the exceptions to obtaining a city permit based on the grounds listed in § 5.24.020.

5.24.040 APPLICATION FOR EMPLOYEE/INDEPENDENT CONTRACTOR PERMIT.

A. In addition to the permittee's application for a permit, there shall be filed a verified application by each person employed in the establishment who is required by this chapter to be permitted. Each application shall be made with the Columbus board of public works and safety, or its designee, on forms provided by the Clerk-Treasurer. The application shall contain the following information regarding the person:

1. Name and aliases;
2. Age, and date of birth;
3. Social Security number;
4. The residence address of the applicant, and the applicant's residence addresses for the past ten years and the dates of residency at each such address;
5. A copy of a valid Indiana driver's license or Indiana state identification card;
6. A 3 x 5 photo of the applicant;
7. Proof of citizenship or legal residence;
8. The applicant's fingerprints taken within the previous 60 days by the Columbus Police Department;
9. Employment history for the ten years prior to the date of application, and all massage or similar business history and experience;
10. A list of all applicant's convictions, excluding traffic violations;
11. Nature of work performed;
12. Name of massage establishment where employed;

13. Authorization for the city, its agents and employees to seek information and to conduct an investigation into the truth of the statements set forth in the application.

B. The Bartholomew County Board of Health may establish restrictions on the activity of persons permitted under this chapter with respect to communicable diseases.

C. The Clerk-Treasurer shall forward the completed application to the Columbus board of public works and safety. The board of public works and safety shall vote on the application and shall either approve or deny the permit. No individual shall be employed by a massage establishment, that is required to be permitted under this chapter, to perform massage and/or massage therapy without a current permit under this section.

5.24.050 REJECTION OF APPLICATION.

A. For a Massage Establishment: before a permit under this chapter is issued, the City Columbus board of public works and safety, or its designee, shall investigate the character of the applicant or the officers, directors and managers of the business if the applicant is a business. The board of public works and safety may deny a permit application based on the following grounds:

1. The applicant, if an individual, or in the case of a corporation, any of its manager(s), officer(s), director(s) or stockholder(s), within the five years preceding the application date, have been convicted of an offense concerning an act of violence, moral turpitude, and/or a sex offense including but not limited to prostitution or public indecency involving the act of touching oneself or another in a sexual manner or prior violation of this chapter, all of which would make the applicant ineligible to re-apply for a permit for five years.
2. The applicant has within the five years preceding the application date:
    a. Voluntarily surrendered any license or permit to administer massage therapy; or
    b. Voluntarily surrendered any license or permit to operate a massage establishment; or
    c. Had a license or permit to administer massage therapy, or operate a massage establishment denied or revoked by a political subdivision for an act that occurred in that jurisdiction that would constitute a violation of this chapter.
3. The applicant has made any false, misleading or fraudulent statement of fact in the permit application or any document required by the city in connection therewith.
4. The applicant has failed to submit a complete application as specified in §5.24.30 or 5.24.40 as applicable.
5. The premises sought to be permitted fail to comply in any manner with any applicable laws or ordinances.
6. The applicant has failed to obtain any license that is required by state law.

B. For a Masseuse Masseur, or Massage Therapist: before a permit under this chapter is issued, the Columbus board of public works and safety, or its designee, shall investigate the character of the applicant. The board of public works and safety may deny a permit application based on the grounds listed in § 5.24.050(A).

C. This section shall not limit causes for denial but shall be in addition to other causes for denial found by the board of public works and safety or provided by this chapter.

D. The board of public works and safety shall notify the applicant in writing of the denial of an establishment permit or an employee/independent contractor permit. Any applicant denied a permit or a renewal thereof by the board of public works and safety may, within 15 days after the application is denied, appeal the board's decision in the manner set out in § 5.24.110. If the applicant fails to file an appeal within 15 days the decision of the board, the board's denial will become final. Any applicant denied a permit shall be entitled to a refund of the permit fee paid to the Clerk-Treasurer.

5.24.060 FEES.

A. The nonrefundable permit fee for a person who operates a massage establishment is $250.00 per year for each location. The permit is transferable to a new location upon written notice to the Clerk-Treasurer.

B. The nonrefundable permit fee for a person employed in a massage establishment is $25.00 per year. The permit is transferable to a new location upon written notice to the Clerk-Treasurer.

C. Annual permit fees do not apply to a person who can operate a massage therapy practice or practice as a massage therapist without obtaining a city permit based on the grounds listed in § 5.24.020.

5.24.070 RENEWAL.

A. Permits are effective for one year from the date of issue.

B. Permits may be renewed by following the application process outlined in § 5.24.030 or 5.24.040.

C. Applications for renewal may be submitted not more than 60 days nor less than 30 days prior to expiration of the permit.

5.24.080 MINIMUM REQUIREMENTS FOR FACILITIES.

The establishment permitted must comply with each of the following minimum requirements:

A. Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproofed materials, and shall be installed in accordance with all applicable state and local codes. Plumbing fixtures shall be installed in accordance with all applicable state and local codes:

1. Steam rooms and shower compartments shall have waterproof floors, walls and ceiling approved by all applicable state and local codes;

2. Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer. (Exception: dry heat rooms with wooden floors need not be provided with pitched floors and flood drains.)
3. A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.

B. The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each person.

C. Closed cabinets shall be provided and used for the storage of clean linen, towels and other items also used in connection with administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.

D. Toilet facilities shall be provided in convenient locations.

E. Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels.

F. All electrical equipment shall be installed in accordance with all applicable state and local codes.

G. Proof of permit must be displayed in a prominent location in each massage establishment location.

5.24.090 INSPECTION.

A. Any massage establishment or massage therapy practice may be inspected as specified in § 5.24.100(G).

5.24.100 OPERATION.

Massage establishments must comply with each of the following minimum operational requirements:

A. No massage establishment shall be kept open for any purpose between the hours of 10:00 p.m. and 6:00 a.m.

B. No massage establishment shall employ and/or allow any persons under the age of 18 to perform massage or massage therapy.

C. Each person employed by a massage establishment, shall at all times wear clean outer garments with fully opaque coverings of such person's sexual and/or genital areas.

D. The sexual and/or genital areas of patrons of massage establishments shall at all times be covered with towels, clothes or undergarments when in the presence of a person employed or other patron.

E. No person in any massage establishment under this chapter shall place his or her hand upon, touch with any part of his or her body, fondle in any manner, or massage a sexual and/or genital area of any other person.

F. No person in any massage establishment under this chapter shall perform, offer or agree to perform, any act which shall require the touching of the patron's sexual and/or genital area.

G. Every massage establishment shall be open for inspection during all business hours and at other reasonable times by police officers, health and fire inspectors, and duly authorized representatives of the city upon the showing of proper credentials by such persons.

H. Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

I. No massage establishment shall place, publish, or distribute or cause to be placed, published or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care, should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any massage services.

5.24.110 REVOCATION OR SUSPENSION OF PERMIT.

Any massage establishment can be closed by the Columbus board of public works and safety, or its designee, for failure to comply with this chapter:

A. Upon notification by the Columbus board of public works and safety of a denial or revocation of a permit, the applicant or permittee may, within ten days, request a hearing by written notice to the board. During those ten days a current permitted massage establishment may remain open. If no hearing is requested, the establishment permit will stand denied or revoked.

B. When a hearing is set by the Columbus board of public works and safety the applicant or permittee shall receive, with not less than 20 days written notice, a notice of the charges made, as well as time and place where the hearing will be held. A current permitted massage establishment may remain open until notified of the hearing results or 30 days, whichever is less.

C. At a hearing conducted pursuant to this section, the applicant or permittee shall have the right to be represented by counsel, to present witnesses, to testify and cross examine any other witnesses, and to subpoena witnesses. Proceedings shall be conducted under oath.

D. If any decision adverse to the applicant or permittee is made by the Columbus board of public works and safety after a hearing as provided above, the Columbus board of public works and safety, or its designee, shall provide the applicant or permittee with a written decision.

5.24.120 DISPLAY OF PERMIT.

All establishments permitted under this chapter shall display the permit in a visible location in the establishment for which the permit was issued. Persons employed must also display their permit in a visible location within their work area.

5.24.130 PENALTY.

Any violation of any provision of this chapter shall be punishable as provided in § 5.24.110. In addition the person and/or establishment who violates any provision of this chapter may be fined; the fine imposed for each such violation shall not be less than $200.00 and not more than $2,500.00 per violation per day.

This ordinance shall be in full force and effect from and after its passage and approval according to the laws of the State of Indiana.

Passed by the Common Council of the City of Columbus, Indiana on the _____ day of _____, 2012, on said date signed by the presiding officer of the Common Council and attested by the Clerk.

_____
Mayor of the City of Columbus

ATTEST:

_____
Clerk Treasurer of the City of
Columbus, Indiana

Presented by me, the undersigned Clerk-Treasurer of the City of Columbus, Indiana, to the Mayor of said City, this the _____ day of _____, 2012 at _____p.m., for consideration and action thereon.

_____
Clerk Treasurer City of Columbus

Having examined the forgoing ordinance, I do now, as Mayor of the City of Columbus, Indiana, approve said ordinance and return the same to the Clerk-Treasurer this _____ day of _____, 2012 at _____ p.m.

_____
Mayor, City of Columbus, Indiana

City of Columbus – Bartholomew County
Planning Department

123 Washington Street
Columbus, Indiana 47201
Phone: (812) 376-2550
Fax: (812) 376-2643

MEMORANDUM

TO: Columbus City Council Members

FROM: Jeff Bergman, AICP
on behalf of the Columbus Plan Commission

DATE: March 27, 2012

RE: *RZ-12-01 (Hotel Indigo Rezoning)*

At its March 14, 2012 meeting, the Columbus Plan Commission reviewed the above referenced application and forwarded it to the City Council with a favorable recommendation by a vote of 10 in favor and 0 opposed.

In 2005 the current site of the Hotel Indigo and the Sears Auto Center and parking lot to the south were rezoned from "Highway Business" to "Central Business". The rezoning was requested in preparation for the eventual construction of the hotel. This rezoning constituted the first expansion of downtown Columbus zoning in decades and resulted in much discussion by the Plan Commission and City Council about downtown parking, signs, landscaping, and the placement of the building on the site. There was particular concern at the time about expanding the area where the Zoning Ordinance did not require businesses to provide on-site parking (the downtown zoning district). In response to the concerns the City Council attached 5 conditions to the 2005 rezoning. One of those conditions was that "on-site parking shall be provided for all uses, consistent with the requirements of the Zoning Ordinance for non-Central business district locations".

Today the downtown zoning district is known as the CD (Commercial: Downtown Center) district. This district does not require any businesses or other uses to provide on-site parking. The Hotel Indigo continues to have an on-site parking requirement through the 2005 conditions of that property's rezoning.

Hotel Indigo would like to have this condition removed from the property as it now affects a proposed conference room expansion and has the potential to limit future additions to the building. This request is technically a "rezoning" request despite the fact that the name of the zoning district (CD) will not be changing. It should be noted that other, similar rezonings that further expanded the downtown zoning district since 2005 have not had similar conditions attached and those locations, therefore, do not have on-site parking requirements.

No members of the public spoke either in favor of or against this request at the Plan Commission public hearing.

The following items of information are attached to this memo for your consideration:

1. The proposed ordinance approving the "rezoning",
2. The resolution certifying the action of the Plan Commission,
3. A copy of the original Plan Commission staff report, and
4. A map of the subject property.

Please feel free to contact me if you have any questions regarding this matter.

trans memo

ORDINANCE NO.: _____, 2012

AN ORDINANCE EFFECTIVELY AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, AND REZONING THE SUBJECT PROPERTY BY AMENDING THE ZONING CONDITIONS AT A LOCATION DESIGNATED AS "CDc" (COMMERCIAL: DOWNTOWN CENTER WITH CONDITIONS)

To be known as the: Hotel Indigo Rezoning
Plan Commission Case No.: RZ-12-01

WHEREAS, this rezoning was requested by Vision Hotel Partners, LLC and includes the consent of all owners of the subject property; and

WHEREAS, the Columbus Plan Commission did, on March 14, 2012, hold a legally advertised public hearing on said request and has certified a favorable recommendation to the Common Council; and

WHEREAS, the Common Council of the City of Columbus, Indiana has considered the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Columbus, Indiana, as follows:

SECTION 1: Zoning Conditions Amended

The "CDc" (Commercial: Downtown Center with conditions) zoning classification of the following described real estate, which is in the zoning jurisdiction of the City of Columbus, Indiana, shall be amended to exclude the condition that "on-site parking shall be provided for all uses, consistent with the requirements of the Zoning Ordinance for non-Central Business district locations".

Lot #1 in the "Commons Mall Minor Subdivision" as recorded in Plat Book "R", page 118C in the Office of the Bartholomew County Recorder, Columbus, Indiana.

SECTION 2: Condition(s)

No conditions are attached to this rezoning.

SECTION 3: Repealer

All ordinances or parts thereof in conflict with this Ordinance shall be repealed to the extent of such conflict.

SECTION 4: Severability

If any provision, or the application of any provision, of this Ordinance is held unconstitutional or invalid the remainder of the Ordinance, or the application of such provision to other circumstances, shall be unaffected.

SECTION 5: Effective Date

This Ordinance shall be effective upon and after the date and time of its adoption, as provided in Indiana law.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock ____.m., by a vote of _____ ayes and _____nays.

_____
Presiding Officer

ATTEST:

_____
Luann Welmer
Clerk-Treasurer of the City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the _____ day of _____, 2012 at _____ o'clock ____.m.

_____
Kristen S. Brown
Mayor of the City of Columbus, Indiana

RESOLUTION: RZ-12-01

of the City of Columbus, Indiana Plan Commission

regarding
Case number RZ-12-01
(Hotel Indigo),
a proposal to amend the zoning conditions of +/-2.32 acres of property designated as CDc (Commercial: Downtown Center with conditions), effectively "rezoning" the property.

WHEREAS, the Plan Commission has received the application referenced above from Vision Hotel Partners, LLC; and

WHEREAS, the applicant(s) represent 100% of the property owners involved in the rezoning request, which meets the requirements of IC 36-7-4-602(c); and

WHEREAS, the Plan Commission did, on March 14, 2012, hold a public hearing consistent with the applicable requirements of Indiana law, the Columbus & Bartholomew County Zoning Ordinance, and the Plan Commission Rules of Procedure; and

WHEREAS, the Plan Commission did pay reasonable regard to the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance; and

WHEREAS, the Plan Commission recognizes that its action on this matter represents a recommendation to the Common Council of the City of Columbus, Indiana, which will be responsible for final action on the request.

NOW THEREFORE BE IT RESOLVED, by the Plan Commission of the City of Columbus, Indiana, as follows:

1) The amending of the rezoning conditions on the property subject to the application (approximately 2.32 acres located at the southwest corner of 5th and Brown Streets) to omit the previous rezoning condition that "on-site parking shall be provided for all uses, consistent with the requirements of the Zoning Ordinance for non-Central Business district locations" is forwarded to the Common Council with a favorable recommendation.

2) This resolution shall serve as the certification required for such ordinance amendments (re-zonings) by IC 36-7-4-605.

ADOPTED BY THE COLUMBUS, INDIANA PLAN COMMISSION THIS 14th DAY OF, MARCH 2012 BY A VOTE OF 10 IN FAVOR AND 0 OPPOSED.

Roger Lang 3/27/12
Roger Lang, Vice-President

ATTEST:

David L. Hayward, Secretary

City of Columbus – Bartholomew County
Planning Department

123 Washington Street
Columbus, Indiana 47201
Phone: (812) 376-2550
Fax: (812) 376-2643

STAFF REPORT

CITY OF COLUMBUS PLAN COMMISSION
(March 14, 2012 Meeting)

Docket No. / Project Title:	RZ-12-01 (Hotel Indigo)
Staff:	Derek Naber
Applicant:	Hotel Indigo
Property Size:	2.32 Acres
Current Zoning:	CD (Commercial: Downtown Center) – with Conditions
Proposed Zoning:	CD (Commercial: Downtown Center) – with amended Conditions omitting the on-site parking requirement.
Location:	400 Brown Street, in the City of Columbus

Background Summary:
The applicant has indicated that the proposed rezoning is for the purpose of the removal of the previous rezoning condition that states that on-site parking shall be provided for all uses, consistent with the requirements of the Zoning Ordinance for non-Central Business district locations.

Key Issue Summary:
The following key issue(s) should be resolved through the consideration of this application: Should on-site parking be required in the expanded portions of downtown Columbus?

Preliminary Staff Recommendation:
Favorable recommendation to the City Council.

Plan Commission Options:
In reviewing a request for *rezoning* the Plan Commission may (1) forward a favorable recommendation to the City Council, (2) forward an unfavorable recommendation to the City Council, (3) forward the application to City Council with no recommendation, or (4) continue the review to the next Plan Commission meeting. The Plan Commission may attach conditions to any recommendation which are to become written commitments of the applicant. The City Council makes all final decisions regarding *rezoning* applications.

Decision Criteria:
Indiana law and the Columbus Zoning Ordinance require that the Plan Commission and City Council pay reasonable regard to the following when considering a rezoning:

The Comprehensive Plan.
Preliminary Staff Comments: The Comprehensive Plan describes that parking should be provided in some manner within the downtown area whether it is on-site, off-site, or on-street. Further, the Comprehensive Plan recognizes that parking areas should not be provided in a manner which disrupts the pedestrian-friendly atmosphere of the downtown.

The current conditions and the character of current structures and uses in each district.
Preliminary Staff Comments: The subject property features a hotel and a parking lot. The property is in the context of the downtown area and is within walking distance to much of the downtown and many on-street parking spaces and both parking garages. The existing parking lot which fronts 5th Street and Lindsey Street does not create a pedestrian friendly character as desired in the downtown zoning district.

The most desirable use for which the land in each district is adapted.
Preliminary Staff Comments: The subject property is well suited to serve as a hotel to visitors and guests in downtown Columbus, whether it is for business or pleasure. The property is also well within walking distance to the downtown area and accessible to many parking space alternatives such as on-street spaces and the parking garages.

The conservation of property values throughout the jurisdiction of the City of Columbus.
Preliminary Staff Comments: Public parking spaces which are occupied by employees of businesses during the day would be available during the evening when parking would be needed for guests of the hotel. The removal of the on-site parking space requirement would also allow for more area for building space which would enhance the downtown and surrounding areas.

Responsible growth and development.
Preliminary Staff Comments: The removal of on-site parking space requirement for the hotel would encourage further growth and investment to the subject property in the downtown area. By removing the on-site parking requirement, more space on the property would be available for building area instead of parking area.

Current Property Information:	
Land Use:	Hotel
Site Features:	The site features a hotel and parking lot.
Flood Hazards:	No flood hazards exist at this location.
Special Circumstances: **(Airport Hazard Area, Wellfield Protection Area, etc.)**	No special circumstances exist at this location.
Vehicle Access:	The property gains access from Lindsey Street (Minor Arterial, Commercial, Urban) and Brown Street (Minor Arterial, Commercial, Urban).

Surrounding Zoning and Land Use:		
	Zoning:	**Land Use:**
North:	CD (Commercial: Downtown Center)	Parking Lot
South:	CD (Commercial: Downtown Center)	Parking Lot Sears Auto Center
East:	CD (Commercial: Downtown Center)	Post Office

West:	P (Public / Semi-Public Facilities)	Railroad Mill Race Park

	Existing Zoning: CD with Conditions
Zoning District Intent:	The intent of the CD zoning district is to serve as the primary commercial and activity center, where a complete range of goods, services, and entertainment is located. This district is intended to serve as a focal point, and to be the most intensely development area in the community. This district is further intended to support the continued use of historic structures, to ensure a pedestrian focused character, and to enable continued investment.

Permitted Uses:	**Residential Uses** • Bed & Breakfast Facility • Dwellings, Secondary (on upper floors of other use) **Public / Semi Public Uses** • Clinic • Day-Care Center (Adult or Child) • Funeral Home • Government Office • Library • Museum • Parking Lot / Garage (as a primary use) • Police, Fire, or Rescue Station • Post Office • Trade or Business School	**Park Uses** • Nature Preserve / Conservation Area • Park / Playground **Commercial Uses** • Conference Center • Data Processing / Call Center • Farmer's Market • Health Spa • Hotel / Motel • Instructional Center • Liquor Store • Office Uses • Personal Service Uses • Recreation Uses (Small Scale) • Recreation Uses (Medium Scale) • Restaurant • Retail Uses (Small Scale) • Retail Uses (Medium Scale)
Water and Sewer Service:	Required	
Lot and/or Density Requirements:	Minimum Lot Area: 3,000 square feet Maximum Lot Coverage: 100%	

Setbacks Required: Front setbacks are determined by the Thoroughfare Plan Classification of the adjacent street and are the same regardless of zoning.	**Side Yard Setback:** Primary Structure: 0 feet Accessory Structure: 0 feet **Rear Yard Setback:** Primary Structure: 0 feet Accessory Structure: 0 feet **Front Yard Setback / Build-to Line:** Arterial Street: 0 foot build-to* Collector Street: 0 foot build-to* Local Street: 0 foot build-to* * The build-to line shall not apply to primary structures on properties which include outdoor dining, assembly, or similar space which conforms to a 0 foot build-to line.
Height Restrictions:	**Primary Structure:** 125 feet, except for the following – (1) Washington Street Frontage: 60 feet, for the one-half block on each side of Washington Street between 2nd & 8th Streets and (2) Residential Context: 50 feet, within one-half block of any single-family residential zoning district. **Accessory Structure:** 35 feet
Floor Area Requirements:	None
Signs:	**Wall Signs:** Permitted 1 wall sign per frontage with a maximum area of 8% of the front wall area or 200 square feet, whichever is less. **Window Signs:** Permitted window signs with a maximum area of 15% of the window area or 20 square feet, whichever is less.

History of this Location:

The relevant history of this property includes the following:

1. Prior to 2006, this property and the property to the south were one lot and were used as a parking lot for The Commons Mall.
2. In 2006, the property was rezoned from B-4 (Highway Business) to B-3C (Central Business) with conditions (RZ-05-12). The conditions included maintaining building transparency along 3rd, 5th, and Brown Streets, limitation of signage for the property, 0 foot build-to line, landscaping requirement, and a requirement to provide on-site parking. The current lot was subdivided from the southern property and the subject property was developed into the location for Hotel Indigo (C/ZC-06-156-Aug.). The development also received variances for the setback and height of the building (C/DS-05-20).
3. In 2008, when the replacement Zoning Ordinance and Map was adopted, the property was incorporated as part of the CD- Commercial: Downtown Center zoning district while also retaining the original conditions.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Mixed Use.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **POLICY E-1-3:** Encourage development of additional parking that is consistent with the character of the downtown.
2. **GOAL F-5-1:** Provide adequate, attractive, and safe parking facilities.
3. **POLICY F-5-1:** Require new developments to construct sufficient but not excessive parking for this demand.
4. **POLICY F-5-2:** Encourage flexibility in meeting parking demand (shared parking, grass overflow areas for peak demand and similar practices).
5. **POLICY F-5-3:** Develop adequate parking to serve downtown and to encourage growth of downtown businesses.

This property is located in the Downtown Columbus character area. The following Planning Principle(s) apply to this application:

1. As uses change or expand, the city should ensure that smooth traffic flow will be maintained and that convenient parking is available.
2. Prevent establishment of parking lots that will create gaps in the continuity of downtown buildings.
3. Locate off-street parking behind structures rather than in front of or beside them.

The Downtown Columbus Strategic Development Plan identifies the property in the Central Civic & Entertainment District. The following Downtown Development Goal applies: Reinforce the existing physical fabric of Downtown to better communicate a sense of place including a stronger definition of districts, gateways, gathering places and relationships to surrounding neighborhoods.

Planning Consideration(s):

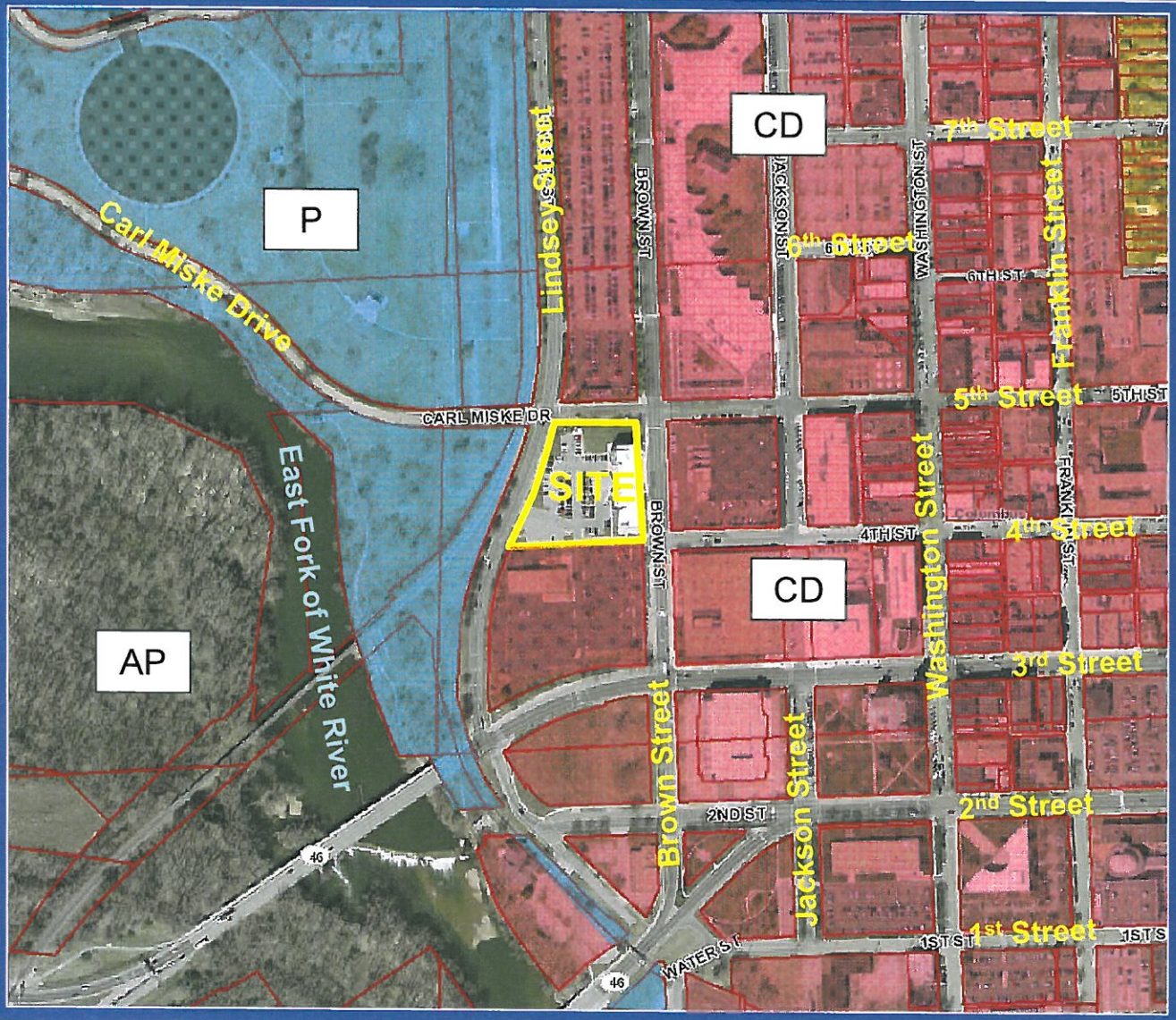
The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. Hotel Indigo is requesting to remove the requirement that on-site parking be provided for their property. In 2006, when the subject property was being rezoned (RZ-05-13) as part of the approval process to build the hotel, the City Council requested and approved the rezoning with conditions that the property have the same parking requirements as other non-downtown commercial zoning districts. The City Council added this requirement as a precaution to ensure that enough parking would be available to support the needs of the hotel as well as the rest of the needs of downtown Columbus. The Hotel Indigo property and the Sears Auto Center property to the south are currently the only properties in the downtown zoning district which require on-site parking be provided. There have also been other downtown zoning district rezonings which occurred later without any parking requirements including the Jackson Place rezoning (RZ-07-09) for a mixed-use development and a rezoning for the proposed Indoor Sports Complex site (RZ-09-01).
2. The hotel, which features 85 guest rooms and 2,136 square feet of usable floor area of conference, lounge, and banquet space, currently requires 107 on-site parking spaces of which 5 spaces must be handicap-accessible. The property currently provides 108 on-site parking spaces of which 5 spaces are handicap-accessible. In addition the property can count 1 on-street parking space toward its provided on-site parking requirement (Zoning Ordinance Section 7.1 (Part 1)(A)(2)(a)). In total, the property provides 109 parking spaces including 5 handicap accessible spaces.
3. A hotel is a use which provides overnight accommodation and lodging as well as areas for conferences and banquets. For majority of the hotels, the parking spaces provided for guest rooms are typically not used during day-time hours but only during the evening and night.
4. According to Zoning Ordinance Section 7.1 (Part 1)(A)(1)(a) a property located in the downtown zoning district is currently exempt from having to provide any on-site parking. There are several reasons why properties in the downtown zoning district are exempt from providing on-site parking, which include:

- Downtown Columbus is part of an urban area which is accessible by modes of transportation other than automobiles. The downtown provides sidewalks on both sides of the streets and many businesses, institutions, and residences in the area are within walking and biking distance of one another. The downtown area is also accessible to the Columbus' People Trails and bicycle routes as well as the bus station and bus stops which link to the rest of the community.
- The downtown zoning district is intended to be a focal point to the community and to ensure a pedestrian-focused character is maintained. A walkable and pedestrian-friendly downtown area provides buildings with active street frontages which creates a vibrant urban setting. If an urban setting is broken up with vast amounts of required parking areas, the downtown becomes less attractive and less pedestrian friendly.
- The downtown zoning district also intends to be the most intensely developed area in the community. Most commercial properties are required to provide a parking area in addition to their building. The downtown context typically features smaller properties and lots. By removing the requirement of providing on-site parking on the property, it removes a hardship in terms of being able to provide a serviceable building and parking area on a smaller lot. This exemption allows more space for more building area instead of parking area which can further enhance the downtown.
- The downtown area provides a variety of public parking with the downtown area. The downtown features the two parking garages which provide over 1000 parking spaces to businesses and the public. There are also currently 631 on-street public spaces available within the area. According to the Downtown Parking Summary generated by the Engineering Department, in terms of a current comparison of employees to available public and private parking spaces in the area, the downtown has a net surplus of 839 parking spaces. Further, the Downtown Parking Summary projects that there will be a surplus of 380 parking spaces in the future.

5. In coordination with this rezoning request, the applicant is requesting to add a new conference room which would require an additional 10 parking spaces for a total of 117 on-site parking spaces (DP-12-02). This development plan request is an alternative to this rezoning request. The applicant would prefer not to build the additional parking spaces but would do so if required in order to permit the conference room expansion. This proposal will add more parking area which will face 5th Street and Lindsey Street. After this expansion, the property for the hotel would have little to no additional space to provided additional on-site parking. If the hotel were to add new guest rooms or additional conference room space, the parking requirement might create a difficulty for future expansion.

Site Location & Surrounding Zoning



ORDINANCE No. _____ 2012

AN ORDINANCE AMENDING ORDINANCE NO. 32-2009 ESTABLISHING SERVICE FEES FOR WASTE DISPOSAL SERVICES

WHEREAS, Indiana Code 36-1-3 et. seq. confers upon units of local government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit;

WHEREAS, Indiana Code 36-9-30-15 and 36-9-30-21 authorizes the Common Council of the City of Columbus, Indiana to pass an ordinance establishing just and equitable service fees for the disposal of solid waste;

WHEREAS, the Common Council of the City of Columbus, Indiana deems it desirable and proper to amend ordinance number 32-2009 of the Columbus Municipal Code.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA THAT THE COLUMBUS MUNICIPAL CODE BE AMENDED AS FOLLOWS:

Section I

Chapter 8.24 Garbage and Refuse

The Common Council repeals the monthly service fees for the disposal of solid waste from "residential premises" as defined in section 8.24.010, for one city owned or city approved container of any size, effective May 1, 2012.

(A) Beginning May 1, 2012 for every "residential premises" that has more than one city owned or city approved container of any size a monthly collection fee shall be charged by the city and collected from each owner or tenant of a "residential premises" as defined in section 8.24.010. The fee shall be in payment for the administration, collection, and disposal of the solid waste as defined, and shall be collected for each month from all owners or tenants of residential premises. The fee, per month, for more than one city owned or approved containers, provided, assigned or sold to an owner or tenant of a residential premise, shall be as follows:

1. $9.00 per month for each city owned or city approved 96 gallon container more than one,

2. $7.00 per month for each city-owned or city approved 64 gallon container more than one,

3. $5.00 per month for each city-owned or city approved 48 gallon container more than one,

(Collectively, "monthly fees")

(B) Any resident that desires to make a voluntarily payment toward the costs associated with the collection and disposal of solid waste shall contact the Columbus City Utilities and execute a form designating a monthly amount that the resident desires to voluntarily contribute. The Resident will receive a notice after December 31 and before January 31 of each year of amount contributed.

Section II

This Ordinance shall have full force and effect from and after its passage.

DULY PASSED on the _____day of _____, 2012, by the Common Council of the City of Columbus, Indiana.

COMMON COUNCIL
CITY OF COUMBUS, INDIANA

_____
Presiding Officer

ATTEST:

Clerk-Treasurer of the City of
Columbus, Indiana

Presented to me to the Mayor of Columbus, Indiana the _____ day of _____ , 2012 at _____ o=clock ___.m.

Clerk-Treasurer

Approved and signed by me this _____ day of _____ , 2012 at _____ o=clock ___.m.

Mayor of the City of Columbus, Indiana.

RESOLUTION NO. , 2012

RESOLUTION AUTHORIZING THE MAYOR AND THE CLERK-TREASURER TO EXECUTE STATEMENT OF BENEFIT FORMS IN CONJUNCTION WITH AN APPLICATION FOR TAX ABATEMENT IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA PURSUANT TO INDIANA CODE 6-1.1-12.1-7

WHEREAS, the Common Council of the City of Columbus, Indiana, has previously designated, through various prior Resolutions, certain portions of the City of Columbus, Indiana, to be known as economic development target area as contemplated pursuant to **INDIANA CODE 6-1.1-12.1-7**; and

WHEREAS, **INDIANA CODE 6-1.1-12.1-1, et seq.** provides that the Common Council of the City of Columbus, Indiana, approve the Statement of Benefits form associated with the application in conjunction with personal and real property tax abatement areas previously designated as an economic revitalization area; and

WHEREAS, **Rightway Fasteners, Inc.** desires and seeks tax abatement associated with the proposed purchase of personal property as contemplated by **INDIANA CODE 6-1.1-12.1-7**; and

WHEREAS, the Common Council of the City of Columbus, Indiana, finds that:

a. The estimate of the value of the proposed purchase of new manufacturing equipment is reasonable for equipment of that nature;

b. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed purchase and installation of new manufacturing equipment;

c. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed purchase and installation of new manufacturing equipment;

d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed purchase and installation of new manufacturing equipment;

e. The deduction allowed for the proposed purchase and installation of new manufacturing equipment pursuant to **INDIANA CODE 6-1.1-12.1-4** shall be allowed for ten (10) years;

f. The totality of benefits is sufficient to justify the deduction; and

WHEREAS, the Common Council of the City of Columbus, Indiana, deems it to be in the best interest of the City of Columbus, Indiana, in order to stimulate economic development and provide for additional jobs, that such personal property tax abatement be granted; and

WHEREAS, **Rightway Fasteners, Inc.** has submitted, for purposes of review by the Common Council of the City of Columbus, Indiana, a Statement of Benefits form, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Columbus, Indiana, that:

1. The Common Council of the City of Columbus, Indiana, finds that:

a. The estimate of the cost of the proposed purchase and installation of new manufacturing equipment is reasonable for equipment of that nature; and

b. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed purchase and installation of the new manufacturing equipment;

c. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed purchase and installation of new manufacturing equipment;

d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed purchase and installation of new manufacturing equipment;

e. The deduction allowed for the proposed purchase and installation of the new manufacturing equipment pursuant to **INDIANA CODE 6-1.1-12.1-4** shall be allowed for ten (10) years;

f. The totality of benefits is sufficient to justify the deduction;

The Mayor of the City of Columbus, Indiana, and the Clerk-Treasurer of the City of Columbus, Indiana are hereby authorized by the Common Council of the City of Columbus, Indiana, to execute the statement of benefit form attached hereto as Exhibit A for purposes of facilitating the personal property tax abatement of the applicant herein.

ADOPTED BY THE COMMON COUNCIL OF COLUMBUS, INDIANA, on this the _____ day of April, 2012, by a vote of _____ ayes and _____ nays.

_____
Presiding Officer of the
Common Council

ATTEST:

_____
Clerk of the Common Council

Presented by me to the Mayor of Columbus, Indiana, this _____ day of April, 2012 at _____ o'clock _____.M.

_____
Clerk-Treasurer

Approved and signed by me this _____ day of April, 2012, at _____ o'clock ____.M.

_____
Mayor of the City of
Columbus, Indiana

STATEMENT OF BENEFITS
PERSONAL PROPERTY

State Form 51764 (R / 1-06)
Prescribed by the Department of Local Government Finance

EXHIBIT A

FORM SB-1 / PP

PRIVACY NOTICE
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

INSTRUCTIONS:

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body* ***BEFORE*** *a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)*
2. *Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to installation of the new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment,* ***BEFORE*** *a deduction may be approved*
3. *To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.*
4. *Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form CF-1 / PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
5. *The schedules established under IC 6-1.1-12.1-4.5(d) and (e) apply to equipment installed after March 1, 2001. For equipment installed prior to March 2, 2001, the schedules and statutes in effect at the time shall continue to apply. (IC 6-1.1-12.1-4.5(f) and (g))*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: RIGHTWAY FASTENERS, INC.

Address of taxpayer *(number and street, city, state, and ZIP code)*: 7945 SOUTH INTERNATIONAL DRIVE, COLUMBUS, IN 47201

Name of contact person: TAMON KAKUMA

Telephone number: (812) 342-2700

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: COMMON COUNCIL OF THE CITY OF COLUMBUS

Resolution number (s):

Location of property: 7945 S INTERNATIONAL DRIVE

County: BARTHOLOMEW

DLGF taxing district number: 03021

Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. *(use additional sheets if necessary)*

COLD FORGING MACHINE, POINTING MACHINE, SORTING MACHINE, COATER

	ESTIMATED START DATE	ESTIMATED COMPLETION DATE
Manufacturing Equipment	06/30/2012	12/20/2012
R & D Equipment		
Logist Dist Equipment		
IT Equipment		

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
271	9,500,000.00	271	9,500,000.00	7	228,000.00

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the **COST** of the property is confidential.

	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current values	44,436,214.00	9,193,350.00						
Plus estimated values of proposed project								
Less values of any property being replaced								
Net estimated values upon completion of project								

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (*pounds*) _____

Estimated hazardous waste converted (*pounds*) _____

Other benefits:

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed *(month, day, year)*
Tamon. K	Controller	3, 28, 2012

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A . The designated area has been limited to a period of time not to exceed _____ calendar years * *(see below)*. The date this designation expires is _____ .

B . The type of deduction that is allowed in the designated area is limited to:

1. Installation of new manufacturing equipment; ☐ Yes ☐ No
2. Installation of new research and development equipment; ☐ Yes ☐ No
3. Installation of new logistical distribution equipment. ☐ Yes ☐ No
4. Installation of new information technology equipment; ☐ Yes ☐ No

C. The amount of deduction applicable to new manufacturing equipment is limited to $ _____ cost with an assessed value of $ _____.

D. The amount of deduction applicable to new research and development equipment is limited to $ _____ cost with an assessed value of $ _____.

E . The amount of deduction applicable to new logistical distribution equipment is limited to $ _____ cost with an assessed value of $ _____.

F. The amount of deduction applicable to new information technology equipment is limited to $ _____ cost with an assessed value of $ _____.

G. Other limitations or conditions *(specify)*_____

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction on or after July 1, 2000, is allowed for:

☐ 1 year ☐ 6 years
☐ 2 years ☐ 7 years
☐ 3 years ☐ 8 years
☐ 4 years ☐ 9 years
☐ 5 years ** ☐ 10 years **

** For ERA's established prior to July 1, 2000, only a 5 or 10 year schedule may be deducted.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: *(signature and title of authorized member)*	Telephone number	Date signed *(month, day, year)*
Attested by:	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.5