

REGULAR SESSION, COMMON COUNCIL, JULY 22, 2019

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on July 22, 2019. The meeting was held in the Council Chambers, 124 N. Michigan St., Plymouth, Indiana. Mayor Senter called the meeting to order at 6:32 p.m.

Mayor Senter led the Pledge of Allegiance and Councilman Ecker offered prayer.

Mayor Senter presided for Councilmembers Culp, Ecker, Houin, Longanecker, Milner and Walters, City Attorney Surrisi and Clerk-Treasurer Xaver. Councilman Cook was absent.

Council Members Culp and Longanecker moved and seconded to approve the minutes of the last regular Common Council meeting on July 8, 2019 as presented. The motion carried.

City Attorney Surrisi presented Ordinance No. 2019-2152, An Ordinance Regarding Cemetery Rules, and Regulations and Fees for the City of Plymouth, on second reading.

Council Members Ecker and Walters moved and seconded to pass Ordinance No. 2019-2152, An Ordinance Regarding Cemetery Rules, and Regulations and Fees for the City of Plymouth, on second reading.

Councilman Ecker said he agrees with the recommendations from Superintendent Collins and feels the rate increases are long past due.

The motion carried by roll call vote:

AYES: Culp, Ecker, Houin, Longanecker, Milner, Walters
NAYS: None
ABSENT: Cook

Council Members Culp and Milner moved and seconded to pass Ordinance No. 2019-2152, An Ordinance Regarding Cemetery Rules, and Regulations and Fees for the City of Plymouth, on third reading. The motion carried by roll call vote:

AYES: Culp, Ecker, Houin, Longanecker, Milner, Walters
NAYS: None
ABSENT: Cook

City Attorney Surrisi presented PC 2019-12, Certified Proposal to Amend the Zoning Ordinance for the City of Plymouth. He introduced Plan Consultant Ralph Booker to discuss the proposed changes.

Booker explained that the changes will occur in Articles 3, 4, and 6 and are recommendations from MACOG to help make Plymouth a more solar-positive community. The proposed changes are as follows:

Article 3, Standard Zoning District Intent, Uses, & Standards, is amended to allow rooftop, micro, and small ground mounted solar energy systems within all zoning districts, and is further amended by adding to the R-1, Rural Suburban District, medium and large-scale solar energy systems to Special Uses.

Article 4, Overlay Zoning Districts Intent, Uses, & Standards, Section 030, HN, Historic Neighborhood Overlay District, Subsection C., Review Criteria, Subsection 1., Alterations and New Construction, is amended by adding a new Subsection d., stating that, No solar installations may be visible from the street.

Article 6, Development Standards, Section 010, Accessory Structures and Use Standards, Subsection A, Definition, is amended to include solar energy systems to the definition's list of examples of accessory uses.

Article 6, Development Standards, Section 210, Solar Energy Systems (SES) Standards, Subsection D, General Approval Standards, Subsection 3, Lot Coverage, Subsection a., is amended to state that, Lot Coverage cannot exceed the impervious lot surface requirements, except where the ground beneath the ground mount solar energy system is vegetated and shall not be included in calculations for lot coverage or impervious cover.

Article 6, Development Standards, Section 210, Solar Energy Systems (SES) Standards, Subsection D, General Approval Standards, is amended by adding a new Subsection 5, stating:

5. Historic Neighborhood District Overlay
 - a. Solar installations shall not be visible from a public street other than an alley.
 - b. All solar energy systems within the Historic Neighborhood District Overlay must be approved by the Technical Review Committee.
 - c. No ground mounted solar energy systems are permitted.

Article 6, Development Standards, Section 210, Solar Energy Systems (SES) Standards, Subsection D, General Approval Standards, is amended by adding a new Subsection 6, stating:

6. Emergency Access
 - a. Roof mounted solar energy systems shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities, and provide emergency egress from the roof according to the Indiana Fire Code.

Article 6, Development Standards, Section 210, Solar Energy Systems (SES) Standards, Subsection E, Permit, is amended, stating:

- E. Permit
 1. Rooftop, micro, and small ground mount solar installations are permitted in all major zoning districts.
 2. Ground mount solar energy systems are permitted as an accessory structure or as a primary use as provided in the Use Table. Micro, and small ground mount solar energy systems are permitted in all districts. Medium and large-scale ground mount solar energy systems require a special use in districts C-1, C-2, C-3, BP, I, and PUD, and will require Technical Review Committee site plan approval prior to building permit approval.

Article 6, Development Standards, Section 210, Solar Energy Systems (SES) Standards, Subsection F, Site Plan, Subsection 1, is amended, by replacing the first sentence with the following, A Technical Review is required for medium and large-scale ground mount solar energy systems prior to building permit approval.

City Attorney Surrisi noted that there have been discussions about the historic neighborhood overlay district, which are outside the scope of this proposal, regarding potential changes to that area. It has been suggested that the area is too large and should be scaled down. He also mentioned that there has been concern regarding the removal of trees, however folks will have to take into account the benefit of the shade from the trees and how much solar power will be generated in their particular location.

Houin asked for clarification regarding lot coverage noted in Article 6, section 210. Booker said the intent was that if there is vegetation under the panels, it would not be included in the coverage. Houin asked if they could stop the run-on sentence and make a new sentence so this section does not run/flow together. Surrisi said yes, it would just need to be part of the motion.

Council Members Houin and Culp moved and seconded to adopt PC 2019-12, Certified Proposal to Amend the Zoning Ordinance for the City of Plymouth, which the clarification included in Article 6, Section 210. It passed by roll call vote.

AYES: Culp, Ecker, Houin, Longanecker, Milner, Walters
NAYS: None
ABSENT: Cook

Clerk-Treasurer Xaver read aloud the following memorandum:

MEMO

To: Mayor Senter
Council Members
Redevelopment Members
City Attorney Surrisi
Citizens and Taxpayers of the City of Plymouth

From: Clerk-Treasurer Xaver
Date: July 11, 2019
Re: July 8, 2019 news article on WTCA website

All,

I read an article on the WTCA website to which I would like to respond. First and foremost, I would like to thank Kathy Bottorff, Shawn McGrath and Anita Goodan for their commitment to attending our meetings and reporting to our citizens. I would also like to thank Mike Delp for asking the question and Mayor Senter for responding to this article when he was on the radio earlier this week.

In the article on WTCA, Mike Delp asked the County Council why they neither contributed to nor explained their reasoning as to why they were not contributing to the proposed Permanent Supportive Housing Project on West Jefferson Street.

The answers that Mr. Delp received at the county council meeting Monday included

- The project is in a TIF district, so the funds the city is using would have been going to the county
- Not supportive of a residential development using TIF funds
- The county's funding is limited with reduced revenue and additional costs
-

I would like everyone to understand that the Permanent Supportive Housing project is NOT located within a TIF district.

I would concur that all local taxing entities are facing reduced revenue due in part to circuit breakers. While the state legislators reduced the funds available to local taxing jurisdictions through property taxes (in our case: the City of Plymouth, Marshall County, Solid Waste District, Plymouth Public Library, Plymouth Community School Corporation and Center or West Township, depending on where the property is located), making themselves heroes; they allow counties, cities and towns (depending on the individual tax) to adopt local Wheel Taxes and Public Safety taxes, which, if adopted, would help fund our police, fire, EMS and sheriff departments. As an elected official, I understand that local councils and commissions don't want to adopt new taxes to offset income lost from taxes reduced by the state – no one wants to tell their neighbors (and the people who elect them) that they are passing new taxes. But the reality is, that is the position that state legislators put us in. The loss of revenue and increased costs are an unfortunate reality of running a household, business and government. That's why it's so vital and appreciated that our city department heads are cognizant of and stay within their spending limitations. That's why it's so important that our councils and commissions understand the fine balance between what they want to fund and what they can fund and find a way to balance the two without breaking the bank. And that's why the clerk-treasurer is tasked with staying up-to-date on new laws, continuing education offered through the state, Indiana League of Municipal Clerks and Treasurers, and other professional organizations; and has the unfortunate responsibility of telling the council and department heads when they cannot spend money and advising the council to increase rates and taxes.

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Clerk-Treasurer Xaver asked the council their pleasure on the acceptance of a donation into the City Monetary Gift Fund of \$3,000 from US Granules for the Mayor's Month of Music and donations of \$500 from First Federal Savings Bank, \$500 from the Ancilla Domini Sisters and \$100 from Marshall County Solid Waste all for the Latino Festival.

Council Members Ecker and Walters moved and seconded to accept the donations as specified. The motion carried.

City Attorney Surrisi presented Ordinance No. 2019-2153, An Amended Ordinance Fixing Salaries of Appointed Officers and Employees, Fire and Police Personnel of the City of Plymouth, Indiana for the Year 202, by title, on first reading.

Mayor Senter offered the privilege of the floor. There were no comments.

Members Ecker and Milner moved and seconded to accept the following communications:

- Minutes of the Board of Public Works and Safety meeting of July 8, 2019
- Minutes of the Board of Aviation Commissioners meeting of June 11, 2019
- Minutes of the Plan Commission meeting of June 4, 2019
- Minutes of the Redevelopment Commission meeting of June 18, 2019
- Minutes of the Urban Forest and Flower Committee meeting of June 19, 2019
- Clerk-Treasurer Memo RE WTCA News Article

The motion carried.

There being no further business to come before the Council, Council Members Walters and Longanecker moved and seconded to adjourn the meeting. The meeting adjourned at 6:56 p.m.

Jeanine M. Xaver, IAMC, CMC
Clerk-Treasurer

APPROVED

Mark Senter, Mayor