

REGULAR SESSION, COMMON COUNCIL, NOVEMBER 28, 2016

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on November 28, 2016. The meeting was held in the Council Chambers of the City Building, 124 N. Michigan Street, Plymouth, Indiana. The meeting was called to order at 6:30 p.m.

Mayor Senter led the Pledge of Allegiance and Council Member Delp offered prayer.

Mayor Senter presided for Councilmembers Cook, Culp, Delp, Ecker, Fonseca, Grobe and Houin. City Attorney Surrisi and Clerk-Treasurer Xaver were also present.

Councilmembers Delp and Ecker moved and seconded to approve the minutes of the last regular meeting of the Common Council on November 14, 2016 as presented. The motion carried.

City Attorney Surrisi presented Ordinance No. 2016-2108, An Ordinance Fixing Salaries for the Year 2017 for the Elected Officials of the City of Plymouth, Indiana, on second reading.

Councilmen Houin and Ecker moved and seconded to approve Ordinance No. 2016-2108, An Ordinance Fixing Salaries for the Year 2017 for the Elected Officials of the City of Plymouth, Indiana, on second reading.

Councilmen Grobe and Ecker moved and seconded to amend Ordinance No. 2016-2108, An Ordinance Fixing Salaries for the Year 2017 for the Elected Officials of the City of Plymouth, Indiana, changing the Council Members rates from a \$500 increase to a 1.5% increase and update the verbiage to reflect that intent.

Grobe explained that he is agreeable to the \$1,000 increase for the Mayor and Clerk-Treasurer, however a \$500 increase for the Council Members is an almost 6% increase and he does not agree with this portion of the ordinance.

The amendment to Ordinance No. 2016-2108 was passed by roll call vote.

AYES: Culp, Delp, Ecker, Fonseca, Grobe, Houin
NAYS: Cook
ABSENT: None

REGULAR SESSION, COMMON COUNCIL, NOVEMBER 28, 2016

Councilmen Culp and Grobe moved and seconded to approve amended Ordinance No. 2016-2108, An Ordinance Fixing Salaries for the Year 2017 for the Elected Officials of the City of Plymouth, Indiana, on second reading. It passed by roll call vote.

AYES: Culp, Delp, Ecker, Fonseca, Grobe, Houin
NAYS: Cook
ABSENT: None

Councilmen Houin and Ecker moved and seconded to approve amended Ordinance No. 2016-2108, An Ordinance Fixing Salaries for the Year 2017 for the Elected Officials of the City of Plymouth, Indiana, on third reading. It passed by roll call vote.

AYES: Culp, Delp, Ecker, Fonseca, Grobe, Houin
NAYS: Cook
ABSENT: None

City Attorney Surrisi presented PC 2016-15, Certified Proposal to Amend the Official Zoning Map for the City of Plymouth. He explained that this case went before the Plan Commission at their last meeting and it received a favorable recommendation. This is a request by Ver-Tex Ent. LLC for property at 6770 Michigan Rd to change the zoning from R-1 Rural Residential to C-3 Corridor Commercial District.

Surrisi explained that the entire zoning map of Plymouth was updated in 2008. This property was previously used as a commercial property, but after being deemed vacant by Building Commissioner Hammonds for a period of more than one year, it lost its grandfathered status as commercial and reverted back to a residential property due to the 2008 zoning map update.

The case was open to a public hearing on Tuesday, November 1, 2016 for citizens and neighbors to voice opinions about the request.

Representatives from the Bread of Life were present to discuss their plans to rent the space for their expanding business.

Councilmen Delp and Culp moved and seconded to adopt the proposal from the Plan Commission for PC 2016-15, Certified Proposal to Amend the Official Zoning Map for the City of Plymouth. It passed by roll call vote.

AYES: Cook, Culp, Delp, Ecker, Fonseca, Grobe, Houin
NAYS: None
ABSENT: None

City Attorney Surrisi presented Resolution No. 2016-718, A Resolution of the Common Council of the City of Plymouth to Approve the Application of Jacar Holdings, LLC for a Commercial Revitalization Rebate Program Grant.

Steve and Cameron Carter were present to discuss their plans for the building and answer questions. The request is for renovation work for the exterior portion of the building. Carter said he has received two quotes for the work. Mr. Carter said that he has done some patchwork on the roof and side of the building on his own and asked that \$250.00 be added to the eligible expenses to cover the material he purchased for the work he did on his own.

Councilmen Grobe and Ecker moved and seconded to approve Resolution No. 2016-718, A Resolution of the Common Council of the City of Plymouth to Approve the Application of Jacar Holdings, LLC for a Commercial Revitalization Rebate Program Grant, not to exceed 20% of \$2,092.00. The motion carried.

City Attorney Surrisi presented the Agreement for Planning Services with Ralph Booker for 2017.

AGREEMENT FOR PLANNING SERVICES

This Agreement made and entered into by and between CITY OF PLYMOUTH, a municipal corporation of the State of Indiana acting by and through its duly elected public officials hereinafter referred to as "City" and RALPH BOOKER, of Marshall County, Indiana, hereinafter referred to as "Planner"

WITNESSETH:

WHEREAS, the City is desirous of hiring a Plan Consultant, referred to herein as "Planner," for purposes of providing planning consultation services on various planning matters which come before said City; and

WHEREAS, the parties desire to set forth the specific duties and

responsibilities of said Planner.

NOW, THEREFORE, in consideration of the mutual promises and subject to the terms and conditions hereof, the parties hereto mutually agree as follows:

1. SERVICES TO BE PERFORMED

Planner agrees to furnish and perform the following planning services for City, with both parties acknowledging that said services shall generally occur in the evening hours and in any event after 4:00 p.m. local time:

- A. Attend all meetings of the Plan Commission, Board of Zoning Appeals (“BZA”) and Common Council when matters are pending before such bodies of a planning or zoning nature. Provide such bodies advice and consultation at such meetings regarding all matters then before the bodies. Make oral presentations at such meetings regarding the Planners opinions and recommendations regarding all matters then before the bodies. Perform such other miscellaneous tasks as required by the Mayor, the City Attorney or the members of the BZA, Plan Commission or Common Council at such meetings.

2. COMPENSATION FOR PLANNING SERVICES

The City agrees to pay Planner on a monthly basis from the General Fund Building Commission Department. It is agreed that the total amount for the 2017 calendar year shall be Seven Thousand Six Hundred Eighteen Dollars and Zero Cents (\$7,618.00).

3. BINDING AGREEMENT.

It is understood and agreed that this Agreement shall be binding upon the parties hereto pursuant to its terms and conditions and both parties are duly authorized to enter into, effectuate and carry out the Agreement pursuant to its terms. Neither this Agreement nor any interest therein may be assigned by either party without the prior written consent of the other party being first had and obtained.

4. TERM.

It is understood and agreed that the effective date of this Agreement shall be January 1, 2017, and that this Agreement shall be in full force and effect for the entire calendar year of 2017.

5. TERMINATION.

Notwithstanding, paragraph number 4 above, either party to this Agreement may terminate this Agreement, with or without cause, by giving the other party thirty (30) days prior notice that the party wishes to terminate this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 28th day of November, 2016.

City Attorney Surrisi also presented the Intergovernmental Agreement Between Marshall County and the City of Plymouth for Planning Services.

**INTERGOVERNMENTAL AGREEMENT BETWEEN
MARSHALL COUNTY AND THE CITY OF PLYMOUTH FOR
PLANNING SERVICES**

THIS AGREEMENT is made and entered into this 28th day of November, 2016, by and among the following local governments/political subdivisions, Marshall County, Indiana, hereinafter referred to as "County," acting by and through its Board of Commissioners, and the City of Plymouth, Indiana, hereinafter referred to as "City," acting by and through its Mayor.

WITNESSETH:

WHEREAS, the County has established a County Plan Commission and a County Board of Zoning Appeals each of which is comprised of members appointed pursuant to the requirements of the Indiana Code; and

WHEREAS, the County has established a Planning Office led by the County Plan Director, a full-time employee who handles the day-to-day planning work of the County and who advises and assists the County Plan Commission and the County Board of Zoning Appeals in addressing all matters that come before those bodies; and

WHEREAS, the City has similarly established its own City Plan Commission and City Board of Zoning Appeals and wishes to contract with the County for the provision of day-to-day planning services, advice, and assistance through the County Plan Director; and

WHEREAS, the County and City agree that by contracting for such services there are mutual benefits and efficiencies to be gained by both parties and by the citizens of their respective jurisdictions; and

WHEREAS, the County and City intend this Agreement as an interlocal cooperative agreement for services, pursuant to Indiana Code § 36-1-7-2(b) and Indiana Code § 36-1-7-12, which does not require administration of the Agreement by a separate legal entity or joint board, nor does it require the approval of the Indiana Attorney General.

NOW, THEREFORE, the County and the City mutually agree to the following terms and conditions:

1. The County agrees to provide the City with the following planning services, all of which are to be performed by the County Plan Director during regular County business hours:
 - A. Review all pending matters before the Plymouth Board of Zoning Appeals ("BZA") and Plymouth Plan Commission ("Plan Commission");
 - B. Provide consultations as required with members of the BZA, members of the Plan Commission, City Attorney, the Mayor and other representatives of the City with regard to matters presently pending or which have been pending before the BZA or Plan Commission;
 - C. Prepare written staff reports with maps, in a format suitable for printing by City personnel, for the BZA, Plan Commission and the City's Common Council with regard to all planning and zoning matters pending before said bodies. Generate address labels for neighbors within 300' of the petitioned property and provide such labels, in a format

REGULAR SESSION, COMMON COUNCIL, NOVEMBER 28, 2016

suitable for printing, to the Recording Secretary of the Plan Commission;

D. Offer advice and work on subdivision and zoning ordinances for the City, including the Comprehensive Plan, and assist with matters involving annexation;

E. Aid and assist the City and its officials with regard to planning and/or zoning matters;

F. Provide assistance to the City Engineering Department in keeping the City zoning map up-to-date;

G. Give all recommendations from the Plan Commission and BZA to the Common Council in written form;

H. Assist the Plan Commission Recording Secretary with all legal advertisements for the Plan Commission and BZA;

I. Perform such other miscellaneous tasks as required by the Mayor, the City Attorney or the members of the BZA, Plan Commission or Common Council.

2. To the extent applicable the services set forth in paragraph 1 above are to be performed on County computers or systems. However, to the extent printing or other data output is required, such materials are intended to either be provided to City personnel for printing or output on City equipment or facilities, or necessary and appropriate office supplies or materials are to be provided by the City to the County for printing or output on County equipment or facilities.
3. The County and the City agree that the services set forth in paragraph 1 above are to be performed solely by the County Plan Director. The parties do not contemplate the use of other County personnel in the performance of such services.
4. The City agrees to pay the County on a quarterly basis from the City's General Fund Building Commission Department. It is agreed that the total amount for the 2017 calendar year shall be Seven Thousand Seven Hundred Fifty-Four Dollars and Zero Cents (\$7,754.00).
5. It is understood and agreed that this Agreement shall be binding upon the parties hereto pursuant to its terms and conditions and both parties are duly authorized to enter into, effectuate and carry out the Agreement pursuant to its terms. Neither this Agreement nor any interest therein may be assigned by either party without the prior written consent of the other party being first had and obtained.
6. It is understood and agreed that the effective date of this Agreement shall be January 1, 2017, and that this Agreement shall be in full force and effect for the entire calendar year of 2017.
7. Notwithstanding, paragraph number 5 above, either party to this Agreement may terminate this Agreement, with or without cause, by giving the other party ninety (90) days written notice that the party wishes to terminate this Agreement.

IN WITNESS WHEREOF, the parties now execute this Intergovernmental Agreement between Marshall County and the City of Plymouth for Planning Services.

REGULAR SESSION, COMMON COUNCIL, NOVEMBER 28, 2016

Councilmen Delp and Culp moved and seconded to approve the Agreement for Planning Services with Ralph Booker for 2017 and the Intergovernmental Agreement Between Marshall County and the City of Plymouth for Planning Services for 2017. The motion carried.

City Attorney Surrisi notified the council that he received a phone call from Marshall County Deputy Assessor Mindy Relos-Penrose who asked that the city combine clusters of parcels for tax purposes. For example, River Park Square alone has between 70 and 100 parcels in it. Even though these city properties are non-taxable, they each have a separate tax identification number and each has paperwork that must be filed. Legal descriptions would not change but there would only be one tax identification number associated with the grouping of parcels. Relos-Penrose will be compiling a listing of such properties as she is going through her assessments this year. She will fill out the application needed to submit to the Marshall County Auditor's office and have that available for the council at a later date to review and approve.

Councilmen Houin and Ecker moved and seconded to authorize Marshall County Deputy-Assessor Mindy Relos-Penrose to begin the application for combining parcels for tax purposes. The motion carried.

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

Minutes of the Board of Public Works and Safety meeting of November 14, 2016;
Minutes of the Plan Commission of November 1, 2016;
Minutes of the Technical Review Committee meeting of November 15, 2016;

The motion carried.

There being no further business to discuss, Councilmembers Fonseca and Delp moved and seconded to adjourn the meeting. The motion carried and the meeting was declared adjourned at 6:58 p.m.

Jeanine M. Xaver, IAMC
Clerk-Treasurer

APPROVED

Mark Senter, Mayor