

REGULAR SESSION, COMMON COUNCIL, JULY 27, 2020

Be it remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on July 27, 2020. The meeting was held in the Council Chambers, on the second floor of the City Building, 124 N. Michigan St., Plymouth, Indiana and was called to order at 6:30 p.m.

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

Senter presided for Council Members Greg Compton, Duane Culp, Don Ecker, and Jeff Houin. As allowed by Governor Holcomb's Executive Orders, Council Members Randy Longanecker, Robert Listenberger and Shiloh Milner attended the meeting virtually. City Attorney Sean Surrisi and Clerk-Treasurer Jeanine Xaver were also present.

Members Houin and Compton moved and seconded to approve the minutes of the regular Common Council meeting on July 13, 2020 as presented. The motion carried.

The following legal notice was advertised on July 17, 2020:

NOTICE OF PUBLIC HEARING
Notice is hereby given to the citizens of Plymouth, Marshall County, Indiana, that a public hearing will be conducted by the Common Council of the City of Plymouth on a request for tax abatement on real property improvements by The Solomon Development Group LLC, for property located at Lot #41, Riverside Meadows PUD, Section 1, on the corner of Baker St. and Richter Road, Plymouth, IN. A statement of benefits is on file in the Clerk-Treasurer's office, 124 N. Michigan St., Plymouth, IN. The real estate has been designated within an Economic Revitalization Area pursuant to IC 6-1.1-12.1-1 on July 13, 2020. A description of the affected area is available and can be inspected in the County Assessor's Office.
Said hearing will be held on Monday, July 27, 2020, in the Council Chambers on the second floor of the City Building, 124 N. Michigan St. (Garro Street entrance), Plymouth, IN at the Common Council meeting at 6:30 p.m.
Persons appearing at such public hearing shall have the right to be heard on the proposed project.
Disabled persons needing special accommodations, please contact the ADA Coordinator at 574-936-2948.
Dated this 14th day of July, 2020.
Jeanine M. Xaver
Clerk-Treasurer
City of Plymouth, Indiana
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July 17, 2020 PMS14895 hspaxlp

Council Members Houin and Ecker moved and seconded to open the public hearing. The motion carried and the mayor declared the public hearing open.

Kevin Berger, representing Solomon Development LLC, addressed the council. He reviewed the project and its connection with the Stellar Communities designation and stated that this is a great opportunity for investment and for the city's residents.

Mayor Senter and Councilman Ecker both said they toured the facility in Culver and were impressed. Ecker said he knows that supporting this project is the right thing for Plymouth and asked that his fellow council members vote in favor of this resolution.

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Council Members Ecker and Houin moved and seconded to close the public hearing. The motion carried and the mayor declared the public hearing closed.

City Attorney Surrisi presented Resolution No. 2020-910, A Resolution of the City of Plymouth Confirming the Adoption of a Declaratory Resolution Designating Certain Real Estate to be Within an “Economic Revitalization Area” for Purposes of Real Property Tax Abatement Pursuant to IC 6-1.1-12.1 et seq (The Solomon Development Group, LLC).

Council Members Culp and Compton moved and seconded to approve Resolution No. 2020-910, A Resolution of the City of Plymouth Confirming the Adoption of a Declaratory Resolution Designating Certain Real Estate to be Within an “Economic Revitalization Area” for Purposes of Real Property Tax Abatement Pursuant to IC 6-1.1-12.1 et seq (The Solomon Development Group, LLC). It passed by roll call vote.

AYES: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner
NAYS: None

The following legal notice was advertised on July 17, 2020:

NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATIONS

Notice is hereby given the taxpayers of the City of Plymouth, Marshall County, Indiana that the proper legal officers of the Common Council at their regular meeting place of the Council Chambers of the City Building, 2nd Floor, 124 N Michigan Street (Garro Street entrance), Plymouth, Indiana immediately following the Board of Works meeting at 6:30 p.m., Monday, July 27, 2020, will consider the following additional appropriations in excess of the budget for the current year.

<u>Fund Name:</u>	Cumulative Capital Development
<u>Major Budget Classification:</u>	Capital Outlay
<u>Amount:</u>	\$ 48,000.00

<u>Fund Name:</u>	2016 TIF Tax Money
<u>Major Budget Classification:</u>	Capital Outlay
<u>Amount:</u>	\$ 45,000.00

Taxpayers appearing at the meeting shall have a right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance (DLGF). The DLGF will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a Certified Copy of the action taken. Handicapped citizens needing special accommodations for the meeting, please call the ADA Coordinator, 574-936-2948.

Jeanine Xaver, Clerk-Treasurer

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Council Members Ecker and Houin moved and seconded to open the public hearing. The motion carried and the mayor declared the public hearing open.

Clerk-Treasurer Xaver explained that the \$48,000 request for the Cumulative Capital Development Fund is for paving at the airport. There was a purchase order that was completed in December of 2019 that would have carried the appropriation forward from 2019 to 2020; due to a miscommunication, the purchase order was cancelled at the end of the year. Because the appropriation was not encumbered by the council, it cannot be used this year.

The \$45,000 request for the 2016 TIF Fund is the amount of the retainage held by the city for the Rivergate South Apartment project. It is anticipated that the punch list items will be completed this year to pay out the retainage.

Council Members Houin and Ecker moved and seconded to close the public hearing. The motion carried and the mayor declared the public hearing closed.

City Attorney Surrisi presented Resolution No. 2020-911, Additional Appropriations.

Council Members Ecker and Houin moved and seconded to approve Resolution No. 2020-911, Additional Appropriations. It passed by roll call vote.

AYES: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner
NAYS: None

City Attorney Surrisi presented Ordinance No. 2020-2165, An Ordinance Fixing Salaries for the Year 2021 for the Elected Officials of the City of Plymouth, Indiana, on second reading.

Council Members Ecker and Houin moved and seconded to approve Ordinance No. 2020-2165, An Ordinance Fixing Salaries for the Year 2021 for the Elected Officials of the City of Plymouth, Indiana, on second reading. It passed by roll call vote.

AYES: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner
NAYS: None

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Council Members Houin and Ecker moved and seconded to approve Ordinance No. 2020-2165, An Ordinance Fixing Salaries for the Year 2021 for the Elected Officials of the City of Plymouth, Indiana, on third reading. It passed by roll call vote at 6:39 p.m.

AYES: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner
NAYS: None

City Attorney Surrisi presented Ordinance No. 2020-2166, An Ordinance Fixing Salaries of Appointed Officers and Employees, Fire and Police Personnel of the City of Plymouth, Indiana for the Year 2021, on second reading.

Council Members Houin and Listenberger moved and seconded to approve Ordinance No. 2020-2166, An Ordinance Fixing Salaries of Appointed Officers and Employees, Fire and Police Personnel of the City of Plymouth, Indiana for the Year 2021, on second reading. It passed by roll call vote.

AYES: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner
NAYS: None

Council Members Ecker and Listenberger moved and seconded to approve Ordinance No. 2020-2166, An Ordinance Fixing Salaries of Appointed Officers and Employees, Fire and Police Personnel of the City of Plymouth, Indiana for the Year 2021, on third reading. It passed by roll call vote at 6:41 p.m.

AYES: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner
NAYS: None

City Attorney Surrisi presented Ordinance No. 2020-2167, An Ordinance Amending the City Code Provisions Regarding Peddlers, Solicitors, and Transient Merchants, on second reading.

Council Members Houin and Longanecker moved and seconded to approve Ordinance No. 2020-2167, An Ordinance Amending the City Code Provisions Regarding Peddlers, Solicitors, and Transient Merchants, on second reading.

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City Attorney Surrisi said the purpose of this ordinance is for clarification regarding the process for approval or denial of an application for a transient/peddler's license. The process, which is in place for businesses not based in Plymouth that would like to temporarily sell food or goods or go door-to-door with products, is to submit an application for each individual that will be operating as part of that business to the Clerk-Treasurer's office. The application and photo identification are sent to the police department to run a background check. The results of the background check determine the approval or denial of the application. This ordinance outlines the city's process and provides guidance on what will be considered grounds for denial. Surrisi said the ordinance also includes an appeals process should someone not agree with the city's determination. He clarified that this is not changing the city's process, but rather clearly defines what is already in practice.

Police Chief Bacon said the police department is limited by state law as to what they can run for the background check. They can run information on active warrants and the sex offender registry, but not much beyond that. He confirmed the background checks would not show past felonies.

Compton asked if the application can include a question about past felonies. Surrisi said that could be added as voluntary information on the application and will look into the correct verbiage that can be added to the application.

It passed by roll call vote.

AYES: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner
NAYS: None

Council Members Ecker and Compton moved and seconded to approve Ordinance No. 2020-2167, An Ordinance Amending the City Code Provisions Regarding Peddlers, Solicitors, and Transient Merchants, on third reading. It passed by roll call vote.

AYES: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner
NAYS: None

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Clerk-Treasurer Xaver requested that the council hold a special session meeting on Monday, August 17, 2020 for the budget work session. This meeting will include a presentation by Baker Tilly regarding the city's proposed Capital Asset Plan. She also asked that the council plan on spending additional time at the end of the August 24, 2020 meeting to discuss the city's budget.

Council Members Ecker and Compton moved and seconded to approve the request for the special session and additional time to discuss budgetary matters. The motion carried.

Xaver said the mayor received a donation in the amount of \$1,000.00 from Centier Bank and \$3,500.00 from US Granules for the Mayor's Month of Music. She asked if the council wished to accept the donation with the restricted terms, conditions, and purposes attached to the donation. If so, the donation would be receipted in to the Monetary Gift Fund and used in 2021.

Council Members Ecker and Houin moved and seconded to approve the donation into the Monetary Gift Fund as proposed. The motion carried.

Xaver presented a proposed Payment Agreement for Past Due Utility Bills related to COVID-19. She said the agreement is structured so that whatever date the customer enters into the agreement, they are to pay 25% of their existing balance. Every month on the 4th and thereafter they are to pay an agreed upon flat fee plus their current bill, with the entire amount being paid by the end of six months. The agreement waives penalties and administration fees as long as the agreement is kept. If a customer fails to make an agreed upon payment, the agreement is null and void, the waiver of penalties stops, and the bill is due in full or services will be disconnected. Xaver said that at this point, the past due bills total \$7,688.00. By state law, the township trustees cannot help with a utility bill unless disconnection is imminent. The city office has sent two mailings directly to the individuals on the past-due list with information on how to get assistance with bills. She added that with the moratorium still in effect, the city would not be able to shut off services, but once this state order ends the city will be able to shut off services.

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City Attorney Surrisi said he has reviewed the document and from a legal standpoint it appears to be acceptable. Ecker asked if this agreement is for all payment plan requests or just COVID-related. Xaver said that her intent was to use it only for COVID-related payment plan requests. Houin asked how she would determine if they are in a hardship due to COVID. She said it would be the customer's word.

Councilmen Houin and Compton moved and seconded to approve the proposed agreement.

Houin said he thinks it might be more appropriate to have some flexibility with the initial payment, which as it stands the city would require 25% of the balance due at the time of signing the agreement. He asked how the city traditionally determined the payment plan amount when past requests have been made by customers. Xaver said she prefers that the bill be paid off within 4 months. She thinks a 6-month timeframe is appropriate if the bill is excessive. Houin asked what she considers excessive. Xaver said \$300-\$400. Houin said he thinks the agreement should be flexible to allow the Clerk-Treasurer's office to determine an initial payment based on the customer's bill.

There was additional discussion about potentially leaving a percentage for the customer to pay as an initial payment versus letting the Clerk-Treasurer make the judgement call as traditionally done in the past.

Councilman Houin amended the initial motion to eliminate the 25% down payment and replace the verbiage with "a substantial initial payment" and leave it up to the Clerk-Treasurer to determine the initial payment. Utility Superintendent Davidson said he would lean towards a set dollar amount so the agreement is fair to everyone and the city office is not trying to be the negotiator. Xaver said she it is easier for the city office staff if there is a fixed amount so it is black and white for all customers. Councilman Listenberger seconded the motion to amend the agreement as motion by Houin. It failed by roll call vote.

AYES: Houin, Listenberger, Milner
NAYS: Compton, Culp, Ecker, Longenecker

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Council Members Compton and Houin moved and seconded to amend the agreement to require a 20% initial payment rather than 25% and approve the rest of the agreement as presented.

AYES: Compton, Culp, Ecker, Houin, Listenberger, Longenecker, Milner
NAYS: None

The approved agreement is entered here as a matter of record:

Plymouth Utilities & City of Plymouth

Payment Agreement for Past Due Utility Bills
Related to COVID-19

This payment agreement is made between Plymouth Utilities/City of Plymouth, located at 124 N. Michigan St., Plymouth, IN 46563, and _____ (herein referred to as the customer).

1. The customer states the following as true facts:

Customer's Name: _____ DOB: _____ DL or SS# _____

Customer's Name: _____ DOB: _____ DL or SS# _____

Service address: _____ Billing address: _____

Book: _____ Account: _____ PIN: _____

2. It is agreed to by the customer and Plymouth Utilities/City of Plymouth, that this payment agreement is entered into voluntarily by both parties. The customer acknowledges that Plymouth Utilities/City of Plymouth has no obligation or duty to enter into this payment agreement.
3. The customer acknowledges that their utility service account is in arrears and is past due. The customer acknowledges that they owe a past due amount of \$ _____ for utility services. During the duration of this agreement, penalties will be waived. If this agreement is violated, it shall terminate and penalties on future bills will resume.
4. **The customer agrees to pay Plymouth Utilities/City of Plymouth BY THE 4th DAY OF EACH MONTH the current charges on their account plus (+) \$ _____ of the total past due charges remaining after an initial payment of 20% (\$ _____) on _____.**
5. The customer agrees that the arrears will be paid in full no more than six (6) months from the date of this payment agreement.
6. The customer acknowledges that if the current charges plus the past due amount(s) agreed upon in item four (4) or the other payment arrangements are NOT paid ON TIME, Plymouth Utilities/City of Plymouth will terminate this payment agreement and the full balance will be due immediately or services will be disconnected.

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7. If the customer moves from the above service address, this payment agreement is terminated immediately, and ALL unpaid fees and charges shall be immediately due.
8. Any customer payment returned, including a returned check, by any financial institution for any reason, shall be considered a default of the payment agreement and this agreement shall be terminated immediately and the full balance will be due immediately or services will be disconnected.
9. The customer agrees to pay Plymouth Utilities/City of Plymouth any, and all administrative, legal, and court fees or collection fees that may arise from the customer's failure to comply with the terms and conditions of this agreement.
10. Payments need to be received in-office by the 4th day of each month via mail at P.O. Box 492, Plymouth, IN 46563, by coming into the office, using the drop box on the north side of the building, or paying online at www.plymouthin.com.

Randy Danielson and Cori Humes addressed the council to discuss the Crossroads Plaza Project as part of the Marshall County Stellar Communities Initiative. The proposed plan is to transform the northeast corner lot at the intersection of Michigan and Jefferson Streets into a park with a garden. Danielson said he and Ms. Humes are representing Stellar's Arts and Culture subcommittee. Humes discussed how improving this lot and creating a small park will help local tourism, expand on the community's quality of life and help the environment.

Ecker said his main concern is safety and asked about access in and out of the lot from Michigan and Jefferson Streets. He also asked if the city's Park Department will become responsible for maintenance and upkeep of the park. Danielson said the hope is that people will be courteous and let vehicles turn to help with the flow of traffic. Ecker suggested that the alternative be to only allow traffic in from westbound Jefferson and only allow traffic turning out to go north on Michigan Street. There was discussion about adding traffic signs if there were to be access restrictions. Danielson said there are 30 master gardeners in the area that would likely enjoy the upkeep on this garden, so there has not been mention of incorporating this into the city's park system, but it would be up to the administration to make that determination.

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Surrisi added that the next step is to engage an appraiser as part of the INDOT process and federal guidelines towards acquiring the property. The process must be followed to ensure that further down the road the project will be eligible to receive Stellar funding. The cost for the appraiser to complete the planning documents is \$250, the appraisal itself is \$4,425, and the review of the appraisal is \$2,110.

Council Members Ecker and Compton moved and seconded to keep this project moving forward and approve the engagement of appraisers for the Crossroads Plaza Project. Surrisi added that part of the Stellar funding is a local match requirement, which is estimated to be \$160,000. The funds going towards this appraisal does count towards that local match. The motion carried.

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

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

- Minutes of the Board of Public Works and Safety meeting of July 13, 2020
- June 2020 Clerk-Treasurer's Financial Report and Depository Statement/Cash Reconciliation
- Minutes of the Urban Forest and Flower Committee meeting of July 15, 2020

The motion carried.

There being no further business to come before the Council, Members Ecker and Compton moved and seconded to adjourn the meeting. The meeting adjourned at 7:25 p.m.

Jeanine M. Xaver, IAMC, CMC
Clerk-Treasurer

APPROVED

Mark Senter, Mayor