

REGULAR SESSION, COMMON COUNCIL, October 14, 2024

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on October 14, 2024. 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.

Councilwoman Starr offered prayer, and Mayor Listenberger led the Pledge of Allegiance.

Mayor Listenberger presided over Council members Duane Culp, Kayla Krathwohl, Randy Longanecker, Shiloh Carothers Milner, Dave Morrow, and Linda Starr, who were physically present. Council member Don Ecker Jr. attended virtually. City Attorney Jeff Houin and Clerk-Treasurer Lynn Gorski were also present. The public was able to see and hear the meeting through Microsoft Teams.

Council members Starr and Krathwohl moved and seconded to approve the minutes of the regular session of the Common Council on September 23, 2024, as presented. The motion carried.

Longanecker asked for an update on the Oak Drive sidewalks.

Houin replied what they had done so far with Oak Drive was some preliminary concept designs and those were not anywhere near final design. He explained part of the plan was to use those concepts to identify potential grant funding. He stated there would be some potential grant opportunities opening early the following year and they had been working with Michiana Area Council of Governments (MACOG) and the Complete Streets Committee to identify funding sources for that. He believed it could involve Redevelopment funding as well but at the time, they are not sure while they try to figure out a full plan to pay for it moving forward.

Longanecker asked for an update to the lighting and seating situation downtown at the Brass Rail, Beary's Ice Cream, etc.

Manuwal replied that he had walked down to all the businesses that were open and spoke to each one of them. He stated with how the city code was written, none of the lighting or signage on the sidewalks were allowed. He stated he had spoken to each of them and told them they had to keep a five-foot path of right-of-way and all the electrical needed to be 10 feet above the walking path. He stated he was looking to the council for their judgement on whether to either change how it was written or not because he had given them all until the end of the year but if nothing was passed that he would have to start enforcing the ordinance.

Mayor Listenberger asked if he had talked to everyone downtown.

Manuwal replied that he had spoke with everyone who was available to speak.

Houin commented there was a question about authority over sidewalks downtown as it was a State Highway. He was able to confirm with INDOT that their jurisdiction only extended curb to curb, so the sidewalks fall entirely under the city's jurisdiction. He stated he did send out an email to

council members asking if they wanted to give guidance or form a committee to review what changes need to be made. He stated the ordinance was not clear on how it identified an obstruction so they must interpret it as anything on the sidewalk as an obstruction, but they could certainly look to amend that. He explained it had been common practice to allow items on the sidewalk downtown and they should probably do a better job at defining what was allowed, what was not, and what space needed to be left unobstructed. He stated they would follow the guidance of the council on the issue.

Morrow stated he would volunteer to be on the committee as they need to do what they need to do to keep people coming downtown. He stated it had been extremely popular and it had been helping businesses whether they have seating outside or not.

Mayor Listenberger stated the three from the council would be Longanecker, Starr, and Morrow. He asked if anyone would take the lead on that. Morrow volunteered.

Longanecker stated he still had fiber in his yard and asked if there were any contacts or if the media could help them out like the railroad.

Davidson replied that they had just finished a redesign on their project, and it had just been approved.

Longanecker asked where they were at with the sewer and the county.

Houin replied that the Regional Sewer District were really pushing for us to send a draft agreement, and he got that put together in July and had yet to hear anything back from them.

Longanecker asked what their ordinance was about Port-a-potties in the road. He stated in his subdivision the new developers have one in the roadway for about a week now. He explained they finally fixed the silt fence they had blown over.

Manuwal replied that he would make a phone call.

Longanecker asked when they did the Pride I.D. cards, they were supposed to be getting updates on that, and he was not sure if they ever had or if he had missed that meeting. He stated when they approved it, they were supposed to get an update within a year on how that was going. He stated he had either missed the meeting, or he had not gotten an update.

Houin replied he could reach out for an update.

Longanecker stated some of it was for them to get services through the city.

Gorski replied that she had never seen one.

Mayor Listenberger asked if she was referring to an update.

Gorski replied that she had never seen a Pride card.

Houin asked what year it was approved.

Gorski replied that it had to of been before 2022 as it was before her term started.

Milner replied that she was confident that it was 2019. She believed it was before covid and got shut down. She believed she read recently that they were going to have another day when they could go out and get their Pride card.

Mayor Listenberger stated if he remembered right that they stopped doing it for a couple years because of covid.

City Attorney Houin introduced a Consideration of PC 2024-14 by the Plymouth Common Council.

He explained this was an amendment to the zoning ordinance that was passed by the Plan Commission at their meeting last week. He explained that it started as discussion among the Comprehensive Plan Zoning Subcommittee, and they were minor amendments to the setbacks to the zoning ordinance in the R-3 and R-4 zoning districts. He listed the changes below.

Article 3 Standard Zoning District Intent, Uses, & Standards; Section 140 Zoning District Distance Standards; A. Setback Requirements; 3. Averaging Setbacks Along Road or Street Frontages

3. Averaging Setbacks Along Road or Street Frontages and Alleys

Where the Zoning Administrator has determined that an average front yard setback line has been established prior to the adoption of this ordinance, the minimum front yard setback shall be that established average front yard setback; or ten (10) feet, whichever is greater.

Where a property abuts an alley and the Zoning Administrator has determined that an average rear yard setback line has been established, the minimum rear yard setback for the portion of the property abutting the alley shall be that established average rear yard setback; or five (5) feet, whichever is greater.

Article 3 Standard Zoning Districts Intent, Uses, & Standards; R-3 Traditional Residential District; Minimum Side Yard Setbacks

Minimum Side Yard Setback:

- 10 Feet or 10% of lot width, whichever is less 5 Feet

Article 3 Standard Zoning Districts Intent, Uses, & Standards; R-4 Multi-Family Residential District; Minimum Side Yard Setbacks

Minimum Side Yard Setback:

- 10 Feet or 10% of the lot width, whichever is less 5 Feet

Article 3 Standard Zoning Districts Intent, Uses, & Standards; Section 140 Zoning District Distance Standards; Table 3-B, Distance Standards

R-3, Traditional Residential; Side Yard:
10' or 10% 5'

R-4, Multi-Family Residential; Side Yard:
10' or 10% 5'

10' or 10% of the total lot width, whichever is less

Council members Longanecker and Milner moved and seconded to approve PC 2024-14, Certified Proposal to Amend the Zoning Ordinance for the City of Plymouth as presented. The motion passed by roll call vote.

Councilmembers in Favor: Culp, Ecker, Krathwohl, Longanecker, Milner, Morrow, Starr

Councilmembers Opposed: N/A

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CONSIDERATION OF PC 2024-14 BY
THE PLYMOUTH COMMON COUNCIL


This matter comes before the Plymouth Common Council on the Plymouth Plan Commission's Certified Proposal to Amend the Zoning Ordinance for the City of Plymouth. After certification pursuant to Indiana Code § 36-7-4-60(e) and Indiana Code § 14-16-5, public notice was provided of the Council's intention to consider the Proposal at its regularly scheduled October 14, 2024 meeting. Said meeting was conducted and the Proposal has been considered pursuant to Indiana Code § 36-7-4-60, giving reasonable regard to (1) the comprehensive plan, (2) current conditions and the character of current structures and uses in each district, (3) the most desirable use for which the land in each district is adapted, (4) the conservation of property values throughout the jurisdiction, and (5) responsible development and growth.

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

Section 1. The Certified Proposal to Amend the Zoning Ordinance for the City of Plymouth is adopted and pursuant to Indiana Code § 36-7-4-60(f)(2), upon adoption, the Proposal takes effect as other ordinances passed by the Council.

Section 2. Pursuant to Indiana Code § 36-7-4-61(b), a copy of the now adopted amendments to the Zoning Ordinance for the City of Plymouth shall be printed and a copy thereof shall be located in the office of the City of Plymouth Clerk-Treasurer.

PASSED AND ADOPTED this 14th day of October, 2024


Robert L. Zarger, Presiding Officer

ATTEST:


Lynn M. Gorski, Clerk-Treasurer

Prepared by me to the Mayor of the City of Plymouth, Indiana on the 14th day of October, 2024, at 2:30 o'clock, P.M.


Lynn M. Gorski, Clerk-Treasurer

Approved and signed by me this 14th day of October, 2024


Robert L. Zarger, Mayor

City Attorney Houin introduced Ordinance No. 2024-2232, An Ordinance to Amend Ordinance No. 2024-2229R, The 2025 Salary Ordinance on first reading.

Culp stated he did not have a problem with the City Engineer/ Engineering Technician and where their pay comes from but where he did have a problem was with Section 3. He read Section 3 aloud as seen below. Culp asked for some input on Section 3.

Section 3. For clarification on the Fire Inspector, Civilian position, if the civilian fire inspector is not responding to and participating in the duties of a firefighter the longevity pay will be at the rate afforded to full-time employees not at the rate for emergency personnel. The fire inspector will not receive a stipend for clothing allowance.

Houin replied that the Clerk-Treasurer could correct him if he was wrong but he believed the reasoning was because it was a civilian position and not a pension fire position that responds to fire calls as a first responder so the longevity pay would not be the same as police/fire emergency services longevity pay. He stated the other portion about the stipend for clothing allowance would be because the Fire Inspector does not need the same clothing and gear that the first responders need so it would be reduced to be appropriate.

Holm stated the Clerk-Treasurer did speak to him a little and he said he would want some time to think over it between the first and next readings. He stated as far as what would be permissible for that or if they should that he does require the Fire Inspector to be in a uniform. He stated the part of concern about the amount was how much wear and tear it receives compared to the others as far as responding on 24-hour shifts.

Culp stated it was his understanding that the turnout gear that the Fire Inspector did not have, came out of a separate budget line.

Holm replied in agreement as their typical clothing allowance did not cover that. He stated that was more for their daily duty outfit like shirts, pants, boots, etc.

Culp stated that he said he required him to wear that outfit.

Holm explained that he required him to wear clothing like a collared shirt, pants, and shoes. He stated because of the style he was asking him to wear that he was thinking about it a little but had not concluded yet.

Longanecker stated when the Fire Inspector goes out for an inspection that they would want him to represent the city, and they require that.

Culp stated it was his understanding if they wanted to go that route for his stipend, that they wanted to go that route because it says civilian, which Police Chief Weir would be in two months, that he would still receive his stipend so why were they changing the Fire Inspector.

Gorski stated she did not believe that the Fire Inspector should have been left at the emergency services longevity when this position was created.

Culp stated his view was that they were still employed by the Fire Chief under his budget, and he was still doing work, so why would they change him out of that.

Houin stated that those were fair points, and this was only the first reading, so he did encourage them to have conversations with the Fire Chief and Clerk-Treasurer between now and second reading.

City Attorney Houin introduced Ordinance No. 2024-2233, An Ordinance Regarding Garbage Fees for the City of Plymouth on first reading.

City Attorney Houin introduced Resolution No. 2024-1118, A Resolution of the Common Council of the City of Plymouth to Approve the Application of Rich-Mons Group LLC for a Commercial Revitalization Rebate Program Grant. Anthony Collins was present to speak on behalf of the request.

Collins stated to sum it up, the building was shut down currently as they have had some issues. He explained that Bob Richards of Rich-Mons Group had a stroke two years ago and they did have a partnership with another person, and they have not been in the picture a lot. He explained he had tried to get ahold of them to help as Richards became paralyzed from his stroke and there was not much he could do. He stated Richards was aware of the issues at The Pointe and he did the best he could. He explained they had a manager who was there 10-11 years, and they ended up firing her because at the time they did not know the building was so bad as they took her word for everything. He stated he stepped in around June or July to fix the issues but trying to patch the work up did not help as it was so bad. He explained the roof was originally good however what happened was they evicted a tenant, and he got mad so in November the former tenant slashed up the rubber roof and they tried to patch it the best they could. He explained that through Winter with snow melting and coming in that it did a toll on the building, and he tried his best to fix it while working a full-time job

and helping Richards with his properties, of which he had 16 properties, so it was hard to manage them by himself. He stated they did get a new roof on that was put on within the last month and they started gutting the inside. He stated it had been a lot of money spent and he was aware that a lot of people needed a low-income building like that as there were not many in Plymouth. He stated it housed 25 units and Richards was trying his best to get it back open, but it was a money issue. He explained the roof alone was \$156,000 and around \$100,000 for the inside from electrical, plumbing, drywall, etc. He stated Richards did not want the building to shut down, but they were trying their best to keep it going although at the end of the day it had been a slow process. He stated he spoke with Manuwal, and they were doing everything they could to try to get it open. He explained they had McMichael Fire Extinguisher Service come out and do the sprinklers. He listed he contacted an electrician for the fire alarms, however he had not received a quote yet as they need new fire alarms to meet their standards. He stated he was there for Richards, yet their partner did not want to help at all and that was legal stuff they had to go through. He stated they were there asking for help but if not, he understood as it would be helpful for the low-income people that could not afford a place to live. He stated it was a cheap building to live in with all the utilities included and less than \$400/month. He explained they are now going and staying at the Red Rock Inn, and it was costing them over \$1000/month.

Mayor Listenberger stated the request was for \$110,000 originally however he said he spent \$156,000.

Collins replied that the roof was bad as they had to get all new decking, insulation, etc. but at that time they would be happy for any help.

Ecker stated he had a problem with what he was hearing and reading as this did not happen overnight. He explained he was very surprised and disappointed that they were taking the word of an individual and not have any person with a maintenance background go in and periodically check. He stated it took a resident to inform the city that there was a problem and fortunately our Building Commissioner took swift action in shutting it down. He stated he was struggling with the request, and he understood the need. He stated this could not continue and these types of landlord actions need to be proactive and not reactive. He asked what the plan was moving forward to avoid situations like this, not just with this property but with other properties.

Collins replied that the plan going forward was to get everything up to code. He stated the rest of the properties are brand new as Richards built a lot of properties in his time. He stated The Pointe was a property he wished Richards never invested in as it was an old nursing home and, in his opinion, it was a project when he bought it 15 years ago. He stated now that everything had been

done, they need to get everything up to code and pass inspections, so they do not have to deal with it anymore. He stated they had got a new roof and now they were trying to get everything inside up to code and it was a big building. He stated they are trying to get everything done correctly instead of cutting corners.

Longanecker asked what the estimated time was before they could get it back up to code.

Collins replied that he would like to have the building open before next year starts however there was still a lot of inside work that needed to be done. He explained they had finally ripped all the mold out as a good 70% of the building got affected by it. He stated it was sad because they had a partner and they did not want to help or get in contact as he tried but she told them if the business falls, then it falls. He stated it was difficult as Richards cannot go do it physically himself so that leaves the crews that they subcontract out to go and work for them.

Morrow asked if he had mold remediation company test inside.

Collins replied they had not, however they planned on doing air quality tests after everything had been redone to be sure the air would be good to breathe.

Morrow stated his concern was he did not want to put money into a project if it was not going to be rectified to livable standards.

Longanecker stated it was also not good when they had a partner that was telling him to let the project go.

Collins stated he had read the news articles and some of the stuff he read did not feel was right. He stated it read they had not moved forward on any improvements, and he felt like that was not true because the new roof and inside work had been improvements. He stated the one lady that said there was no air conditioning in her room lied because she did not have any proof that there was no air conditioning. He said all the air conditioning and heating worked in all the rooms so there were some things that he did not agree with, and he did not know where they got their information but that was hearsay.

Longanecker stated their proof was with the Building Commissioner and that was what they had to base their judgement on.

Collins stated he did not believe the Building Commissioner tested every vent.

Longanecker stated he had enough experience, and he trusted him as a contractor. He stated it was a large amount of money for a project when you have a partner that does not want to be invested.

Collins stated their original partner was the husband and he died, Dennis Emmons, and ever since she had not wanted to do anything really with the building.

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Longanecker agreed with Ecker and stated it was not good practice to let it go as long as it did.

Collins agreed and stated the plan was with Richards being older and a lot of properties, that they would want to get it back up to code and then sell it so they can be done with the partnership and the building. He stated he had a lot of other properties, and this one just needed to go off the list. He stated it was a good building for whoever would buy it for low-income.

Mayor Listenberger stated from what he was hearing was that the confidence level was not with the group that it would be completed. He referenced what Morrow said about putting money towards it but if it does not get completed rather than going to someone who would need it.

Longanecker stated it could also go onto the market but how long before it would get sold.

Collins stated they were moving forward and had spent over \$200,000 so it was not like they were not trying as that was a lot of money for anyone.

Mayor Listenberger stated he had spoken to the roofing contractor, and they told him exactly what he did, and they did build it right.

Longanecker asked Manuwal if he had been in there recently.

Manuwal replied he had not been there as they had both been on vacation. He stated when Collins got back, he started, and he contacted him the other day saying he was in contact with the alarm and fire suppression companies.

Mayor Listenberger stated that Manuwal outlined a specific action plan that had to happen before the doors could be opened again.

Council members Longanecker and Ecker moved and seconded to table Resolution No. 2024-1118, A Resolution of the Common Council of the City of Plymouth to Approve the Application of Rich-Mons Group LLC for a Commercial Revitalization Rebate Program Grant until Building Commissioner Manuwal can inspect the property for improvements. The motion passed by roll call vote.

Councilmembers in Favor: Culp, Ecker, Krathwohl, Longanecker, Milner, Morrow, Starr

Councilmembers Opposed: N/A

City Attorney Houin introduced Resolution No. 2024-1120, A Resolution of the Common Council of the City of Plymouth to Approve the Application of 114 North LLC for a Commercial Revitalization Rebate Program Grant. Jim Vinall was present to speak on behalf of the request.

Houin wished to point out a few items ahead of the motion. He stated he did not include it in the language of the resolution but normally these applications are required to be approved prior to work starting unless there was an emergency or other extenuating circumstances and Vinall could

Speak more to those as there were safety issues pertaining to the condition of the windows that caused him to start before approval. He stated the other question that was brought up was in the ordinance that established the program, eligible activities and costs include labor and materials, but not sales tax. He stated in this case, the application was only for materials as the applicant was doing the work themselves. He stated it did also require submission of competitive cost proposals by at least two reputable contractors but because this was only for materials, the applications only include quotes for those materials and not estimates by contractors. He stated he believed there was a precedent as they had accepted considered applications for materials only and if there would be no contractor estimates if there were no contractors. He stated it was up to the council to determine if that fits the requirements of the ordinance.

Morrow asked what happened that caused this emergency.

Vinall replied that one window fell out and landed on the sidewalk and fortunately it was at night so there was nobody below. He stated there were three windows with one that fell out and another ready to fall out. He stated the windows were a special order, so they had to get them ordered and replaced quickly due to the weather. He stated he could make a bid for installing them as he still had his other company, but he did not think that was fair.

Council members Morrow and Starr moved and seconded to approve Resolution No. 2024-1120, A Resolution of the Common Council of the City of Plymouth to Approve the Application of 114 North LLC for a Commercial Revitalization Rebate Program Grant. The motion passed by roll call vote.

Councilmembers in Favor: Culp, Ecker, Krathwohl, Longanecker, Milner, Morrow, Starr

Councilmembers Opposed: N/A

RESOLUTION NO. 2024-1120

A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF PLYMOUTH TO APPROVE
THE APPLICATION OF 114 NORTH LLC
FOR A COMMERCIAL REVITALIZATION REBATE PROGRAM GRANT

WHEREAS, the City has established the Commercial Revitalization Rebate Program to encourage property owners to renovate existing buildings and to make other real property improvements. The encouragement is in the form of a rebate to the property owner of an amount not to exceed twenty percent (20%) of the actual project costs directly related to the eligible improvements, not to exceed Twenty-Five Thousand Dollars (\$25,000.00), and

WHEREAS, Jim Vinall and 114 North LLC has made application to the Plymouth Common Council for a Commercial Revitalization Rebate Program grant to assist in the renovation of commercial property at 114 North Michigan Street, to replace three upper window inserts on the building. The Council met in a public meeting on October 14, 2024, and heard evidence on the application demonstrating eligible expenses for the renovation with a bid totaling \$2,829.30. The purpose and intent of this resolution is to approve the application as set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Plymouth as follows:

Section 1. Jim Vinall and 114 North LLC's application for a Commercial Revitalization Rebate Program grant for 114 North Michigan Street, Plymouth, Indiana is hereby approved.

Section 2. The Clerk-Treasurer is authorized to disburse from the appropriate fund, and in accordance with established procedure, a rebate to the applicant consisting of Twenty Percent (20%) of the actual cost incurred by the applicant for eligible expenses for the renovation completed on 114 North Michigan Street, Plymouth, Indiana. In no event shall the rebate to the applicant exceed Five Hundred Sixty-Five and 66/100 Dollars (\$565.66).

Section 3. The Clerk-Treasurer is further authorized to transfer money from the City Development Fund to the Community Improvement Fund in an amount necessary to cover the costs of the eligible expenses approved by this resolution.

PASSED AND ADOPTED this 14th day of October, 2024.


Robert Listelberger, Presiding Officer

ATTEST:


Lynn M. Gorski, Clerk-Treasurer

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already investigating the next ideas. He stated they were investigating some ideas by the Building Commissioner for changes to the zoning ordinance. He stated the Empowerment Subcommittee held another meeting and it has started to dig into action items. He stated they transitioned from the brainstorming phase of discussing issues to address and are working on how to address them now.

Longanecker stated he was happy to see them still working on the Comprehensive Plan instead of letting it sit for another 10 years. He stated he strongly encouraged our department heads to look ahead, think ahead, and not put themselves in dire situations. He clarified that they are not, but he wanted everyone to be proactive instead of reactive.

Kathy Bottorff of WTCA asked for Vinall's Commercial Revitalization Rebate amount.

Gorski replied that the rebate amount was \$565.86.

Manuwal announced that the port-a-potty brought up earlier would be removed tomorrow.

Council members Starr and Milner moved and seconded to accept the following communications:

- Minutes of the Board of Public Works and Safety meeting of September 23, 2024
- October 14, 2024, Check Register
- September 24, 2024, Technical Review Committee Minutes
- October 8, 2024, Technical Review Committee Minutes
- September 25, 2024, Board of Zoning Appeals Special Session Minutes
- October 1, 2024, Plan Commission Minutes
- October 1, 2024, Board of Zoning Appeals Minutes
- August 13, 2024, Board of Aviation Commissioners Minutes

The motion carried.

There being no further business to come before the Council, Council members Longanecker and Morrow moved and seconded to adjourn. Mayor Listenberger declared the meeting adjourned at 7:16 p.m.


Lynn M. Gorski
Clerk-Treasurer

APPROVED


Robert Listenberger, Mayor