

## REGULAR SESSION, COMMON COUNCIL, September 26, 2022

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on September 26, 2022. 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 Councilmen Ecker offered prayer.

Mayor Senter presided for Council members Greg Compton, Duane Culp, Don Ecker Jr, Jeff Houin, Robert Listenberger, Randy Longanecker, and Shiloh Carothers Milner. City Attorney Surrisi and Clerk-Treasurer Gorski were present. The public was able to see and hear the meeting through Microsoft Teams.

Council Members Ecker and Culp moved and seconded to approve the minutes of the regular session of the Common Council on September 12, 2022 as presented. The motion carried.

City Attorney Surrisi presented Ordinance No. 2022-2198, An Ordinance Redistricting the City of Plymouth on third reading.

Surrisi states that the only difference from the last time when it was presented on second reading is the hashed lines on the map were erased indicating which census blocks moved from District Two to District One but otherwise it is entirely the same.

Mayor Senter asks if this is the Ordinance that was questioned at the County Commissioners Meeting last week.

Surrisi responds by stating that the Mayor and himself happened to be at the County Commissioners Meeting last week on another issue and the County Clerk had brought up the Ordinance in regards to County Precincts. He states that they wanted to make some changes that would affect primarily the annexation for Centennial Crossings. He states that area is currently in Center Five in the County and they were debating whether they wanted to change those precinct boundaries to make the part that is now in the city to be part of Center Four. He states that it seemed as though they were going to leave it be and that would result in the Election Board having to create a separate ballot for the folks that live in Centennial Crossings that is Center Five Precinct in the City, which isn't that big of a deal for the Election Board to do. He states that there was not any action taken at the Commissioners meeting on that.

Council Members Ecker and Culp moved and seconded to adopt Ordinance No. 2022-2198, An Ordinance Redistricting the City of Plymouth on third reading. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner

Councilman Opposed: N/A



## ORDINANCE NO. 2022-2198

Statement of Intent and Purpose

The 2020 Census determined the population of the City of Plymouth to be 10,214. This is an increase of 181 people since the 2010 Census. In 2012, the City adopted Ordinance No. 2012-2031, which divided the City into 4 districts for city election purposes. The 4 districts were divided based on the 2010 Census tracts and blocks, with respect to that year's population data. With the most recent Census, there are changes in population that require a review of the councilmanic districts.

State law and state and federal constitutional provisions require the districts to be as equal in population as practical. To divide the City into four, exactly equal council districts, each district would have 2,553.5 persons. Of course, that exact result is impossible.

IC 36-4-6-4 requires the districts the Council draws to be: 1) composed of contiguous territory; 2) reasonably compact; 3) not cross precinct boundaries unless an exception is met; and 4) contain, as nearly as possible, equal population.

This ordinance brings forth a minor change in 2 of the 4 councilmanic districts to maintain a legally acceptable level of variation between the smallest and largest districts in the City. Additionally, the ordinance reflects the large annexation of the Centennial Crossing housing development into Fourth District. These new districts do, however, cross existing precinct lines. IC 36-4-6-4(d) allows for the crossing of precinct lines "if the districts would not otherwise contain, as nearly as possible, equal population." To distribute the population as equally as possible, it was necessary to cross precinct lines, which is permitted by the statute, but the Clerk-Treasurer is required to send a written notice to the Marshall Circuit Court Clerk pursuant to IC 36-4-6-4(D), which was done in excess of ten (10) days before the final adoption of this ordinance.

Exhibit A attached to this ordinance shows the proposed block group change, where Block 1039 (currently belonging in District 2) is moved to District 1; within Exhibit A is also a map of the entire City with the new district lines. Exhibit B is the list of 2020 Census tracts and blocks within the First District with a total population of 2,629; Exhibit C is a list of 2020 Census tracts and blocks within the Second District with a total population of 2,533; Exhibit D is a list of 2020 Census tracts and blocks within the Third District with a total population of 2,531; and Exhibit E is a list of 2020 Census tracts and blocks within the Fourth District with a total population of 2,521. This presents a population variation of 4.2% between the districts.

The intent and purpose of this ordinance is to establish and implement for the next municipal elections, both primary and general, and all subsequent elections, the revised councilmanic districts from which one qualified resident shall be elected to serve on the Common Council for the City of Plymouth, while meeting the sufficient level of variation.

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

**Section 1.** Section 31.02 of Chapter 31 of the Code of Ordinances for the City of Plymouth is hereby repealed, and in its place the following shall be inserted and held controlling:

### **§ 31.02 COUNCILMANIC DISTRICTS**

(A) Effective the municipal elections to be held in 2023, and all subsequent elections, the City is hereby divided for city election purposes into four (4) districts, each district to contain the following 2020 Census tracts and blocks:

- (1) *First District.* The first councilmanic district shall contain the census tracts and blocks as listed in Exhibit B attached to Ordinance No. 2022-2198.
- (2) *Second District.* The second councilmanic district shall contain the census tracts and blocks as listed in Exhibit C attached to Ordinance No. 2022-2198.
- (3) *Third District.* The third councilmanic district shall contain the census tracts and blocks as listed in Exhibit D attached to Ordinance No. 2022-2198.
- (4) *Fourth District.* The fourth councilmanic district shall contain the census tracts and blocks as listed in Exhibit E attached to Ordinance No. 2022-2198.

(B) The boundaries for the four (4) districts described by census tracts and blocks in subsection (A) are described in ordinary terms as follows:

- (1) *First District.* The first councilmanic district shall commence at the extreme northwest corner of the corporate boundaries of the city; thence south along the corporate boundaries of the city; thence southeast along the corporate boundaries of the city; thence north along the corporate boundaries of the city; thence east along the corporate boundaries of the city to the intersection of Pioneer Drive and Jim Neu Drive; thence east along the centerline of Jim Neu Drive to the intersection of Pioneer Drive; thence south along the corporate boundaries of the city; thence east along the corporate boundaries of the city; thence south along the corporate boundaries of the city; thence east along the corporate boundaries of the city to the southwest corner of the parcel presently identified as Tax ID# 50-42-31-403-020,000-019; thence east to the northeast corner of the parcel presently identified as Tax ID# 50-32-06-202-221,000-019; thence arching in a southeasterly/southern direction along the eastern boundary of the parcel presently identified as Tax ID# 50-32-06-202-119,001-019 to the centerline of Ritter Street; thence east to the centerline of North Oak Drive; thence south along the centerline of North Oak Drive to the intersection of Jefferson Street; thence east along the centerline of Jefferson Street to the intersection of Plum Street; thence north along the centerline of Plum Street to the intersection of Harrison Street; thence east along the centerline of Harrison Street to the intersection of Michigan Street; thence north along the centerline of Michigan Street to the intersection of Shalley Drive; thence east along the centerline of Shalley Drive to Fairbanks Avenue; thence north along the centerline of Fairbanks Avenue to Klinger Avenue; thence west along the centerline of Klinger Avenue to the intersection of Grand Avenue; thence northerly along existing census block lines to U.S. Highway 30, with the inclusion of the



parcel presently identified as Tax ID# 50-42-91-000-099.000-018; thence east along U.S. Highway 30 a distance of 2,300 feet, more or less; thence north along the corporate boundaries of the city to the south boundary line of the Plymouth Municipal Airport property; thence east, thence north, thence west along the corporate boundaries of the city to the point of beginning.

(2) *Second District.* The second councilmanic district shall commence at the intersection of Center Street and Harrison Street; thence west along the centerline of Harrison Street to Plum Street; thence south along the centerline of Plum Street to Jefferson Street; thence west along the centerline of Jefferson Street to North Oak Drive; thence north along the centerline of North Oak Drive to the centerline of Ritter Street; thence west along the centerline of Ritter Street to the intersection of the eastern boundary of the parcel presently identified as Tax ID# 50-32-06-202-119.001-019 and thence arching in a northern/northwesterly direction along the eastern boundary of said parcel to the northeast corner of the parcel presently identified as Tax ID# 50-32-06-202-221.000-019; thence west to the intersection of the southwest corner of the parcel presently identified as Tax ID# 50-42-31-403-020.000-019 and the corporate boundaries of the city; thence south then west along the corporate boundary of the city; thence south along the corporate boundary of the city to State Road 17; thence east along the corporate boundary of the city and along State Road 17 and continue east along the corporate boundary of the city; thence north, then east, then south, then east along the corporate boundary of the city; thence north along the corporate boundary of the city; thence east along the corporate boundary of the city; thence south along the corporate boundary of the city to the Yellow River; thence east along the Yellow River to the Norfolk & Western Railroad right-of-way; thence north along said railroad right-of-way to Schuyler Street; thence east along Schuyler Street to Plum Street; thence north along Plum Street to Lake Avenue; thence east along Lake Avenue to Center Street; thence north along Center Street to the point of beginning.

(3) *Third District.* The third councilmanic district shall commence at the intersection of Lake Avenue and Plum Street; thence south along Plum Street to Schuyler Street; thence west along Schuyler Street to the Norfolk & Western Railroad right-of-way; thence south along said railroad right-of-way to the Yellow River; thence west along the Yellow River to the corporate boundary of the city; thence south, then east, then south to Oakhill Avenue; thence east along Oakhill Avenue to Naimerg Road; thence south along Naimerg Road and the corporate boundary of the city; thence east along the corporate boundary of the city; thence north along the corporate boundary; thence east along the corporate boundary of the city; thence north, then east, then south along the corporate boundary of the city; thence east, then south, then east, then southeast, then east, then south, then east all along the corporate boundary of the city to Michigan Street; thence southeast along Michigan Street; thence east along the corporate boundary of the city; thence north along the corporate boundary of the city; thence west along the corporate boundary of the city to Bayless Street; thence north along Bayless Street to the point where the corporate

boundary of the city heads east; thence east along the corporate boundary of the city; thence north, then east along the corporate boundary of the city, thence north to the Conrail Railroad right-of-way; thence west along the said railroad right-of-way to the point where Liberty Street crosses the railroad tracks, and then immediately west along Williams Street to Michigan Street; thence north along Michigan Street to Conrail Railroad right-of-way; thence west along said railroad right-of-way to the point it intersects with Lake Avenue; thence west along Lake Avenue to the point of beginning.

(4) *Fourth District.* The fourth councilmanic district shall commence at the intersection of Center Street and Harrison Street; thence east along Harrison Street to Michigan Street; thence north along Michigan Street to Shalley Drive; thence east along Shalley Drive to Fairbanks Avenue; thence north along Fairbanks Avenue to Klinger Avenue; thence west along Klinger Avenue to Grand Avenue; thence northerly along census block lines and eventually reaching the Elmer Sellenright Ditch to Plymouth Goshen Trail; thence east along Plymouth Goshen Trail, then south, then east, then north, then northeast, then northwest back to Plymouth Goshen Trail and thence with the inclusion of the parcels presently identified as Tax ID#s 50-42-92-102-001.001-019, 50-42-91-303-107.000-019, 50-42-91-403-011.000-019, and 50-42-91-403-011.000-019 and then running from the intersection of that parcel's southern boundary with the eastern boundary of Randolph Street; thence southeasterly along the corporate boundary of the city to and along the Yellow River; thence diverging from the Yellow River straight east along the corporate boundary of the city; thence south along the corporate boundary to and along Richter Road; thence continuing south along the corporate boundary of the city to the Conrail Railroad right-of-way; thence west along the said railroad right-of-way to the point where Liberty Street crosses the railroad tracks, and then immediately west along Williams Street to Michigan Street; thence north along Michigan Street to the Conrail Railroad right-of-way; thence west along said railroad right-of-way to the point it intersects with Lake Avenue and Center Street; thence north along Center Street to Harrison Street which is the point of beginning.

**Section 2.** This ordinance shall take effect after passage, due attestation, and publication if required by law.

PASSED AND ADOPTED this 26<sup>th</sup> day of September 2022.

ATTEST:

*John B. Gorski*  
John M. Gorski, Clerk-Treasurer

*Mark Senner*  
Mark Senner, Presiding Officer

Presented by me to the Mayor of the City of Plymouth, Indiana on the 26<sup>th</sup> day of September 2022, at 6:40 o'clock p m.



*Lynn M. Gorski*  
Lynn M. Gorski, Clerk-Treasurer

Approved and signed by me this 26<sup>th</sup> day of September, 2022.  
*Mark Senter*  
Mark Senter, Mayor

EXHIBIT A

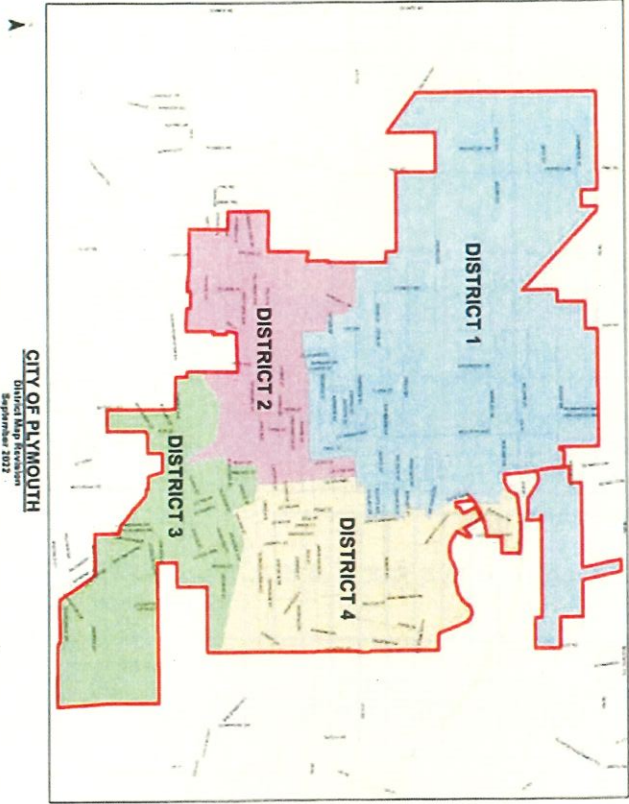


EXHIBIT B

Census Block #	District 1 Population	Census Block #	District 1 Population	Census Block #	District 1 Population
1002	50	1033	0	2006	19
1003	19	1034	11	3000	0
1006	8	1034	0	3001	18
1007	17	1035	9	3002	22
1008	95	1035	0	3003	21
1009	12	1036	19	3004	39
1009	21	1036	0	3005	49
1010	0	1037	0	3006	25
1012	0	1037	6	3007	24
1013	14	1038	0	3008	33
1014	0	1038	0	3009	34
1015	0	1039	44	3010	46
1016	0	1039	198	3011	20
1017	72	1040	31	3012	5
1018	0	1041	68	<b>Total</b>	<b>2629</b>
1018	12	1042	20		
1019	10	1043	27		
1019	5	1043	33		
1020	99	1044	36		
1021	43	1055	169		
1021	0	1056	47		
1022	22	1057	14		
1023	0	1058	0		
1024	0	1059	36		
1025	0	1060	64		
1026	257	1061	79		
1027	30	1062	80		
1027	46	1063	69		
1028	0	1064	0		
1028	24	1066	19		
1029	33	1087	0		
1030	31	1088	0		
1030	34	1089	0		
1031	68	1090	0		
1031	59	1093	0		
1032	9	2003	60		
1032	0	2004	0		
1033	45	2005	0		



EXHIBIT C

Census Block #	District 2 Population	Census Block #	District 2 Population	Census Block #	District 2 Population
1047	65	3021	26	4035	17
1048	27	3022	41	4037	2
1049	3	3023	9	4038	39
1053	144	3024	37	4039	18
1054	31	3025	13	4040	22
1065	3	3026	0	4042	0
1067	6	3027	21	4043	0
2001	28	4000	4	Total	2533
2002	36	4001	3		
2007	28	4002	58		
2008	23	4003	19		
2009	35	4004	32		
2012	3	4005	30		
2013	0	4006	97		
2015	29	4007	51		
2016	24	4008	31		
2017	29	4009	57		
2018	74	4010	30		
2019	8	4011	44		
2020	0	4012	22		
2021	15	4013	27		
2022	25	4014	9		
2023	43	4015	19		
2024	20	4016	30		
2025	8	4017	62		
2026	45	4018	86		
2027	13	4019	24		
2028	9	4020	87		
3003	0	4021	19		
3007	54	4022	38		
3013	4	4023	139		
3014	65	4024	0		
3015	44	4025	0		
3016	51	4026	0		
3017	31	4027	65		
3018	44	4028	9		
3019	32	4033	63		
3020	34	4034	0		

EXHIBIT D

Census Block #	District 3 Population	Census Block #	District 3 Population
1000	10	3011	78
1001	36	3012	115
1002	0	3013	10
1003	11	3014	25
1004	106	3015	19
1005	52	3016	76
1006	26	3017	39
1007	0	3018	28
2001	120	3019	17
2002	54	3020	20
2003	25	3021	39
2004	25	3022	17
2007	29	3023	106
2008	63	Total	2531
2009	74		
2010	84		
2011	29		
2012	629		
2013	51		
2014	25		
2015	32		
2016	11		
2017	27		
2018	43		
2019	23		
2020	25		
2021	20		
2022	33		
2023	32		
3000	39		
3001	0		
3002	41		
3004	0		
3005	27		
3006	17		
3008	22		
3009	42		
3010	59		



EXHIBIT E

Census Block #	District 4 Population	Census Block #	District 4 Population	Census Block #	District 4 Population
1015	0	2022	40	3021	23
1020	0	2023	45	3022	68
1022	0	2024	65	3023	14
1024	0	2025	9	3024	49
1025	0	2026	10	3025	6
1026	41	2027	19	3026	112
1029	44	2028	30	3030	33
1040	64	2029	35	3031	0
1041	55	2030	37	3032	0
1042	24	2031	28	Total	2521
2000	27	2032	25		
2000	42	2033	20		
2001	13	2034	64		
2002	20	2037	0		
2003	18	2038	0		
2004	0	2039	13		
2005	20	2040	16		
2005	54	2041	0		
2006	24	2042	38		
2006	39	2043	51		
2007	11	3002	0		
2008	26	3004	339		
2009	33	3005	20		
2010	20	3006	13		
2010	24	3007	0		
2011	6	3008	19		
2011	0	3009	40		
2012	28	3010	0		
2013	16	3011	0		
2014	16	3012	0		
2014	4	3013	82		
2015	0	3014	13		
2016	0	3015	27		
2017	174	3016	0		
2018	33	3017	11		
2019	21	3018	43		
2020	48	3019	66		
2021	20	3020	33		

City Attorney Surrisi presented Ordinance No. 2022-2202, An Ordinance for Appropriations and Tax rates for 2023 on second reading.

Council Members Ecker and Houin moved and seconded to adopt Ordinance No. 2022-2202, An Ordinance for Appropriations and Tax rates for 2023 on second reading. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner

Councilman Opposed: N/A

Council Members Houin and Listenberger moved and seconded to adopt Ordinance No.

2022-2202, An Ordinance for Appropriations and Tax rates for 2023 on third reading. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner

Councilman Opposed: N/A



REGULAR SESSION, COMMON COUNCIL, September 26, 2022

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55985 (7-15)  
Approved by the State Board of Accounts, 2015  
Prescribed by the Department of Local Government Finance

Ordinance / Resolution Number: 2022-2202

Budget Form No. 4  
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Be it ordained/resolved by the PLYMOUTH CIVIL CITY that for the expenses of PLYMOUTH CIVIL CITY for the year ending December 31, 2023 the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of PLYMOUTH CIVIL CITY, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the PLYMOUTH CIVIL CITY.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
PLYMOUTH CIVIL CITY	Common Council and Mayor	09/26/2022

Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0005	CASINO/RIVERBOAT	\$164,925	\$0	0.0000
0061	RAINY DAY	\$0	\$0	0.0000
0101	GENERAL	\$9,456,805	\$4,000,000	1.0890
0113	NONREVERTING	\$99,160	\$0	0.0000
0341	FIRE PENSION	\$85,562	\$0	0.0000
0342	POLICE PENSION	\$337,625	\$0	0.0000
0706	LOCAL ROAD & STREET	\$350,000	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$2,551,144	\$2,265,708	0.6168
1151	CONTINUING EDUCATION	\$33,500	\$0	0.0000
1301	PARK & RECREATION	\$1,380,683	\$1,310,000	0.3566
1310	PARK NONREVERTING - CAPITAL	\$0	\$0	0.0000
2102	AVIATION/AIRPORT	\$267,797	\$234,652	0.0639
2120	CEMETERY	\$0	\$423,065	0.1152
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$0	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$0	\$195,191	0.0454
		\$14,727,201	\$8,429,616	2.2869

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55985 (7-15)  
Approved by the State Board of Accounts, 2015  
Prescribed by the Department of Local Government Finance

Budget Form No. 4  
Generated 9/20/2022 12:14:20 PM

Home-Ruled Funds (Not Reviewed by DLGF)

Fund Code	Fund Name	Adopted Budget
9500	Aviation Rotary	\$377,810
9501	City Monetary Gift	\$22,000
9502	Transportation	\$17,000
9503	City Development	\$0
9504	Deferral & Diversion	\$5,000
9505	Unsale Building	\$20,000
9506	Local Road & Bridge Matching Grant	\$807,000
9507	2016 TIF Tax Money (TIF 4)	\$5,000
9508	Drug Free Community	\$0
9509	Common Cents	\$0
9510	Park Gift	\$17,000
9511	Park Deposits / Cemetery Deposits	\$15,000
9512	Crime Prevention / K-9	\$0
9513	Financial Guarantee	\$260,000
9514	Restitution	\$0
9515	DARE	\$500
9516	FEMA FFY20 Grant Fund	\$196,500
9517	River Park Square Phase 2 Grant	\$555,506
9518	Police Dept Federal Equitable Sharing	\$0
9519	Hoosier Old Wheels Grant	\$216,529
9520	Hobham Drive Grant	\$885,663
9521	Airport Coronavirus Response Grant	\$0
9522	Community Improvement	\$30,000
9523	American Rescue Plan Grant	\$520,000
9524	1993 TIF Tax Money	\$407,000
9525	2000 TIF Tax Money	\$50,000
9526	2005 TIF Tax Money	\$573,435
9527	TIF 5 / Winona TIF Area	\$478,226
9528	TIF 6 / Centennial Crossings TIF	\$185,640
9529	TIF 7 / Pretzels TIF Air Parcel	\$1,088,490
9530	Rees Theatre Grant	\$203,427
9537	Cemetery Trust	\$2,000
9538	Cemetery Perpetual Care	\$0
9539	LaPorte Street Footbridge	\$530,899
		\$7,469,645



ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 1000 (7-17)  
Approved by the State Board of Account, 2015  
Prescribed by the Department of Local Government Finance  
Budget Form No. 4  
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Name	Yes <input checked="" type="checkbox"/>	Abstain <input type="checkbox"/>	Signature
Don Ecker Jr.	Yes <input checked="" type="checkbox"/>	Abstain <input type="checkbox"/>	
Duane Culp	Yes <input checked="" type="checkbox"/>	Abstain <input type="checkbox"/>	
Shlich Milner	Yes <input checked="" type="checkbox"/>	Abstain <input type="checkbox"/>	
Randy Longenecker	Yes <input checked="" type="checkbox"/>	Abstain <input type="checkbox"/>	
Greg Compton	Yes <input checked="" type="checkbox"/>	Abstain <input type="checkbox"/>	
Jeff Houin	Yes <input checked="" type="checkbox"/>	Abstain <input type="checkbox"/>	
Robert Listebarger	Yes <input checked="" type="checkbox"/>	Abstain <input type="checkbox"/>	

ATTEST		
Name	Title	Signature
Lynn M. Gorski	Clerk-Treasurer	

MAYOR ACTION (For City use only)			
Name	Approve <input checked="" type="checkbox"/>	Signature	Date
Mark Senter	Vote <input type="checkbox"/>		9-26-22

In accordance with IC 6-1-1-17-16(h), we state our intent to issue debt after December 1 and before January 1  
In accordance with IC 6-1-1-17-16(h), we state our intent to file a shortfall appeal after December 1 and before December 31  
Yes ☐ No ☒  
Yes ☐ No ☒

City Attorney Surrisi presented Ordinance No. 2022-2203, An Ordinance Establishing

Various Fees and Parking Regulations Regarding City-Owned Electric Vehicles Charging Stations on second reading.

Houin asks if the new station is operational yet or not.

Surrisi responds by stating that it is not operational at this time as they are waiting on

NIPSCO to connect it.

Marquardt states that he has had some conversations with NIPSCO today and states that everything is there. He adds that they still need to stripe and they are looking to do that this week. He adds that the EV Charging stencils have to be white. He states that once they get power to it, they will finish up with the company to set up their account.

Surrisi states that the Poor Handmaid's of Jesus Christ have pledged \$3,000.00 towards the project. He states that we have reached out to them and they are supposed to be sending a check for that. He states that they have talked with MACOG about getting the grant funding from the state. He explains that once it is operational and they have the stencils down and everything that Leah Thill, who is the Senior Environmental Planner from MACOG, will come down and inspect everything and then she can issue those payments. He states that this ordinance basically prohibits parking at an EV charging parking spot unless you are an EV Vehicle that is charging. He states that this also establishes a rate of \$2/ hour to charge after the first two hours which will be free through 2024. He states that was a term of the grant that they received that paid for the bulk of the charging station.

Compton asks where the \$2 fee came from and who established that.



Surrisi responds by stating that it is entirely up to them for what is established for that but the \$2 fee was recommended to them by MACOG. He states that it was estimated that it will cost the city about a \$1/ hour to have an average vehicle charging there. He adds that there are some administrative fees through the ChargePoint company for processing credit cards and things like that. He states that this should cover all of that cost a little bit more. He states that they will be able to get at least weekly data of the usage and the cost so that they can monitor it. He explains that they are not bound other than providing for the first two hours for free for the first two years, that they are free to set their rate at any time. He states that in a few months of having this operational that he can provide some reports of what the actual expenses are and if it looks like they need to make adjustments to that then they can.

Mayor Senter asks where the two spots will be.

Marquardt responds by stating that they will be where the three spots were where the road curves on Water and E. Laporte Streets. He explains that it will go down to two spots as one spot has to be 11 feet because you have to make it available for a van with a 5-foot aisle even though it is not a handicap spot. He states that they still have to make it that way and their spots will definitely be bigger than that. He states that they took three spots to make these two spots with a walkway.

Compton asks safety-wise if someone is going to get electrocuted trying to use a credit card. He reclarifies if it meets specifications.

Surrisi responds by stating that Marquardt's staff took the training to install it.

Marquardt states that it fits every standard in regards to what was instructed to do. He adds that there is a service contract with this as well.

Compton asks if there are any concerns with water.

Marquardt responds by stating that he has none himself but he understands that Facebook Court was all about that. He explains that if the water was high enough to damage that he believes the whole city would be worse off. He states that the electrical connections in the box are about 5 foot high and if they ever receive enough flooding that they can remove it if they had to. He states that they already have to go remove the electronics from the stoplight at Penguin Point. He explains that NIPSCO comes out and cuts power to everything. He states that it isn't different from most other plugs in the city that get submerged. He restates that they feel that it is high enough and it would be a record flood if it ever got high enough to do that and we will all be in trouble then.

Ecker states that knowing they will have data to look at and be able to make adjustments as they go is important.

## REGULAR SESSION, COMMON COUNCIL, September 26, 2022

Council Members Houin and Culp moved and seconded to adopt Ordinance No. 2022-2203,

An Ordinance Establishing Various Fees and Parking Regulations Regarding City-Owned Electric Vehicles Charging Stations on second reading. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner

Councilman Opposed: N/A

Council Members Ecker and Houin moved and seconded to adopt Ordinance No. 2022-2203,

An Ordinance Establishing Various Fees and Parking Regulations Regarding City-Owned Electric Vehicles Charging Stations on third reading. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner

Councilman Opposed: N/A

## ORDINANCE NO. 2022-2203

## AN ORDINANCE ESTABLISHING VARIOUS FEES AND PARKING REGULATIONS REGARDING CITY-OWNED ELECTRIC VEHICLE CHARGING STATIONS

Statement of Purpose and Intent

The purpose and intent of this ordinance is to establish various fees and regulations applicable to the use of City-owned electric vehicle charging stations and associated parking spaces.

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

**Section 1.** Title VII, entitled Traffic Code, Chapter 71, entitled Parking Regulations, shall be amended by adding § 71.14 REGULATION OF USE OF PARKING SPACES DESIGNATED FOR ELECTRIC VEHICLE CHARGING, providing as follows:

§ 71.14 REGULATION OF USE OF PARKING SPACES DESIGNATED FOR ELECTRIC VEHICLE CHARGING

(A) It shall be unlawful to park any non-electric vehicle in a parking space designated for electric vehicle charging.

(B) It shall be unlawful for an electric vehicle to occupy a parking space designated for electric vehicle charging unless the vehicle is engaged in the charging process.

**Section 2.** Title VII, entitled Traffic Code, Chapter 71, entitled Parking Regulations, shall be amended by adding § 71.15 FEE FOR USE OF CITY-OWNED ELECTRIC VEHICLE CHARGING STATIONS, providing as follows:

§ 71.15 FEE FOR USE OF CITY-OWNED ELECTRIC VEHICLE CHARGING STATIONS

(A) Use of all City-owned electric vehicle charging stations is subject to a flat hourly rate of \$2.00 per hour.

(B) The City's electric vehicle charging station located on Water Street near River Park Square was obtained, in part, through grant funding from the Indiana Department of Environmental Management under VW Project Funding Agreement Number VW1.2-027. As a condition of the City's application for receipt of such grant funds the City agreed to provide the first 2 hours of charging at the grant funded charging station at no cost to users for the first 2 years after its installation. The grant funded charging station is to be installed by no later than December 31, 2022. Thus, notwithstanding subsection (A), the City's electric vehicle charging station located on Water Street near River Park Square shall provide the first 2 hours of charging at no cost through December 31, 2024.



## REGULAR SESSION, COMMON COUNCIL, September 26, 2022

Section 3. This ordinance shall become effective after passage, due attestation, and publication as required by law. Further, this ordinance shall remain in effect until amended or repealed by the Common Council.

PASSED AND ADOPTED this 26<sup>th</sup> day of September, 2022.

Mark Senter  
Mark Senter, Presiding Officer

ATTEST:

Lynn M. Gorski  
Lynn M. Gorski, Clerk-Treasurer

Presented by me to the Mayor of the City of Plymouth, Indiana on the 26<sup>th</sup> day of September, 2022, at 6:45 o'clock P. m.

Lynn M. Gorski  
Lynn M. Gorski, Clerk-Treasurer

Approved and signed by me this 26<sup>th</sup> day of September, 2022.

Mark Senter  
Mark Senter, Mayor

City Attorney Surrisi presents Ordinance No. 2022-2205, An Ordinance to Amend Ordinance No. 2022-2199R, The 2023 Salary Ordinance on second reading.

Council Members Houin and Longanecker moved and seconded to adopt Ordinance No.

2022-2205, An Ordinance to Amend Ordinance No. 2022-2199R, The 2023 Salary Ordinance on second reading. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner

Councilman Opposed: N/A

Council Members Ecker and Longanecker moved and seconded to adopt Ordinance No.

2022-2205, An Ordinance to Amend Ordinance No. 2022-2199R, The 2023 Salary Ordinance on third reading. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner

Councilman Opposed: N/A



ORDINANCE NO. 2022-2205

AN ORDINANCE TO AMEND ORDINANCE NO. 2022-2199R  
FIXING SALARIES OF APPOINTED OFFICERS AND EMPLOYEES, FIRE AND POLICE  
PERSONNEL OF THE CITY OF PLASMOUTH, INDIANA FOR THE YEAR 2023

BE IT ORDAINED BY the Common Council of the City of Plymouth, Indiana that from and after the first day of January, 2023, the following appointed officers and employees of the City of Plymouth, Indiana may receive up to the following salaries and wages. The first period for City Employees in January, 2023, will reflect the rate of pay as established by the 2022-2199R, as well as the fact that the amendments set forth in this ordinance address each of the positions addressed in Ordinance No. 2022-2199R, as well as the newly created positions of Captain (ENF-3). Employee benefits are addressed in the City of Plymouth Employee Handbook adopted by Ordinance No. 2015-2022, passed January 14, 2015, and as most recently amended by Ordinance No. 2022-2201, passed September 12, 2022.

OFFICE OF THE MAYOR

President of the City Council	\$	47,700.52	per yr
Member of the Board of Public Works & Safety who is not an elected official	\$	38.93	per
Regular, Executive, or Special Session Board of W&S meeting attended			
Deputy Clerk-Treasurer	\$	23.49	per hr
Deputy Clerk-Treasurer / Probation (90-180 days)	\$	23.49	per hr
Payroll Coordinator	\$	22.56	per hr
Accounts Payable Coordinator	\$	20.38	per hr
Accounts Receivable Coordinator	\$	20.38	per hr
ENAS Billing and Cash Balancing Coordinator	\$	20.38	per hr
Utility Billing Coordinator	\$	21.21	per hr
Clerk Part Time	\$	16.41	per hr
All Coordinators / Probation (90-180 days)	\$	20.38	per hr

POLICE DEPARTMENT

Chief of Police	\$	75,700.56	per
Assistant Chief of Police	\$	68,453.76	per
Position	Projected Hours		
Detective	2080 hrs	\$	31.80 per
Sergeant	2016 hrs	\$	31.80 per
Corporal	2016 hrs	\$	31.14 per
Patrol Officer	2016 hrs	\$	30.43 per
Patrol Officer / Probation (one year maximum)		\$	30.43 *

The School Resource Officer's rate of pay shall be determined by their position, above

Longevity pay is additional compensation to be paid to a qualified police officer. A qualified police officer is one who has at least three (3) years of continuous service to the City.

Longevity pay is calculated to be 1 two hundred twenty-five dollars (\$225.00). The amount to be paid to a qualified police officer is \$225.00 multiplied by the number of years of continuous service. The maximum amount paid shall be \$4,500.00. Longevity shall be paid on the pay day following the anniversary date of employment for that individual \*\*\*

A Clothing Allowance of \$1,000.00 per year is paid to all police officers who have at least one full year of continuous service to the city. Clothing Allowance is payable in equal installments at the end of each quarter. \*\*

Work Schedule - There is established a seven (7) day work week for members of the Plymouth Police Department. For the officers working period, the work schedule shall be established as five (5) days on duty, followed by two (2) days off duty, then four (4) days on duty, followed by two (2) days off duty, returning again to the first (5) days on duty, followed by two (2) days off duty, and then four (4) days on duty, followed by two (2) days off duty, with this cycle then repeating itself continuously. This work schedule yields a projected number of work hours of 2,016 per officer.

All non exempt Police Officers will be paid one and one-half (1 and 1/2) times their regular rate of pay for all hours worked in excess of forty (40) hours (See §15A.533.230) in any scheduled work week. Only hours worked will count for overtime purposes. All overtime work must be approved by the initiating or signing of your time cardsheet by your supervisor/manager

\*\*Except for those instances noted in Ordinance No. 1479

\*\*\*Except for those instances noted in Ordinance No. 1410

A Clothing Allowance of \$150.00 per year is paid to all firefighters and paramedics who have at least one full year of continuous service to the City. Clothing Allowance is payable in equal installments at the end of each quarter. \*\*

Work Schedule - The Fire Department works 24 hours on, 24 hours off, 24 hours on, 24 hours off, 24 hours on and 96 hours of in a 36 day period. It works 24 day period includes weekend days, extra hours worked up to 212 per day are paid at a regular hourly rate. Extra hours worked over the 212 hours are to be paid at time and one-half. Salaries for the Fire Department are based on 2928 hours per year.

\*\*Except for those instances noted in Ordinance No. 1479

\*\*\*Except for those instances noted in Ordinance No. 1410

CITY ENGINEER/STORM WATER DEPARTMENT

City Engineer/Storm Water Compliance Superintendent	\$	99,300.84	per yr
Building Commissioner	\$	66,103.68	per yr
Per-time Building Commissioner	\$	16.42	per hr
Administrative Assistant	\$	19.98	per hr
Administrative Assistant / Probation (90-180 days)	\$	19.98	per hr

DEPARTMENT OF LAW

City Attorney	\$	102,474.72	per yr
Human Resources Manager	\$	44,348.32	per yr
Cemetery Superintendent	\$	61,424.72	per yr
Assistant Superintendent	\$	24.63	per hr
1. Attorney - Full Time	\$	20.85	per hr
1. Attorney / Probation (90-180 days)	\$	20.85	per hr
1. Attorney - Summer / Semi-Allocated	\$	15.12	per hr

PARK & RECREATION DEPARTMENT

Park Superintendent	\$	68,649.84	per yr
Park and Recreation Director	\$	46,643.92	per yr
Maintenance Supervisor	\$	24.63	per hr
1. Laborer - Maintenance - City Forester	\$	22.39	per hr
1. Laborer - Maintenance - Full Time	\$	20.85	per hr
1. Laborer - Maintenance / Probation (90-180 days)	\$	20.85	per hr
Office Manager	\$	19.98	per hr
Office Manager / Probation (90-180 days)	\$	19.98	per hr
1. Laborer - Part-time	\$	15.12	per hr
1. Laborer-Summer / Semi-Allocated	\$	14.24	per hr
Head Life Guards (Instructor WSO)	\$	13.00	per hr
Life Guards (Instructor WSO)	\$	11.12	per hr

AVIATION DEPARTMENT

Airport Manager	\$	59,454.48	per yr
Assistant Manager	\$	22.47	per hr
1. Laborer	\$	20.85	per hr
1. Laborer / Probation (90-180 Days)	\$	20.85	per hr
1. Laborer - Part-time	\$	15.12	per hr

MOTOR VEHICLE HIGHWAY/SANITATION DEPARTMENT/CITY GARAGE & WAREHOUSE

Street & Sanitation Superintendent	\$	68,049.84	per yr
Supervisor	\$	24.63	per hr
Mechanics	\$	23.39	per hr
Mechanics / Probation (90-180 days)	\$	20.85	per hr
Truck Drivers - 1. Laborer - Full Time	\$	20.85	per hr
Truck Drivers - 1. Laborer / Probation (90-180 days)	\$	20.85	per hr
Administrative Assistant	\$	19.98	per hr
Administrative Assistant / Probation (90-180 days)	\$	19.98	per hr

POLICE DEPARTMENT

Position	Projected Hours			
Police Aide	2080 hrs	\$	19.98	per hr
Police Aide / Probation (90-180 days)	2080 hrs	\$	19.98	per hr
Projected Items Not Calculated on the Following Part-time Positions				
School Crossing Guard	up to	\$	37.48	per day

Projected Hours Not Calculated on the following Part-time Positions

POLICE DEPARTMENT INCENTIVE DAYS

Full-time hourly police personnel who work special details or who work a shift other than the 7:00 a.m. - 3:00 p.m. shift shall be entitled to extra paid days off duty referred to as "incentive days" as follows:

- Full-time hourly police personnel assigned to the 11:00 p.m. - 7:00 a.m. shift shall receive one (1) incentive day per calendar month.
- Full-time hourly police personnel assigned to the 3:00 p.m. - 11:00 p.m. or the 7:00 p.m. - 3:00 a.m. shift shall receive one (1) incentive day per calendar month.
- Full-time hourly police personnel assigned to the 11:00 a.m. to 7:00 p.m. shift shall receive one (1) incentive day every six months.
- Full-time hourly police personnel shall begin being compensated for incentive days after working an eligible shift for 30 calendar days.
- If a full-time hourly police personnel does not timely use his or her earned incentive days as required above, he or she shall be paid for said day(s) at his or her standard rate. In no event shall any officer be paid overtime (or more than standard rate) for unused incentive days. Said personnel are required to make a day off on their time card as an incentive day if they wish to be paid for the day without taking a day off.

FIRE DEPARTMENT

Fire Chief - ENF Director	\$	74,737.44	per yr
Assistant Chief - Firefighter	\$	65,642.88	per yr
Assistant Chief - Firefighter Paramedic	\$	65,642.88	per yr
Firefighter - Chief Mechanic	\$	62,928.72	per yr
Firefighter - Chief Paramedic	\$	62,928.72	per yr
Firefighter - Training Instructor	\$	62,928.72	per yr
Firefighter - Paramedic - Training Instructor	\$	62,928.72	per yr
Firefighter 1st Class	\$	60,759.36	per yr
Firefighter - Paramedic	\$	60,759.36	per yr
Firefighter - Inspector	\$	62,928.72	per yr
Firefighter - Probation (one year maximum)	\$	60,759.36	per yr
Firefighter - Paramedic - Probation (one year maximum)	\$	60,759.36	per yr
Firefighter - ENF - Probation (one year maximum)	\$	60,759.36	per yr

Longevity pay is additional compensation to be paid to a qualified firefighter. A qualified firefighter is one who has at least three (3) continuous years of service to the City.

Longevity pay is calculated to be Two hundred Twenty-five Dollars (\$225.00). The amount to be paid to a qualified firefighter is \$225.00 multiplied by the number of years of continuous service. The maximum amount shall be \$4,500.00. Longevity shall be paid on the pay day following the anniversary date for that individual \*\*\*

CRIME PREVENTION DEPARTMENT

Fire Inspector-Crime	\$	62,928.72	per yr
Paramedic-Crime - Training Instructor	\$	62,928.72	per yr
Paramedic-Crime	\$	60,759.36	per yr
Paramedic-Crime - Probation (one year maximum)	\$	60,759.36	per yr
ENF 1st Class	\$	60,759.36	per yr
ENF 1st Class - Probation (one year maximum)	\$	60,759.36	per yr
Paramedic Part-time	\$	17.17	per hr
Advance ENF Part-time	\$	16.05	per hr
Basic ENF Part-time	\$	15.00	per hr
Administrative Assistant	\$	19.98	per hr
Administrative Assistant / Probation (90-180 days)	\$	19.98	per hr

Paramedic's salary shall be increased by \$5,000.16 annually, however the certified salary shall be the same as a First Class Firefighter.

UTILITY DEPARTMENT

Superintendent	\$	100,808.40	per yr
Engineering Technician	\$	27.31	per hr

WASTE WATER DEPARTMENT

Assistant Superintendent (Treatment Plant/Collection System)	\$	27.86	per hr
Maintenance Supervisor	\$	26.72	per hr
Maintenance/Repair Technician - A	\$	24.65	per hr
Maintenance/Repair Technician - B	\$	23.39	per hr
Maintenance/Repair Technician - C	\$	22.35	per hr
Maintenance/Repair Technician / Probation (90-180 Days)	\$	24.65	per hr
Collection System Supervisor	\$	26.72	per hr
1. Laborer - Treatment/Collection System - A	\$	22.94	per hr
1. Laborer - Treatment/Collection System - B	\$	22.34	per hr
1. Laborer - Treatment/Collection System - C	\$	21.54	per hr
1. Laborer - Treatment/Collection System / Probation (90-180 Days)	\$	22.94	per hr
Laborer/Emulsified - Part Time	\$	15.12	per hr
Laborer/Emulsified - Part Time	\$	15.12	per hr
Laboratory Technician Supervisor	\$	26.72	per hr
Laboratory Technician	\$	18.27	per hr
Laboratory Technician / Probation (90-180 Days)	\$	18.27	per hr
Laboratory Technician Part-time	\$	17.37	per hr
Janitor	\$	15.00	per hr
Administrative Assistant/Operator	\$	19.98	per hr
Administrative Assistant	\$	19.98	per hr
Administrative Assistant / Probation (90-180 Days)	\$	19.98	per hr
Administrative Assistant Part-time	\$	15.69	per hr
Safety Officer	\$	0.41	per hr

The above listed are for all full-time hourly employees shall receive upon each certification of said employees as follows:

Class I Plant Operator	\$	0.50	per hr
Class II Plant Operator	\$	1.00	per hr
Class III Plant Operator	\$	1.50	per hr
Class IV Plant Operator	\$	2.00	per hr
Cross-Connection Device Inspector and Test	\$	1.00	per hr

WATER WORKS DEPARTMENT

Assistant Superintendent	\$	27.86	per hr
Distribution System Supervisor	\$	26.72	per hr
Maintenance Supervisor	\$	26.72	per hr
Maintenance/Repair Technician - A	\$	24.65	per hr
Maintenance/Repair Technician - B	\$	23.39	per hr
Maintenance/Repair Technician - C	\$	22.35	per hr
Maintenance/Repair Technician / Probation (90-180 Days)	\$	24.65	per hr
Service Technician above - A	\$	22.94	per hr
Service Technician above - B	\$	22.34	per hr
Service Technician above - C	\$	21.54	per hr
Service Technician above / Probation (90-180 Days)	\$	22.94	per hr
Service Technician above - Semi-skilled	\$	15.53	per hr
Administrative Assistant	\$	19.98	per hr
Administrative Assistant / Probation (90-180 Days)	\$	19.98	per hr
Administrative Assistant Part-time	\$	15.69	per hr

The above listed are for all full-time hourly employees shall receive upon each certification of said employees as follows:

Class DSD (Distribution System Small)	\$	0.33	per hr
Class DSD (Distribution System Medium)	\$	0.67	per hr
Class DSD (Distribution System Large)	\$	1.00	per hr
Class WTI (Water Treatment 1)	\$	0.33	per hr
Class WTI (Water Treatment 2)	\$	0.67	per hr
Class WTI (Water Treatment 3)	\$	1.00	per hr
Cross-Connection Device Inspector and Tester	\$	1.00	per hr



## REGULAR SESSION, COMMON COUNCIL, September 26, 2022

**COMMERCIAL DRIVER'S LICENSE HOLDERS**

All departments that require hourly employees to have a Commercial Driver's License for the function of their duties as described in their job description. Employees will upon submission of their Commercial Driver's License certificate be compensated as below:

Class A CDL	\$	2.00	per hr
Class B CDL	\$	1.50	per hr

**LONGEVITY PAY FOR FULL-TIME EMPLOYEES (except Police Officers and Firefighters)**

Longevity pay is additional compensation to be paid to qualified full-time non-emergency personnel. Qualified employees are those who are eligible for other benefits paid to full-time employees i.e., PERS and health insurance, and who have at least three (3) uninterrupted years of service to the City. Non-emergency personnel includes those employees not employed as Firefighters and Police Officers. Said uninterrupted years of service shall be full calendar years.

Longevity pay is calculated to be fifty Dollars (\$50.00). The amount to be paid to the qualified full-time non-emergency employee is \$50.00 multiplied by the number of full, uninterrupted years of service to the City of Plymouth in a qualified position. The maximum amount paid shall be \$1,000.00. Longevity shall be paid on the last paycheck of the year for that year's service. Said qualified employee must be employed as a full-time employee at the time of payment. Said longevity pay shall not be received under any circumstances. If an employee is inactive at the time of said payment, he/she shall not be paid longevity. Inactive shall exclude earned vacation time; sick time or personal days (not to exceed two (2) personal days).

**OVERTIME PAY FOR NON-EXEMPT EMPLOYEES (except Police Officers and Firefighters)**

Non-exempt employees will be paid one and one-half (1 1/2) times their regular rate of pay for all hours worked in excess of forty (40) hours in any scheduled work week. OMB hours worked will count for overtime purposes. All overtime work must be approved by the initiating or signing of your time card direct by your supervisor.

\* Probationary rate is determined by the department head and based on relevant experience.

**PRINCIPLES OF PUBLIC ACCOUNTABILITY (Exempt salaried employees)**

The City of Plymouth's pay system is based on a policy based on principles of public accountability. (See §§1-5.4, 5-41.710(1) which recognizes the City's accountability to its citizens for the use of public funds. Because of this accountability and in the interest of efficient use of these funds, the city will not pay employees for more than they do not work, unless they have accrued leave available to cover that time. Full-day (8 hours) or partial-day (4 hours) increments will be used if accrued leave is not available.

DAILY ORDINANCE, PASSED AND ADOPTED by the Common Council of the City of Plymouth, Indiana, this 26<sup>th</sup> day of September, 2022.

Mark Scarce  
Mark Scarce, Presiding Officer

Attest:  
Jeffrey M. Gorski  
Jeffrey M. Gorski  
Clerk-Treasurer

PRESENTED by me to the Presiding Officer of the City of Plymouth, Indiana on the 26<sup>th</sup> day of September, 2022

Jeffrey M. Gorski  
Jeffrey M. Gorski  
Clerk-Treasurer

Mark Scarce  
Mark Scarce, Mayor  
City of Plymouth, Indiana

City Attorney Surrisi presents Ordinance No. 2022-2206, An Ordinance Fixing Salaries for the Year 2023 for the Elected Officials of the City of Plymouth, Indiana on second reading.

Ecker states that he would like to suggest that the council members salary for the year 2023 be the same as it is for 2022. He states that he would like to continue with the increase for the Mayor and the Clerk-Treasurer.

Listenberger asks for clarification that it will stay the same rate as the 2022 rate.

Ecker agrees.

Council Members Ecker and Houin moved and seconded to amend Ordinance No. 2022-

2206, An Ordinance Fixing Salaries for the Year 2023 for the Elected Officials of the City of Plymouth, Indiana to freeze the Common Council salaries for 2023 and proceed with the increase to the Mayor and the Clerk-Treasurer for 2023. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner

Councilman Opposed: N/A

Council Members Longanecker and Culp moved and seconded to adopt the amended

Ordinance No. 2022-2206, An Ordinance Fixing Salaries for the Year 2023 for the Elected Officials of the City of Plymouth, Indiana on second reading. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner

Councilman Opposed: N/A

Council Members Ecker and Longanecker moved and seconded to adopt the amended

Ordinance No. 2022-2206, An Ordinance Fixing Salaries for the Year 2023 for the Elected Officials of the City of Plymouth, Indiana on third reading. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner

Councilman Opposed: N/A

ORDINANCE NO. 2022-2206R

AN ORDINANCE FIXING SALARIES FOR THE YEAR 2023  
FOR THE ELECTED OFFICIALS OF THE CITY OF PLYMOUTH, INDIANA

Statement of Intent and Purpose

The duties entrusted to the elected positions of Mayor, Clerk-Treasurer and Council, continually evolve in complexity and expand in responsibility. The effort exerted by these elected officials to meet and excel in those responsibilities deserves fair and just compensation to reflect increased responsibilities and cost of living adjustments is important. The elected officials' salaries are funded in part by the City's Water and Wastewater Departments.

The purpose of this ordinance is to fix the 2023 salaries of the Mayor, Clerk-Treasurer, and Council members.

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

Section 1. The following annual salaries are hereby fixed for the elected officials of the City of Plymouth, Indiana, effective January 1, 2023.

Mayor  
\$ 23,544.85 payable from the Water Works Fund,  
\$ 23,544.85 payable from the Wastewater Fund,  
\$ 23,544.86 payable from the General Fund.

Clerk-Treasurer  
\$ 23,763.55 payable from the Water Works Fund,  
\$ 23,763.55 payable from the Wastewater Fund,  
\$ 23,763.55 payable from the General Fund.

Common Council  
\$ 3,212.50 payable from the Water Works Fund;  
\$ 3,212.50 payable from the Wastewater Fund;  
\$ 3,212.49 payable from the General Fund.  
  
Common Council  
\$ 3,074.16 payable from the Water Works Fund,  
\$ 3,074.16 payable from the Wastewater Fund,  
\$ 3,074.16 payable from the General Fund.

Section 2. The annual salaries of the Mayor, Clerk-Treasurer and members of the Common Council shall be paid in twenty-four (24) equal installments payable on the normal payroll dates of each month for services rendered to such date, the first installment being payable in January 2023.

Section 3. This Ordinance shall be in full force and effect from and after its passage and shall be effective as to the salaries provided herein on and after January 1, 2023.

PASSED AND ADOPTED by the Common Council of the City of Plymouth, Indiana, this 26<sup>th</sup> day of September, 2022.

*Mark Senter*  
Mark Senter  
Mayor and Presiding Officer

ATTEST:

*Lynn M. Gorski*  
Lynn M. Gorski  
Clerk-Treasurer

*Lynn M. Gorski*  
Lynn M. Gorski  
Clerk-Treasurer

This Ordinance approved and signed by me on the 26<sup>th</sup> day of September, 2022.

*Mark Senter*  
Mark Senter  
Mayor and Presiding Officer



## REGULAR SESSION, COMMON COUNCIL, September 26, 2022

City Attorney Surrisi presented Ordinance No. 2022-2207, An Ordinance to Amend the City Code Provisions Regarding Stormwater Management Regulations on first reading.

Surrisi states that this is something that he has just gotten done today. He apologizes for the late notice and explains that he emailed it out today and has provided a hard copy to the Council as well. He states that Chris Marshall and himself are going to be participating with a stormwater audit with IDEM and Geoffrey Haw from VS Engineering, who's the consultant they engaged to assist with stormwater issues. He states that this is something that was brought to their attention in the meeting they had last week with Haw. He states that they knew that the state regulation had changed back in December. He explains that all of the stormwater permits and things that have been this year have been under the new regulation but our Ordinance has not been cleaned up to get rid of the references to the old regulations and replace them with the new. He states that is what this ordinance is proposing and if the Council would be inclined that he would ask them to consider suspending the rules and passing this all on three readings tonight so they when they have the audit, they can tell the auditor it has been completed. He states that all this does is strike out the old references and then in bold it adds the reference to the new federal permit.

Houin states that he has glanced through this and it is all just clerical updates.

Council Members Houin and Ecker moved and seconded to suspend the rules to hear

Ordinance No. 2022-2207, An Ordinance to Amend the City Code Provisions Regarding Stormwater Management Regulations on all three readings. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner

Councilman Opposed: N/A

Council Members Ecker and Culp moved and seconded to adopt Ordinance No. 2022-2207,

An Ordinance to Amend the City Code Provisions Regarding Stormwater Management Regulations on second reading. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner

Councilman Opposed: N/A

Council Members Culp and Longanecker moved and seconded to adopt Ordinance No. 2022-2207, An Ordinance to Amend the City Code Provisions Regarding Stormwater Management Regulations on third reading. The motion passed by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner

Councilman Opposed: N/A



## REGULAR SESSION, COMMON COUNCIL, September 26, 2022

ORDINANCE NO. 2022-2207

AN ORDINANCE TO AMEND THE CITY CODE PROVISIONS REGARDING  
STORMWATER MANAGEMENT REGULATIONSStatement of Purpose and Intent

Effective on or about December 18, 2021, the State of Indiana repealed several provisions of IC 327 Indiana Administrative Code regarding stormwater management regulation. Those provisions were replaced by Indiana's new Construction Stormwater General Permit. Several references to the now-repealed regulations remain in the City Code. The purpose and intent of this ordinance is to replace those references with reference to the new Construction Stormwater General Permit.

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

**Section 1.** Title V, entitled Public Works, Chapter 53, entitled Stormwater Management Regulations, shall be amended by making the following deletions and additions to § 53.01 PURPOSE AND INTENT:

## § 53.01 PURPOSE AND INTENT

The purpose and intent of this chapter is to promote the health, safety and general welfare of the inhabitants of the city by establishing a Stormwater Department sufficient to plan, control, operate and maintain the city's stormwater management system and to comply with Indiana's stormwater quality program as required under 322-327-5-13 *et seq* the Indiana Department of Environmental Management's Construction Stormwater General Permit.

**Section 2.** Title V, entitled Public Works, Chapter 53, entitled Stormwater Management Regulations, shall be amended by making the following deletions and additions to § 53.30 PURPOSE AND INTENT:

## § 53.30 PURPOSE AND INTENT

(A) *Construction site control.* The purpose of this subchapter is to establish requirements for stormwater discharges from construction activities of one acre or more so that the public health, existing water uses, and aquatic biota are protected. This subchapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this subchapter are:

- (1) To regulate construction activities disturbing more than one acre of land as governed by 322-327-5-5 the Indiana Department of Environmental Management's Construction Stormwater General Permit; and

(A) This subchapter covers any new development or re-development construction site resulting in the disturbance of 1 acre or more of total land area. Persons must meet the general permit rule applicability requirements under 327 327 IAC 15-2-6. This subchapter also applies to disturbances of less than 1 acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 1 or more acres of land within the corporate limits of the city.

(B) All terms, conditions, definitions and other measures defined in 327-327-5-5 the Indiana Department of Environmental Management's Construction Stormwater General Permit shall apply, except for state permitting process references and substantial deadlines of construction plans.

(C) This subchapter does not apply to persons who obtain an individual NPDES permit under 327 327 IAC 15-2-6.

(D) This subchapter does not apply to the Indiana Department of Transportation when it conducts its business within the city corporate limit under its NPDES permit under 327 327 IAC 15.

(E) This subchapter does not apply to the following types of activities:

- (1) Agricultural land disturbance activities; and/or
- (2) Forest harvesting activities.

(F) This subchapter does not apply to the following activities, provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures:

- (1) Landfills that have been issued a certification of closure under 329 329 IAC 10;
- (2) Coal mining activities permitted under IC 14-34; and
- (3) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

**Section 5.** Title V, entitled Public Works, Chapter 53, entitled Stormwater Management Regulations, shall be amended by making the following deletions and additions to § 53.33 RESPONSIBILITY FOR ADMINISTRATION; APPLICATION PROCESS:

## § 53.33 RESPONSIBILITY FOR ADMINISTRATION; APPLICATION PROCESS

(A) Administration, implementation and enforcement of the provisions of this subchapter shall be the responsibility of:

City of Plymouth

(2) To require construction site operators to develop and implement a Construction Plan including a Storm Water Pollution Prevention Plan in order to receive a land disturbance permit from the city.

(B) *Post-construction control.* The purpose of this subchapter is to implement planning procedures that promote and improve water quality. The planning procedures will include, at a minimum, the post-construction requirements of 322-327-5-5-6(a)(4) the Indiana Department of Environmental Management's Construction Stormwater General Permit. The city may require the use of any storage, infiltration, filtering and/or vegetative practices to reduce the impact of pollutants on stormwater runoff. Where appropriate, and to the extent of the MS4 operator's authority, the planning procedures may also include the following:

- (1) Buffer strip and riparian zone preservation;
- (2) Filter strip creation;
- (3) Minimization of land disturbance and surface imperviousness;
- (4) Minimization of directly connected impervious areas;
- (5) Maximization of open space; and
- (6) Directing the community's growth away from sensitive areas and towards areas that can support growth without compromising water quality.

**Section 2.** Title V, entitled Public Works, Chapter 53, entitled Stormwater Management Regulations, shall be amended by making the following deletions and additions to § 53.31 DEFINITIONS' definition of the term Construction Activity:

## § 53.31 DEFINITIONS

**CONSTRUCTION ACTIVITY.** Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more, as defined in 322-327-5-5 the Indiana Department of Environmental Management's Construction Stormwater General Permit. Such activities include but are not limited to clearing and grubbing, land disturbance, excavating, stockpiling and demolition.

...

**Section 4.** Title V, entitled Public Works, Chapter 53, entitled Stormwater Management Regulations, shall be amended by making the following deletions and additions to § 53.32 APPLICABILITY:

## § 53.32 APPLICABILITY

Department of Stormwater Management  
PO Box 492  
900 Oakhill Ave.  
Plymouth, IN 46563  
Phone: 574-936-5614 Fax: 574-936-3017  
E-mail: [publicworks@plymouthin.com](mailto:publicworks@plymouthin.com)

(B) Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Mayor of the City of Plymouth and operator of the MS4 to persons or entities acting in the beneficial interest of or in the employ of the agency. The Board of Public Works and Safety is the governing body responsible for the review and approval of the SWPPP and holding of hearings for enforcement appeals.

(C) *Application process.* The Board of Public Works and Safety may appoint a representative to act on its behalf, including but not limited to: the City Stormwater Superintendent, the City Sewer Superintendent, the City Engineer or a firm appointed for the purpose of carrying out this subchapter. Said representative may be given the authority to approve a Stormwater Pollution Prevention Plan (SWPPP), without the assent of the entire board. Said representative will have 30 days to act on a project, once a complete submission has been made.

- (1) An Application for SWPPP Approval may be obtained from the Plymouth City Office at 124 North Michigan Street or obtained from the City of Plymouth website at [plymouthin.com](http://plymouthin.com). The Application for SWPPP Approval and the SWPPP shall be submitted to the Plymouth City Office at 124 North Michigan Street. The completed application must be filed at least 21 days prior to the regularly scheduled meeting of the Board of Public Works and Safety. The application must be accompanied by 3 copies of the Stormwater Pollution Prevention Plan (SWPPP), and all required information and data.
- (2) Upon receipt of the Application for SWPPP Approval, the City Stormwater Superintendent will review the proposed SWPPP to determine whether they have been prepared in accordance with the terms of this subchapter.

(a) If the City Stormwater Superintendent finds that the Application and SWPPP have been submitted with the correct informational requirements and has been prepared in accordance with the terms of this subchapter, then he or she shall forward a report so stating to the Board of Public Works and Safety for their consideration.

(b) If the City Stormwater Superintendent finds that the Application and SWPPP have not been submitted with the correct informational requirements or has not been prepared in accordance with the terms of this subchapter, he or she shall advise the applicant in writing (including but not limited to e-mail) of the items of nonconformance.

(c) For minor revisions, if the applicant submits additional and/or revised information and plans as requested, at least 1 week prior to the regularly scheduled meeting, the City Stormwater Superintendent may re-review said SWPPP to determine their conformance prior to the regularly scheduled meeting.



## REGULAR SESSION, COMMON COUNCIL, September 26, 2022

(d) For major revisions, submittals of additional and/or revised information and plans as requested pertaining to the SWPPP may or may not be reviewed City Stormwater Superintendent to determine their conformance prior to the regularly scheduled meeting. In such a case the SWPPP will be submitted at a future regularly scheduled meeting depending upon the extent of the modifications.

(e) If the applicant fails to submit additional and/or revised information and plans in a timely manner, the Board of Public Works and Safety shall not review the SWPPP until such time that all additional and/or revised information has been submitted and reviewed by the City Stormwater Superintendent.

(3) The City Stormwater Superintendent may contact the City Engineer for technical assistance at any time during this process.

(4) Financial guarantees division (G) below and confirmation that a NOI as described in § 53.346(C)(4) has been filed with IDEM are prerequisites to approval of the SWPPP.

(D) *Types of approvals.* Upon receipt of the report from the City Stormwater Superintendent, the Board of Public Works and Safety shall, at their regularly scheduled meeting, review the SWPPP along with the accompanying data and determine whether or not the SWPPP meets all of the minimum requirements and standards of this subchapter. The Board of Public Works and Safety shall then take 1 of the following actions on the application within 30 days after all completed information and plans have been submitted, or an extension is initially agreed upon.

(1) *Conditional approval.* If the Board of Public Works and Safety determines that upon the satisfactory completion of 1 or more specified conditions consistent with the requirements, standards and specifications of this subchapter, the Board of Public Works and Safety may give conditional approval to the SWPPP. Conditional approval is required for submission of the NOI to IDEM this includes the placement of financial guarantees for the installation and maintenance of Best Management Practices.

(2) *Approval.* The Board of Public Works and Safety shall give SWPPP approval only after it has determined that the SWPPP meets the requirements of this subchapter. This includes the confirmation that the NOI has been filed with IDEM.

(3) *Disapproval.* Should the Board of Public Works and Safety disapprove the SWPPP, written notice of such action, together with reasons therefore, shall be transmitted to the applicant. Such action shall also be entered on the official records of the Board. If disapproved, the applicant may at any time reapply for SWPPP approval.

(4) *Refer to City Stormwater Superintendent.* Should the Board of Sanitary Trustees have a question about a specific technical aspect of the SWPPP, the Board of Public Works and Safety may refer a question to the Stormwater Superintendent for a finding. The Stormwater Superintendent may request the assistance of the City Engineer if he or she so desires.

(E) *Approvals.* Upon approval of the SWPPP, the City Stormwater Superintendent shall affix his or her signature to the Application for SWPPP Approval, Action taken by the Board of Public

Works and Safety shall be entered in the minutes of the meeting along with the written reasons for said action.

(1) Documentation of the Conditional Approval of the Application for SWPPP Approval will be required in the Construction Plan Certification section of the NOI to be submitted to IDEM. "Conditional Approval" does not authorize the developer/builder to begin grading and installation of building/infrastructure improvements.

(2) Approval of the SWPPP will authorize the developer/builder to begin grading and installation of building/infrastructure improvements, after securing other necessary approvals and permits.

(F) *Exempt projects.* If the area requirements for filing a SWPPP are less than those provided for in 322.32715-5 the Indiana Department of Environmental Management's Construction Stormwater General Permit, a SWPPP does not need to be filed. However, if a SWPPP is not utilized, the owner/developer's construction operations are required to meet the intent of the law and require Best Management Practices to prevent erosion and sedimentation from leaving the site. In environmentally sensitive areas a SWPPP may be required even though the site area requirements are not realized.

(G) *Financial guarantees.* Financial guarantees, provided by the property owner, shall be a prerequisite to the Board of Public Works and Safety's action on the application for the approval of the SWPPP. The Board of Public Works and Safety may grant Conditional Approval of the SWPPP only after one of the following actions has been taken:

(1) A performance bond is posted with the Board of Public Works and Safety. Said bond shall:

(a) Run to the City of Plymouth Board of Public Works and Safety;

(b) Be in the amount equal to 100% of the cost as estimated by the Board of Public Works and Safety, of all improvements and installations as required under this subchapter;

(c) Be satisfactory to the Board of Public Works and Safety;

(d) Run until and terminate 60 days after the filing of a NOI with IDEM, and the submission of a copy of said filing is submitted to the Plymouth City Officer; and

(e) This bond may be in conjunction with the financial guarantees required by the Plymouth Plan Commission for drainage, water, sanitary sewer and road improvements.

(2) Cash bonds, certified checks, or certificates of deposit with joint ownership between the Board of Public Works and Safety and the property owner, or other negotiable securities acceptable and assigned to the Board of Public Works and Safety are posted in lieu of the performance bond.

(A) *Develop a Construction Plan, including the Storm Water Pollution Prevention Plan Evaluate the site, review the rule requirements, utilize the Indiana Stormwater Quality Manual for guidance in developing the plan.* Copies of the manual may be obtained by contacting the IDEM at their website [www.idem.IN.gov/stormwater](http://www.idem.IN.gov/stormwater). The project site owner shall furthermore ensure that a sufficient construction plan is completed and submitted in accordance with procedures established by IDEM and the City of Plymouth.

(B) *Submit the Construction Plan to the City of Plymouth for review.* The City of Plymouth has up to 30 days from the date of submittal to review the plan. If the project site owner has not received notification that the plan is deficient within the 30-day review period, the NOI letter may be submitted to IDEM. If notice of a deficient plan is received, the plans must be revised to satisfy the deficiencies and resubmitted to the reviewing authority, at which time the 30-day review period starts over.

(C) *Submit a Construction Plan, the Stormwater Pollution Prevention Plan, and the Application for SWPPP Approval in accordance with procedures established by the city.* For off-site construction activities that provide services (for example, road extensions, sewer, water and other utilities) to a permitted project site, these off-site activity areas must be considered a part of the permitted project site when the activity is under the control of the project site owner.

(1) For an individual lot where land disturbance is expected to be 1 acre or more and the lot lies within a project site permitted under this rule, the individual lot owner shall:

(a) Ensure that a sufficient construction plan is completed and submitted in accordance with procedures established by the City of Plymouth;

(b) Complete his or her own notice of intent letter and submit it to the City of Plymouth; and

(c) Apply for a building permit in accordance with the procedures established by the City of Plymouth.

(2) For an individual lot where the land disturbance is less than 1 acre and the lot lies within a project site permitted under this rule, the individual lot operator shall:

(a) Comply with the provisions and requirements of the plan developed by the project site owner in accordance with the procedures established by the City of Plymouth;

(b) Comply with the provisions set forth in § 53.349;

(c) Will not need to submit a notice of intent letter; but shall

(d) Apply for a building permit in accordance with the procedures established by the City of Plymouth. See § 53.34(f) for requirements regarding Exempt Projects.

(3) *Receive Construction Plan approval from reviewing authority.* Modifications to the plan may be requested by the City of Plymouth before approval is granted.

(H) *Completion Affidavit, Inspection Records, NOI, and "As Built" Drawings.* After completion of the project and before final acceptance can be made, a professionally prepared and certified "As Built" set of plans, Inspection Records and a Completion Affidavit shall be submitted to the City Stormwater Superintendent (through the Plymouth City Office) for review. The documentation presented in the completion packet shall be submitted in triplicate. The "As Built" drawings shall include all pertinent data relevant to the completed SWPPP and shall include:

(1) The location of all BMPs utilized in the project;

(2) A certified statement on plans stating the completed SWPPP substantially complied with proposed SWPPP and identifying modifications/changes to the original SWPPP; and

(3) A copy of the Self-Monitoring Program Reports as required by § 53.346(R) shall be submitted with the final completion submittal. All such submitted plans and Inspection Reports of completed projects shall be reviewed for compliance within 30 days after submission to the City Stormwater Superintendent and maintained in the project files. This review is required by and is an integral part of the IDEM - Notice of Termination (NOT) documentation.

(I) *Post-construction BMPs.* If maintenance is required in the future to bring the BMP features back to design standards, the property owner(s) shall be responsible for providing said maintenance. Should the property owner(s) fail to provide necessary maintenance, the city may provide said maintenance and the property owner(s) will be assessed for the amount of the work. See §§ 53.41 through 53.50 for enforcement procedures.

**Section 6, Title V, entitled Public Works, Chapter 53, entitled Stormwater Management Regulations, shall be amended by making the following deletions and additions to § 53.36 RESPONSIBILITY OF CONSTRUCTION SITE OWNER:**

**§ 53.36 RESPONSIBILITY OF CONSTRUCTION SITE OWNER**

The project site owner has the following responsibilities:



(4) *Submit a Notice of Intent (NOI) letter to IDEM a minimum of 48 hours prior to initiation of land disturbing activities.* A complete NOI letter substantial must include:

- (a) Proof of publication;
- (b) Proof of Construction Plan approval, or expiration of the 30-day review period from the reviewing authority; and
- (c) A \$100 general permit filing fee.

(5) *Submit NOI documentation to the City of Plymouth*

- (a) Any person subject to a construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Plymouth prior to the allowing of discharges to the MS4.

- (b) The copy of the Notice of Intent may be delivered to the City of Plymouth either in person or by mailing to:

City of Plymouth  
Department of Stormwater Management  
PO Box 492  
900 Oakhill Ave.  
Plymouth, IN 46563  
Attn: Notice of Intent

- (c) A person commits an offense if the person performs construction activities that may or will discharge storm water associated with said construction activity without having submitted a copy of the Notice of Intent to do so to the City of Plymouth.

(6) *Begin construction activities.* Construction activities may not begin prior to Construction Plan approval and submittal of NOI letter. The project site owner must also notify IDEM and the City of Plymouth of the actual start date within 48 hours of starting land disturbing activities. Approval of the SWPPP will not be granted prior to the submission of the NOI to IDEM.

- (a) Ensure compliance with this subchapter during:

1. The construction activity; and
2. Implementation of the construction plan.

- (b) Ensure that all persons engaging in construction activities on a permitted project site comply with the applicable requirements of this rule and the approved

- (1) At the end of above said activity or when property ownership takes place (See Rule 5-Notice of Termination (NOT) State Form 51514 the Indiana Department of Environmental Management's Construction Stormwater General Permit for requirements.)

- (e) A person commits an offense if the person does not file the proper NOI documents to IDEM and to the City of Plymouth.

**Section 7, Title V, entitled Public Works, Chapter 53, entitled Stormwater Management Regulations, shall be amended by making the following deletions and additions to § 53.37 GENERAL REQUIREMENTS FOR STORMWATER POLLUTION PREVENTION PLAN (SWPPP):**

**§ 53.37 GENERAL REQUIREMENTS FOR STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

Except for state permitting review process references and review substantial deadlines of construction plans and permit applications in 327-327-15-5 the Indiana Department of Environmental Management's Construction Stormwater General Permit the SWPPP requirements of 327-327-15-5 the Indiana Department of Environmental Management's Construction Stormwater General Permit are considered to be the minimum requirements for the submission of the Elements in the Site Plan and the Elements in the Plan Narrative portions of the SWPPP. The time restraints and requirements regarding the NOI, beginning of earth-moving activities, and the NOI shall remain in effect. The plan scales shall be standard engineering scales and large enough to clearly depict topographic and other plan features.

**Section 8, Title V, entitled Public Works, Chapter 53, entitled Stormwater Management Regulations, shall be amended by making the following deletions and additions to § 53.42 POST-CONSTRUCTION CONTROLS FOR NEW DEVELOPMENT OR REDEVELOPMENT:**

**§ 53.42 POST-CONSTRUCTION CONTROLS FOR NEW DEVELOPMENT OR REDEVELOPMENT**

On areas that undergo new development or redevelopment, site construction resulting in disturbance of 1 acre or more total land area, post-construction control measures in the form of structural and/or non-structural Best Management Practices are required. Post-construction storm water pollution loading will be addressed through the 6 Minimum Control Measures so that preconstruction loadings will not be exceeded. Post-construction stormwater Best Management Practices (BMPs) shall follow the Indiana Storm Water Quality Manual as a guidance document. It is the goal of the city to have full technical and administrative approval authority on the application and design of all post-construction BMP's, conditions definitions and substantial requirements of construction plans and specifications and related documents as defined in 327-327-15-5-6-5(a)(8) the Indiana Department of Environmental Management's Construction Stormwater General Permit. Additionally, all post-construction stormwater Best Management

construction plan. A copy of the general permit for stormwater discharge along with the permit number shall be forwarded to:

City of Plymouth  
Department of Stormwater Management  
PO Box 492  
900 Oakhill Ave.  
Plymouth, IN 46563  
Attn: IDEM Permit

(7) *Implement the approved Construction Plan throughout construction.* Revise the plan and make changes on the project site, as necessary, to prevent pollutants, including sediment, from leaving the project site. Communicate with the reviewing/inspecting authority, especially when significant changes are made.

(8) *Submit a Notice of Termination (NOT).* Submit the NOI to IDEM as referenced on their website. (Note: the address that appears on the NOT form 51514 (R1-04) is incorrect and is being corrected. In the interim, please substitute "MC 6542, Room 1255" for "P.O. Box 6015" and use 46204 for the ZIP Code.) The project site owner must:

- (a) Prepare a complete NOI, with all required supporting documentation.

- (b) Receive verification from the local reviewing authority (City of Plymouth as designated by IDEM) that the project meets the termination requirements as specified in Rule-5 the Indiana Department of Environmental Management's Construction Stormwater General Permit.

- (c) Once verified by the local reviewing authority, submit the NOT form to IDEM for final approval; and

- (d) Submit NOT documents to the City of Plymouth.

- (e) Any person subject to a construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Plymouth prior to the allowing of discharges to the MS4. A copy of the NOI documentation, submitted to IDEM, shall be submitted to the:

City of Plymouth  
Department of Stormwater Management  
PO Box 492  
900 Oakhill Ave.  
Plymouth, IN 46563  
Attn: Notice of Termination

Practices, structural and/or nonstructural, shall be operated and maintained by the property owner or his/her representatives in the manner approved by the city or its agents.

**Section 9, Title V, entitled Public Works, Chapter 53, entitled Stormwater Management Regulations, shall be amended by making the following deletions and additions to § 53.61 DEFINITIONS' definition of the term Construction Activity:**

**§ 53.61 DEFINITIONS**

**CONSTRUCTION ACTIVITY.** Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more, as defined in 327-327-15-5 the Indiana Department of Environmental Management's Construction Stormwater General Permit. Such activities include but are not limited to clearing and grubbing, land disturbance, excavating, stockpiling and demolition.

PASSED AND ADOPTED this 26<sup>th</sup> day of September 2022.

Mark Senter, Presiding Officer

ATTEST:

*Kym M. Gorski*  
Kym M. Gorski, Clerk-Treasurer

Presented by me to the Mayor of the City of Plymouth, Indiana on the 26<sup>th</sup> day of September, 2022, at 6:50 o'clock p.m.

*Kym M. Gorski*  
Kym M. Gorski, Clerk-Treasurer

Approved and signed by me this 26<sup>th</sup> day of September, 2022.

*Mark Senter*  
Mark Senter, Mayor

City Attorney Surisi states that progress continues to be made at River Park Square for

Stellar Communities. He explains that Kevin Berger and himself went up to Elkhart last Monday to

sit in on the Regional Authority meeting where they were making decisions in regards to the READI

grants. He states that they were successful with two of the submissions that the city made. He lists

the first being the Harrison Street Trail Project and the other being the Water Street Townhomes. He

states that they were told by the RDA that in the next couple of weeks they will reaching out to

schedule a meeting to sit down with the representatives from the RDA, people from the State

Economic Development Corporation and their accountants to see what the rules are and what the



process is. He states that the Lifelong Learning Network's Career and Technical Education Skills Center received full funding of \$1.75 million which was their full ask. He states that Allie Shook will most likely come forward at a future meeting to report on that and may seek some financial commitments.

He states that for the Harrison Street Trail they were awarded \$144,000.00 from the RDA with READI funds. He states that they have had a proposal they have been working on for a while from USI Consultants to get started on the design work and on the Microsoft Teams, Meeting is Katie McIear and Cory Daly from USI Consultants to speak on that. He states that they are going to walk through their proposal and if there are any questions that they would be happy to answer them.

McIear states that their plan is to cover the scope of what was discussed with the City Attorney, the cost estimate that they have put together, and any questions that they may have and determine what those next steps are. She lists that the project intent is a trail along the south side of W. Harrison Street from N. Oak Drive to N. Michigan Street, along the east side of N. Michigan Street from W. Harrison Street to W. Jackson Street, and along the south side of W. Jackson Street from N. Michigan Street to Water Street. She congratulates the city on being awarded the READI Grant money for this project as it is a big accomplishment. She adds that they have been helping a couple other communities with READI Grant projects as well. She states that one strategy that they have taken that has worked well is when you have a grant that doesn't fully cover the cost of the project or if there is still some uncertainty about what the ultimate construction funding source will be that they recommend starting with Stage One Preliminary Engineering Design. She states the purpose for that is then this takes you up to where you are getting ready to start the Environmental Document Process and the requirements of that process can be changed depending on the construction funding source.

She states that from their discussions with the City Attorney their recommendation is take the Harrison Street Trail Designs to that 30% stage and then that can easily be picked up and continued to full design once another grant opportunity or grant funding source has been identified to ensure that it is designed within the parameters that are required. She states that the Stage One 30% design entails is survey data, entire topographic survey, partial & design plan development up to stage one, public involvement & context design, partial utility coordination & subservice utility engineering, partial environmental investigation, special investigations, and right-of-way verification for the project. She states that the cost estimate total fee not to exceed comes to \$228,800.00.



Daly states that they are going to do a topographic survey so that they can design to a level of detail where they allow them to have a high-level of confidence in the cost estimate that comes out of the process. He states that it also includes some reg-flag investigation and early environmental investigation which sets the stage for any future environmental documents that you may need if you are able to secure federal funding. He states that it also includes utility coordination, which does include some railroad coordination efforts because they have a railroad crossing and they want to make sure that pedestrian crossing over the railroad tracks is safe but in compliance with what the rail needs may be in the future. He states that a lot of those costs are costs that you would normally see spread over the entire design process but you will have the information up front. He states that information will not change over the course of the design and depending on how funding is received, whether it is phased over multiple years or multiple phases of the project that the design information is still going to be valid. He states that some of the costs are being absorbed up front and the biggest piece of that is the survey and there is a lot of coordination in there as well.

Surrisi states that the railroad coordination was one of the stumbling blocks they originally had before they learned with the Stellar Communities that INDOT was not going to fund all of the projects that they originally committed to. He states that they had submitted an application for this project in which INDOT stated they were going to put a pause on that until there was more evidence of railroad coordination before they would approve it. He states that having some folks with expertise to handle that is an important thing for this project to get it ready for future grant funding from other sources.

Mayor Senter asks for clarification that they are crossing Michigan Street from the east side.

Surrisi responds by stating that the path itself is not entirely decided and that perhaps they could explore that a little bit. He states that eventually it will take you to Magnetic Park and the Conservation Clubhouse.

Mayor Senter asks if there will be some kind of crossing for Michigan Street.

Surrisi responds by stating that he would likely think that would be needed to get you across Michigan Street.

Houin states that he knows these designs are preliminary but that the one question that he has is that this description has the trail crossing Michigan at Harrison and then connecting from Harrison to Jackson on the east side. He asks if they could also consider going from Harrison to Jackson on the west side and crossing at Jackson instead of Harrison.



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Daly responds by stating that they have the flexibility at this early stage. He states that the purpose of this effort to help scope the final alignment for the trail and what is going to be needed for the final design on how that gets phased based on the cost. He states that they will be able to look into all of that.

Surrisi states that what he is generally looking for tonight is a vote of confidence to move forward on this. He states that it does not need to be an actual vote but they will add this to an Additional Appropriation request to get before them in a future meeting so they can have those funds in place so they can actually engage USI Consultants in a contract in the next month or so to get them rolling this Fall to get started on the design.

Ecker states that he is going to speak in favor on this as this has been something that Councilmen Culp has been very sincere about.

Councilmen Ecker and Culp moved and seconded to support this decision as presented. The motion carried by roll call.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker, Milner

Councilman Opposed: N/A

Council Members Ecker and Compton moved and seconded to accept the following

communications:

- Minutes of the Board of Public Works and Safety meeting of September 12, 2022
- September 26, 2022 Check Register
- August 2022 Clerk-Treasurer Financial Reports
- Council Memo – 9-20-22 – Harrison St. Trail

The motion carried.

There being no further business to come before the Council, Council Members Longanecker and Compton moved and seconded to adjourn, Mayor Senter declared the meeting adjourned at 7:01 p.m.

  
Lynn M. Gorski  
Clerk-Treasurer

APPROVED

  
Mark Senter, Mayor