

REGULAR SESSION, COMMON COUNCIL, October 9, 2023

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on October 9, 2023. The meeting was held in the Council Chambers, on the second floor of the City Building, 124 N. Michigan St., Plymouth, Indiana and was called to order at 6:30 p.m.

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

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

Council Members Culp and Longanecker moved and seconded to approve the minutes of the regular session of the Common Council on September 25, 2023 as presented. The motion carried.

Public Hearing – Water Utility Improvement Project

Council Members Houin and Longanecker moved and seconded to open the public hearing. The motion carried.

Shannon McLeod introduces herself and states she is with Priority Project Resources. She states she is here this evening to provide a public update regarding our proposed waterworks utility project. She states to recap the whole summary, cost, and the ability to allow for the public and council to ask any questions. She states she was here two months ago with Utility Superintendent Davidson and she spoke to you about the possibility of you applying for an OCRA grant in the amount of \$700,000 to put forth towards a water utility improvement project. She explains you all agreed to move forward with the application so this public hearing this evening is a requirement of the grant application process. She states she will have one this evening and there will probably be another one mid-December before the full application is due. She explains it is a two-phase process where they conduct the public hearing this evening and she will put together the proposal which is a rough draft of the application. She states there will then be a site visit with the officials from the office of Community and Rural Affairs in November and then they will have another public hearing once they approach the application deadline which is December 22nd. She states the full application will then be submitted in December and tentatively OCRA has indicated they are going to make awards in the first part of February next year. She states with that this project entails four main elements. She lists they are going to abandon the existing four-inch water main along Jefferson Street and replace it with a new 12-inch water main and that will be approximately 880 lineal feet of new water line. She lists they are also going to install a 12-inch water main and a new six-inch water main to loop the water system near Gilmore Street and the Yellow River Crossing. She lists they are

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also going to install about 470 lineal feet of new water main to loop the water system along Plum Street. She lists they are also going to rehabilitate the existing PIDCO elevated 1-million-gallon water storage tank with possibly some sandblasting, new paint, and maintenance structural repairs. She states that is the project scope and they are looking at the project budget of about \$2,492,000 so roughly about \$2.5 million. She states they will be applying for a \$700,000 grant like she indicated previously and then the remaining portion of that will be funded with cash on hand in the water depreciation fund. She explains Davidson has been doing a great job at saving some money and forecasting and preparing for this so they should be able to tackle the project without having to borrow funds so that is a good thing. She states as far as the time table they are looking at December application, February award, and then they wrap things up at a design standpoint in Spring and take it out to bid sometime in the Summer but they may want to push it later into the Fall when things settle down so they can receive more competitive bids and then construction can start soon thereafter. She states with the scope she does not anticipate that it will be a lengthy project as they would only be looking at 4-6 months as far as the construction period.

Compton asks what impact the 12-inch will have over the 4-inch.

Davidson responds by stating the 12-inch replacement on Jefferson Street helps add better circulation throughout that entire east side and also improves the fire protection. He states they also have some undesirable materials in a couple block area they want to remove and get out of there and the water quality will improve with better circulation.

Ecker states they have had some estimates come in but then we find out they are going to be higher often. He asks how confident you are about that estimate.

McLeod responds by stating the numbers were just updated at the end of August, beginning of September by the Engineering firm. She states they have taken into account the current bidding climate but unfortunately none of us have a crystal ball. She explains they have no idea what is going to transpire when we get to the time to bid this project but she does know they are going to structure it in a manner where they will have a base bid and they can do some alternates where they have to reduce the project scope some to stay within that budget or potentially add some more funding if the bids are fairly within reason. She explains she feels they have some padding in there but she cannot say for sure.

Davidson states they have been told by the suppliers that materials are becoming a bit more available which also improves on some of the cost as the price does come down a little when the

availability is there. He states they had a lot of contractors vying for the same piece of pipe and it was stretched out several months before you could even get materials so that is improving.

Ecker asks how long the existing water lines have been in place.

Davidson responds by stating the one on Jefferson Street he would estimate it is from the early 1940's and the ones they are retiring that is running very shallow under the river from the Bowen Printing, which used to be the old water plant, he would say that was from the 1920's. He expresses that it is a big concern of theirs how shallow the pipe is as it was laid right on the river bed and it was not buried deeper than the river bed. He explains just two weeks ago you could see it exposed. He states he is concerned with logs and things of the like coming in and running into it.

Council Members Ecker and Compton moved and seconded to close the public hearing. The motion carried.

City Attorney Surrisi introduces Ordinance No. 2023-2220, An Ordinance to Amend the City Code Regarding Utility Payments on second reading.

Gorski states this ordinance is to establish a timeline for when penalties are added when the 4th of the month either falls on a holiday or the weekend. She explains the grace period is set at 11:00 A.M. local time before a penalty is applied to the utility bill. She states we send out anywhere between 2,600 and 2,700 bills a month and those bills are printed and mailed no later than the 20th of every month. She states all bills are due by the 4th whether it is a weekend or holiday. She states it takes approximately 12 hours of our time to print, fold and stuff, and prepare for mailing all those bills every month. She states on the 4th, bills are due, and on the fifth, penalties are added. She states they print and send out 450-700 delinquent bills every month so 25% of the original bills they are mailing every month are delinquent. She clarifies they do not get paid by the 4th. She states that then takes 3 hours to process and those need to be at the Post Office by 3 P.M. in order to go out on the same day. She states the 11:00 A.M. timeline then allows penalties to be added and the drawers to be balanced before they add penalties, print the bills, fold and stuff them, get them ready for mailing, and to the post office by 3:00 P.M.

Compton asks what the delinquent letter states.

Gorski responds by stating it says you are delinquent and this is the bill you have to pay by the 14th. She states if it is not paid by the 14th then 9:00 A.M. on the 15th, your services are disconnected.

Houin states they were talking about that after last meeting for why it is important that it goes out the same day.

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Gorski states that allow the customer to be able to pay within the ten days.

Houin asks for clarification that we need to allow them to have 10 days' notice. Gorski agrees.

Milner asks if there was an option for paperless billing on that new billing system that you will be using.

Gorski responds in agreement and states there is currently an option for paperless billing. She states we can send you an email when the bills go out. She clarifies that the emails go out before the bills physically go to the Post Office. She states the email goes out and says your bill is ready to view and that same day, the paper bills go to the Post Office. She explains we have several companies that opt to get the email and the paper bill so we are sending them both. She states they receive their email so they are able to look at their bill and start the process before they get their actual paper bill.

Ecker asks if they can print their bill when they are looking at it. Gorski agrees. Ecker states we could then avoid the postage if we choose to do that route. Gorski agrees.

Listenberger states you said they have to have ten days and that puts it to the 15th and on the 16th, it would be disconnected.

Gorski states ten days after the due date so the 14th. She states they have until the 14th to pay it and on the 15th, it is disconnected for non-payment.

Listenberger states when he was in your office the other day we talked about the problem of if they extended that day one more that it would delay the new billing period. Gorski agrees.

Listenberger states that is the dilemma we have so his two cents on this is he does business in a lot of different cities and it has always been the end of a business day following a holiday or Sunday. He believes mortgage payments are that way and everywhere in the world is that way. He states maybe it is our technology that prohibits your ability to do that.

Gorski states she did some research on that today. She states credit card companies follow the credit card law and it states they have to have the same due date every month same as we do.

Compton adds that is the same with banking as well.

Gorski states if the due date falls on a holiday or weekend that your credit card issuer has to accept the payment without charging a penalty as long as the payment is received by the following business day by 5:00 P.M. but there is a catch to that. She states the rule only applies if the holiday or weekend day falls on the day the credit card issuer does not accept payment at all. She states with the 24/7 nature of businesses that credit card issuers are always accepting payments even on

weekends and holidays. She states this is not necessarily by mail so that allows them then to charge that penalty on the 5th. She states we too accept payments 24/7 online.

Houin states he has not looked at his statement in a long time as it is paid automatically. He asks if the statement specifies if the 4th is on a holiday or weekend and if not if it could be added to clarify. He believes part of the problem is everyone would assume because of other practices in other industries that if the 4th is a holiday or weekend that you can pay it the next business day and it would be by the next business day. He asks if we can put that on the invoices so it is very clear if the 4th is on a holiday or weekend that it is due by 11:00 A.M. the next business day.

Gorski responds by stating we could probably do that.

Houin states that would at least notify someone who assumes they can pay it the next day that they can but that they would just have to get there by 11:00 A.M.

Gorski states there are certain things on our utility bills that are preprinted and that is something that would have to be added.

Culp clarifies that anything received through the drop box when you come in on the fifth is already accredited.

Gorski agrees and states that drop box payments up until 11:00 A.M. are accepted. She states we still have people even if we are open still drop box payments in all day long. She states even on the 5th in the morning before 11:00 A.M. that they are emptying that box. She states we are allowing mail to come in both by physical carrier plus the Post Office Box.

Eckert adds he has seen that box and it gets full.

Gorski states when the 4th falls on a weekend, she comes in over the weekend to empty it so payments do not get jammed in there. She states we could probably have 200-300 payments in that box over the weekend.

Surrisi adds there is also a camera on the box so if there is any dispute about putting something in there, they can have video of it.

Compton asks if we vote no does that mean they are not amending it.

Surrisi responds in agreement and states it would stay as is.

Houin states the only amendment aside from a spelling correction in a couple places is to specify 11:00 A.M. local time because right now the ordinance says they have a grace period until the next business day but it does not specify a time.

Surrisi states by voting for this amendment you would just be expressly stating what the practice is for what the Clerk-Treasurer's office has been for many years.

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Council Members Ecker and Culp moved and seconded to approve Ordinance No. 2023-

2220, An Ordinance to Amend the City Code Regarding Utility Payments on second reading. The motion passed by roll call vote.

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

Councilman Opposed: None

City Attorney Surrisi introduces Ordinance No. 2023-2220, An Ordinance to Amend the City

Code Regarding Utility Payments on third reading.

Council Members Ecker and Culp moved and seconded to approve Ordinance No. 2023-

2220, An Ordinance to Amend the City Code Regarding Utility Payments on third reading. The motion passed by roll call vote.

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

Councilman Opposed: None

ORDINANCE NO. 2023-2220

AN ORDINANCE TO AMEND THE CITY CODE REGARDING UTILITY PAYMENTS

Statement of Purpose and Intent

Provisions of the City Code govern the procedures for collecting fees for City utility payments. At this time, it is desirable to amend the City Code to clarify the procedure for when utility payments are deemed late. The purpose and intent of this ordinance is to adopt the proposed amendments to the City Code.

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 50, entitled Sewers, Rates and Charges, Section 50.086, entitled Billing for Sanitary and Stormwater Service; and Payment, of the City Code, is amended with the following additions:

50.086 BILLING FOR SANITARY AND STORMWATER SERVICE; AND PAYMENT.

Such rates and charges shall be prepared, billed, and collected by the City in the manner provided by applicable statutes and ordinances.

(A) The rates and charges for all users with open accounts shall be prepared and billed monthly.

(B) All rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required.

The owners of properties served which are occupied by a tenant or tenants shall have the right to examine the collection records of the City for the purpose of determining whether the bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.

(C) All rates and charges billed for open accounts are due on the 4th day of any given month (in months where the 4th day falls on a weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the due date is extended until 11:00 a.m. local time on the next business day in which the City Clerk-Treasurer's office is open). Bills that are not paid by the due date are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates and charges outstanding shall be charged and

shall become a part of said bill. Delinquent notices shall be mailed immediately after the due date. This will be the final notice to the customer before disconnection of water service to the property. No other notice of any kind shall be necessary or issued.

Delinquent bills must be paid by 9:00 a.m. local time on the 15th day of any given month (in months where the 15th day falls on a Friday, weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the time in which to pay delinquent bills is extended until 9:00 a.m. local time on the next business day in which the City Clerk-Treasurer's office is open). If delinquent bills are not paid in the time allowed, any water service to the property shall be disconnected. In order for a customer to have water service to the property resume, a reconnection fee of Thirty Dollars (\$30.00) must be paid by the customer (See City Code § 51.43(7)). In addition to the payment in full of all delinquent charges and rates, for sewer-only accounts, if delinquent bills are not paid in the time allowed, an administrative fee of Thirty Dollars (\$30.00) must be paid by the customer, in addition to the payment in full of all delinquent charges and rates.

(D) When a customer requests that water service be disconnected at a property (or requests to discontinue sewer only service) a final bill for all rates and charges shall be prepared. Final bills shall be issued on a rolling basis, within a reasonable time after the requested disconnection date. Final bills are due by the 10th day following the billing date (in months where the 10th day following the billing date falls on a weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the due date is extended until 11:00 a.m. local time on the next business day in which the City Clerk-Treasurer's office is open).

Section 2. Title V, entitled Public Works, Chapter 51, entitled Water, Rates and Charges, Section 51.43 entitled Billing for Water Service; and Payment, of the City Code, is amended with the following additions and deletions:

51.43 BILLING FOR WATER SERVICE; AND PAYMENT.

Such rates and charges shall be prepared, billed, and collected by the City in the manner provided by applicable statutes and ordinances.

(A) For the purpose of billing and collecting the rates and charges for water use, water meters shall be read monthly and the users shall be billed monthly; provided, however, that the City shall have the option of reading meters on a quarterly basis and billing the customer estimated bills in the first 2 months of each quarter with the final bill based upon meter reading until such time as the replacement meters and remote reading devices have been installed.

(B) All rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required.

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The owners of properties served which are occupied by a tenant or tenants shall have the right to examine the collection records of the City for the purpose of determining whether the bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.

(C) All rates and charges for active accounts are billed on or before the 20th day of the month and are due on the 4th day of the following month (in months where the 4th day falls on a weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the customer is afforded a grace period until 11:00 a.m. local time on the next business day in which the City Clerk-Treasurer's office is open to make payment). Bills that are not paid by the due date, or any applicable grace period, are hereby declared to be delinquent and a delinquency processing fee of two ten percent (10%) of the amount of the rates and charges outstanding shall be charged and shall become a part of said bill. Delinquent notices shall be mailed immediately after the due date, or any applicable grace period. This will be the final notice to the customer before disconnection of water service to the property. No other notice of any kind shall be necessary or issued.

Delinquent bills must be paid by 9:00 a.m. local time on the 15th day of any given month (in months where the 15th day falls on a Friday, weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the time in which to pay delinquent bills is extended until 9:00 a.m. local time on the next business day in which the City Clerk-Treasurer's office is open). If delinquent bills are not paid in the time allowed, the customer's account shall be placed on the delinquency list and assessed an administrative process fee in the sum of Thirty Dollars (\$30.00). Any water service to the property for such accounts shall be scheduled for disconnection. All accounts placed on the delinquency list are assessed the administrative fee regardless of whether the bill is paid in full prior to the time the water service is physically disconnected.

(D) When a customer requests that water service be disconnected at a property a final bill for all rates and charges shall be prepared. Final bills shall be issued on a rolling basis, within a reasonable time after the requested disconnection date. Final bills are due by the 10th day following the billing date (in months where the 10th day following the billing date falls on a weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the customer is afforded a grace period until 11:00 a.m. local time on the next business day in which the City Clerk-Treasurer's office is open to make payment). Final bills that are not paid by the due date, or any applicable grace period, are hereby declared to be delinquent and a delinquency processing fee of ten percent (10%) of the amount of the rates and charges outstanding shall be charged and shall become a part of said bill. Delinquent notices shall be mailed immediately after the due date, or any applicable grace period.

(E) Water service to a customer shall be disconnected for any of, but not limited to, the following reasons:

(1) A result of the nonpayment of any water account in the customer's name, in accordance with the rules, regulations and ordinances previously establishing the policy for delinquent charges.

(2) Any check issued to the City in payment of charges or fees that is returned to the City and dishonored because of nonsufficient funds in the issuer's bank account or because of a closed account, the water service shall be disconnected immediately.

(3) Service shall be disconnected immediately in the event that the mailed utility bill is returned to the City as undeliverable by the United States Postal Service.

(F) A customer must become current on their outstanding water service bill and all associated fees before reconnection of service will be scheduled.

(G) Notwithstanding, any other policy for review of utility charges, if a customer disputes the rates and charges reflected on a monthly bill, he may request a hearing before the Plymouth Board of Public Works and Safety prior to any disconnection of water service. Such request must be filed in writing with the Clerk-Treasurer by the 4th day of the month (in months where the 4th day following the billing date falls on a weekend, holiday, or other day where the City Clerk-Treasurer's office is closed, the customer is afforded a grace period until 11:00 a.m. local time on the next business day in which the City Clerk-Treasurer's office is open to file the request). The hearing will be scheduled during the first regularly scheduled meeting of the Plymouth Board of Public Works and Safety held during the month in which the request is filed. Any late request, filed after the time allowed, will not delay disconnection of water service. After hearing all evidence presented at a hearing, the Board is empowered to order any relief it deems appropriate under the circumstance, including, but not limited to, directing the Clerk-Treasurer to waive delinquency processing fees or other fees or charges assessed.

Section 18. 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 9th day of October, 2023.

Mark Senter
Mark Senter, Treasiding Officer

ATTEST:

Lylyn M. Gorski
Lylyn M. Gorski, Clerk-Treasurer

Presented by me to the Mayor of the City of Plymouth, Indiana on the 9th day of October, 2023, at 7:15 o'clock P.m.

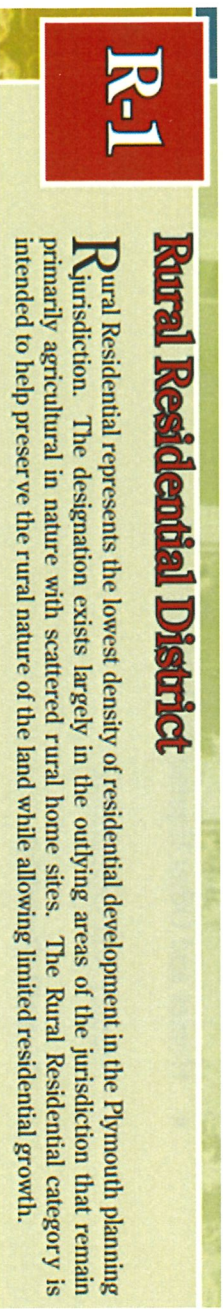
Lylyn M. Gorski
Lylyn M. Gorski, Clerk-Treasurer

Approved and signed by me this 9th day of October, 2023.

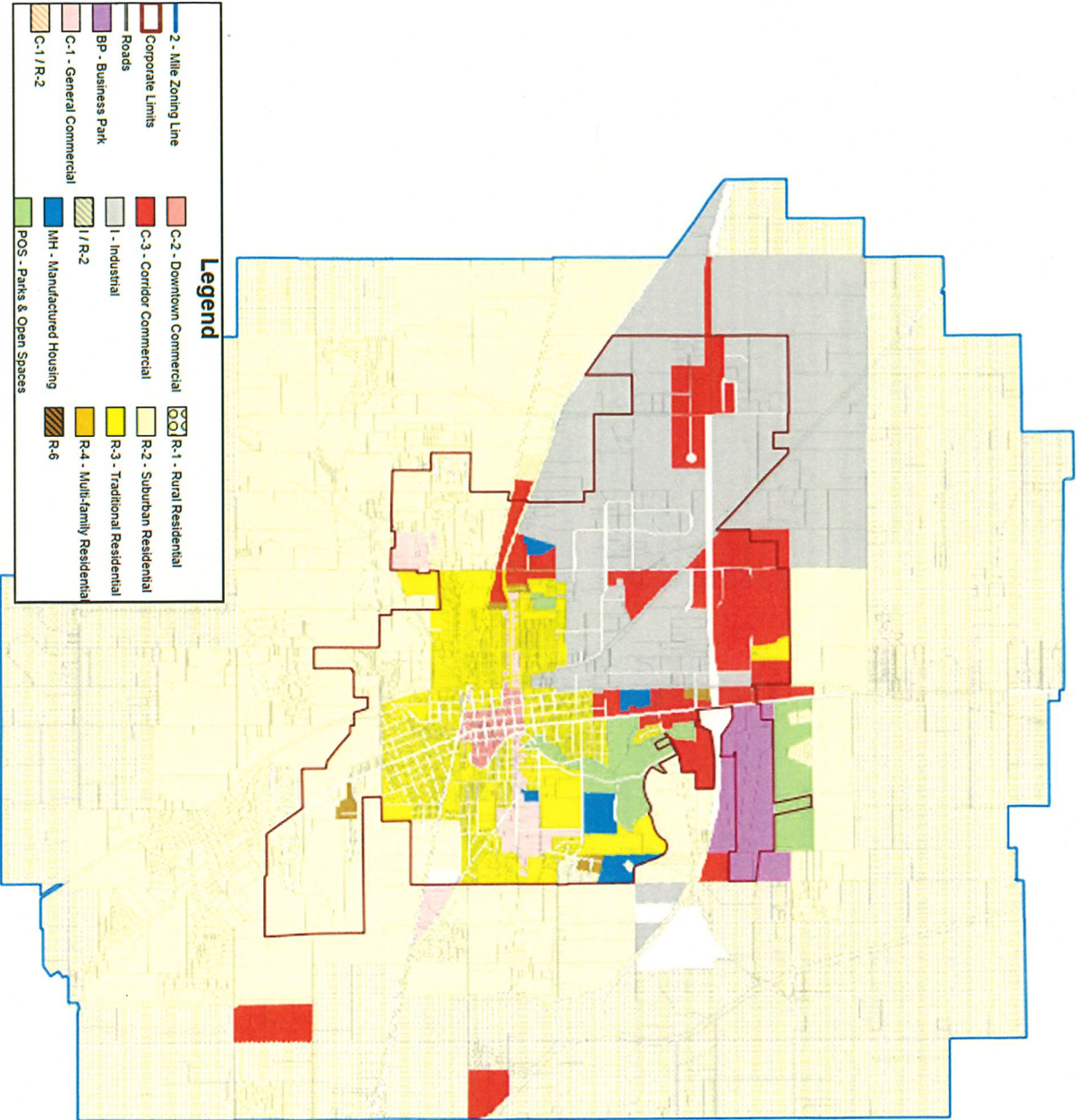
Mark Senter
Mark Senter, Mayor

City Attorney Surrisi introduces PC 2023-09, Certified Proposal to Amend the Zoning Ordinance for the City of Plymouth.

Booker states this is an amendment to the zoning ordinance that is brought forward by the Plan Commission. He explains we are doing this amendment for the R-1 Zone which does not cover anything in the corporate limits. He remembers that it used to be the old Agriculture Zone before they redid the zoning ordinance a few years ago in 2008. Booker reads aloud the definition of R-1.



Booker states it further lists all the permitted uses and if they are not there then they are not permitted. He shows the official zoning map of the City of Plymouth outlining the R-1 Residential District as shown below. He states the R-1 Zone is where this particular amendment would apply.



Booker states the reason this amendment does not apply now is because the only permitted uses for agriculture currently are as follows.

- Crop Production
- Forestry and Logging
- Horses and Other Equine Production
- Nursery and Greenhouse
- Sawmill (Portable)

Booker states this means no chickens and no livestock whatsoever other than horses. He states around the corner from him there is a woman who has chickens and there is another woman who has a fairly good poultry operation on King Road. He explains on one side of King Road you are in the county but on the other you are in the 2-mile zone. He states she got permitted by the State and everyone else but technically we should stop it and it declared illegal because it is not in our zoning ordinance. He states she could come in and get a hearing on the Board of Zoning Appeals (BZA) in which they have had four or five people come in for hearings. He then lists the special agricultural uses where they would have to come in for a hearing.

- Animal Production
- Confined Livestock Feeding
- Dangerous and Exotic Animals
- Farm Implement Sales and Service
- Livestock Auction
- Livestock Composting (accessory use to livestock production or confined feeding)
- Livestock Distribution
- Livestock Incineration (accessory use to livestock production or confined feeding)

Booker clarifies the Plan Commission is not looking to change any of those. He states we have had two or three meetings about this so there were a couple recommendations for this final proposal. He lists to not have this in a platted subdivision, increase of acreage for large livestock to at least five acres per animal, and increase the coop and run space for poultry. He explains this is what they are proposing tonight from the Plan Commission, it is the definition of what is called “Agriculture Limited.” He explains this would be put in those permitted uses and also it would be added in Article 13, Definitions so you know what it is. He reads aloud the definition.

Agriculture Limited
The use of land for animal production is limited to 4-H projects and home consumption with sales limited to the sale of agricultural commodities grown on the same ranch or farm that provides such sale. Livestock shall be limited to one (1) horse, donkey, mule, cow, dairy stock, goat, hog, sheep, or other similar animal per five (5) acres of lot area. No large livestock or poultry are allowed in a major platted subdivision. Poultry must be kept in a fully enclosed secure pen of more than one hundred twenty-eight (128) square feet that includes an enclosed coop providing a minimum of two (2) square feet and an open run area providing a minimum of eight (8) square feet per bird.

Houin asks if this would replace the provision that allows for horses.

Booker responds by stating that would probably still be kept in there. He states this would just be added to the permitted uses.

Compton asks if this is R-1 only.

Booker responds by stating it is R-1 only and it does not include R-2 or R-3. He states it doesn't preclude somebody that is in those areas if they want to come in and have it through the BZA with a Variance of Developmental Standards as that opportunity exists now. He states his only thought is if we are not going to enforce this ordinance then they need to change our ordinance. He explains he does not see how it is possible that our Building Commissioner can enforce this ordinance. He states the only way he can is if somebody complains and we can leave it that way on a complaint basis. He states if somebody gets disturbed then we have to have a hearing or we allow it. He expresses in his opinion that a lot of people want to consume food on their own place and they want to be healthier. He adds for 4-H it limits any livestock projects from the R-1 District and he

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knows there have been some in the R-1 District. He states there are some grandfathered farms that have livestock such as Schultz on the west side of the city that was in before the zoning ordinance was done so they can still have their cow/calf operation.

Houin asks for clarification in that first sentence he quotes, "home consumption with sales limited to the sales of agricultural commodities grown on the same ranch or farm that provides such sale." He explains he reads that to say that someone who raises livestock within what is allowed here can then sell products from that livestock themselves but they could not sell to another commercial buyer who would then resale. He states for example somebody has a farm and they want to sell beef, that they could sell it at home or even at the Farmer's Market and sell it but they just can't sell it commercially.

Booker responds by stating he is unsure what he means. He explains if he was a commercial entity and you sell it to him then he resales it that he is unsure if they would stop that. He states he wouldn't know why that would be a consideration.

Houin asks for clarification.

Booker responds by stating this is limited to what they raise on their farm or ranch.

Houin asks to reverse his example. He states this would mean that they could not sell somebody else's products.

Booker responds by stating no, not according to this. He states that is not the intent.

Ecker states this does provide feedback that the council provided to the Plan Commission and as you can tell it has been incorporated into this zoning ordinance for approval.

Council Members Ecker and Houin moved and seconded to approve PC 2023-09, Certified Proposal to Amend the Zoning Ordinance for the City of Plymouth as presented. The motion passed by roll call vote.

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

Councilman Opposed: None

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PC 2023-09
CERTIFIED PROPOSAL TO AMEND
THE ZONING ORDINANCE
FOR THE
CITY OF PLYMOUTH

Statement of Purpose and Intent

Prior zoning ordinance amendments had limited the keeping of livestock in R-1 Rural Residential zoning districts to just horses. The Plymouth Board of Zoning Appeals has been presented with numerous variance applications for the keeping of other animals in such districts, with most of such applications having been approved. Based upon those background conditions, and at the recommendation of Plan Consultant Ralph Booker, the Plan Commission initiated this Proposal to Amend the Zoning Ordinance for the City of Plymouth, pursuant to Indiana Code §§ 36-7-4-601, 602, 603, to allow some expanded agricultural uses within the R-1 zoning district.

The Plan Commission scheduled a public hearing on the proposed amendments on Tuesday, July 5, 2023, 7:00 p.m. at the Plymouth Common Council Chambers, with notice of said hearing being published pursuant to Indiana Code § 36-7-4-604 and Indiana Code § 5-3-1 et seq. At the public hearing, the proposal was discussed, with the Commission hearing input from Plan Consultant Ralph Booker, Building Commissioner Dennis Mammol, and the public. The public hearing was later tabled and reconvened on Tuesday, August 1, 2023, at which time the Plan Commission heard additional input. At that meeting, pursuant to Indiana Code § 36-7-4-605, the Commission voted to approve the proposed amendments to the Zoning Ordinance for the City of Plymouth, giving the proposed amendments its favorable recommendation. The proposal was considered by the Plymouth Common Council at its meeting on August 14, 2023. After much discussion, the Council voted to send the proposal back to the Plan Commission for further direction to make further amendments. The Plan Commission reconsidered the matter at its September 5, 2023, meeting giving its favorable recommendation to an amended proposal.

The purpose and intent of this document is to certify the proposed amendments to the Zoning Ordinance for the City of Plymouth to the Plymouth Common Council for its consideration.

NOW, THEREFORE, BE IT ORDAINED, by the Plymouth Plan Commission, as follows:

Section 1. The Plymouth Zoning Ordinance, Article 3 Standard Zoning District Intent, Uses, & Standards, R-1 Rural Residential District, shall be amended to add Agriculture Limited to its list of Permitted Agricultural Uses.

Section 2. The Plymouth Zoning Ordinance, Article 13 Definitions, shall be amended to add the following definition:

Agriculture Limited
The use of land for animal production is limited to 4-11 projects and home consumption with sales limited to the sale of agricultural commodities grown on the same ranch or farm that provides such sale. Livestock shall be limited to one (1) horse, donkey, mule, cow, dairy stock, goat, hog, sheep, or other similar animal per five (5) acres of lot area. No large livestock or poultry are allowed in a major platted subdivision. Poultry must be kept in a fully enclosed secure pen of more than one hundred twenty-eight (128) square feet that includes an enclosed coop providing a minimum of two (2) square feet and an open run area providing a minimum of eight (8) square feet per bird.

Section 3. Pursuant to Indiana Code §§ 36-7-4-605, 607(6), after determining its favorable recommendation, the proposed amendments to the Zoning Ordinance for the City of Plymouth, set forth herein, are now certified to the Plymouth Common Council for consideration.

SO CERTIFIED, BY THE PLYMOUTH PLAN COMMISSION.

CONSIDERATION OF PC 2023-9 BY
THE PLYMOUTH COMMON COUNCIL

This matter comes before the Plymouth Common Council on the Plymouth Plan Commission's Certified Proposal to Amend the Zoning Ordinance for the City of Plymouth. After certification, pursuant to Indiana Code § 36-7-4-607(e)(1) and Indiana Code § 5-14-1.5-5, public notice was provided of the Council's intention to consider the Proposal at its regularly scheduled October 9, 2023, meeting. Said meeting was conducted and the Proposal has been considered pursuant to Indiana Code § 36-7-4-603, giving reasonable regard to: (1) the comprehensive plan; (2) current conditions and the character of current structures and uses in each district; (3) the most desirable use for which the land in each district is adapted; (4) the conservation of property values throughout the jurisdiction; and (5) responsible development and growth.

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

Section 1. The Certified Proposal to Amend the Zoning Ordinance for the City of Plymouth is adopted and, pursuant to Indiana Code § 36-7-4-607(e)(2), upon adoption, the Proposal takes effect as other ordinances passed by the Council.

Section 2. Pursuant to Indiana Code § 36-7-4-610(b), a copy of the now adopted amendments to the Zoning Ordinance for the City of Plymouth shall be printed and a copy thereof shall be located in the office of the City of Plymouth Clerk-Treasurer.

PASSED AND ADOPTED this 9th day of October, 2023.

Mark Senter
Mark Senter, Presiding Officer

ATTEST:

Alynn M. Gorski
Alynn M. Gorski, Clerk-Treasurer

Presented by me to the Mayor of the City of Plymouth, Indiana on the 9th day of October, 2023, at 7:15 o'clock p. m.

Alynn M. Gorski
Alynn M. Gorski, Clerk-Treasurer

Approved and signed by me this 9th day of October, 2023.
Mark Senter
Mark Senter, Mayor

City Attorney Surrisi introduces Resolution No. 2023-1077, A Resolution Providing for the Transfer of Appropriations Within Department and Funds of the City of Plymouth, Indiana as Requested by the Department Head and Forwarded to the Common Council for their Action and Passage Pursuant to IC 6-1.1-18-6.

Fire Chief Holm states with his position moving to M-F that they are having to add personnel to shift. He states part of that is to pay for physicals for state pension and they were short in that area so the \$1,200 had to be moved to physicals to pay for that. He states the other amount is partially with the new hire as there will be some extra equipment to outfit them. He states it would also be for some extra supplies that they keep on hand like firefighter gloves, boots, etc. that they are running short on. He explains their stockpile is starting to deplete so they have to add to that so they have it on hand.

Council Members Houin and Milner moved and seconded to approve Resolution No. 2023-1077, A Resolution Providing for the Transfer of Appropriations Within Department and Funds of the City of Plymouth, Indiana as Requested by the Department Head and Forwarded to the Common Council for their Action and Passage Pursuant to IC 6-1.1-18-6. The motion passed by roll call vote.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker and Milner
Councilman Opposed: None

RESOLUTION 2023-1077

A RESOLUTION PROVIDING FOR THE TRANSFER OF APPROPRIATIONS WITHIN DEPARTMENT AND FUNDS OF THE CITY OF PLYMOUTH, INDIANA AS REQUESTED BY THE DEPARTMENT HEAD AND FORWARDED TO THE COMMON COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC 6-1.1-18-6

WHEREAS IC 6-1.1-18-6 provides that all cities using departmental budgets may, by ordinance or resolution, transfer appropriations from one major budget classification to another within a department or office at any regular public meeting without prior notice and without approval from the Department of Local Government Finance, provided such transfer does not necessitate expenditure of more money than the total amount set out in the budget.

WHEREAS certain extraordinary conditions have developed since the adoption of the existing annual budget for the year 2023 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for various departments.

WHEREAS it has been shown that certain existing appropriations have unobligated balances will be available for transferring as follows:

Department	From Account	To Account	Amount
FINE	1101.010.423.0000 Other Materials		1,000.00
	1101.010.429.0000 Other Supplies		2,000.00
	1101.010.439.0910 Training		4,000.00
		1101.010.439.0900 Physicals	1,200.00
		1101.010.445.0200 Equipment	5,800.00
	Total		7,000.00
		Total	7,000.00

NOW THEREFORE, be it resolved by the Common Council of the City of Plymouth, Indiana, that for the expenses of various departments the appropriations are hereby transferred and set apart out of the funds named for the purposes specified in the 2023 annual budget, subject to the laws governing the same, and that such sums are herein transferred unless otherwise stipulated by law.

Passed and adopted by the Common Council on the 9th day of October, 2023.

Attest:

Lynn M. Gorski
Clerk-Treasurer

Mark Senter, Presiding Officer

Human Resources Manager Klingerman states there are some minor updates that Fire Chief Holm and her had looked into now that he has been moved to salary. She explains prior to him moving the work schedule, it was listed as 8:00 A.M. – 4:00 P.M. M-F. She states he agrees and they both spoke about this situation that it would be beneficial for him to be there at shift change so they can make sure shift change goes smoothly especially with calls coming in at that time as well. She states they have updated the shift schedule for him to strictly 7:00 A.M. – 3:00 P.M. with hours

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varying. She states he will obviously go out on calls as needed and it is not going to be a set shift time but he would like to job description to rectify that he will be there at shift change. She states another minor update that they did was under job requirements. She states prior to this year the age cutoff for the 77 fund was actually 36 years old and it has been updated this year that they would take anyone up to 40 years old in the fire 77 fund so the job description reflects that as well. She explains she will be coming before you all again this year to update all Fire Department job descriptions that are in the 77 fund to show that age update.

Compton asks if 7:00 A.M. – 3:00 P.M. will be the normal work hours but as a manger you may have to work longer hours than that or whatever it takes as a manger.

Klingerman responds in agreeance that Holm just wants the job description to show that he plans to be there at all shift changes.

Council Members Houin and Ecker moved and seconded to approve the revised Fire Chief Job Description as presented. The motion passed by roll call vote.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger, Longanecker and Milner
Councilman Opposed: None

Clerk-Treasurer Gorski presented a monetary donation from B&B Vending, LLC to benefit the Fire Department Gift Fund and she is asking for approval to accept this donation. She adds it is for \$203.13.

Council Members Ecker and Compton moved and seconded to accept the donation as presented. The motion carried.

Surrisi states for Stellar Communities they had their quarterly meeting with MACOG for updates and reporting on the Greenways Trail Phase Three project and everything is on track.

Surrisi states for the Comprehensive Plan Update the Steering Committee met recently and have provided feedback on the first two chapters of the narrative that MACOG has put together for the plan and he expects they are going to incorporate the suggestions that the Steering Committee members made in those chapters. He believes within the next month they should have a draft of the Comprehensive Plan circulate internally between you and the Plan Commission to look at and get your feedback. He states those updates would then be incorporated and then roll it out formally at a Plan Commission meeting before it comes before you.

Council Members Compton and Houin moved and seconded to accept the following communications:

- Minutes of the Board of Public Works and Safety meeting of September 25, 2023
- October 9, 2023 Check Register

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- City of Plymouth – Capital Affordability Plan – Baker Tilly
- September 27, 2023 Technical Review Committee Minutes
- September 5, 2023 Park Board Minutes
- September 5, 2023 Board of Zoning Appeals Minutes

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 7:11 p.m.



Lynn M. Gorski
Clerk-Treasurer

APPROVED



Mark Senter, Mayor