

REGULAR SESSION, COMMON COUNCIL, May 13, 2024

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on May 13, 2024. The meeting was held in the Council Chambers, on the second floor of the City Building, 124 N. Michigan St., Plymouth, Indiana and was called to order at 6:30 p.m.

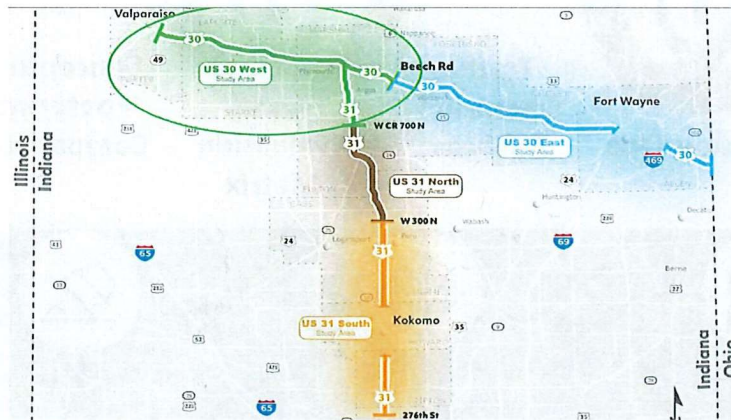
Councilwoman Starr offered prayer and Mayor Listenberger introduced Namoi Peacock, an eighth-grade student who loves basketball, to lead the Pledge of Allegiance.

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

Council Members Morrow and Ecker moved and seconded to approve the minutes of the regular session of the Common Council on April 22, 2024 as presented. The motion carried.

Mayor Listenberger introduced Brett Lackey of the US 30 West ProPEL team who was in attendance to share the Level Two Report updates.

Lackey introduced himself as the Consultant Project Manager for the US 30 West Study and briefly shared where they are with the study. He listed discussing the alternatives, development processing, and provided information on where to access the study materials. Attached below is an image of the study area, along with the presentation.



		
4	11	1
Community Office Hours	Libraries Hosted our Level 2 Report	Stakeholder Advisory Committee & Farm Bureau Meeting

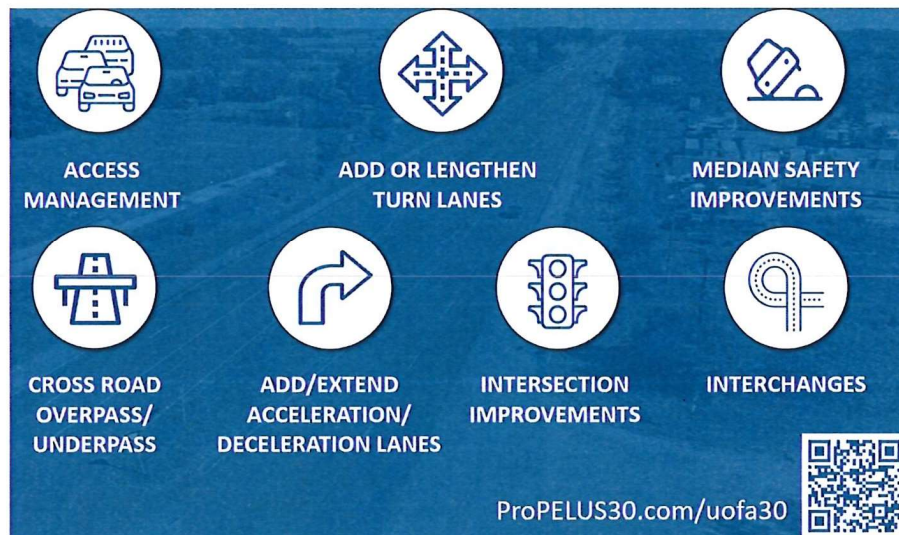
## Study Schedule



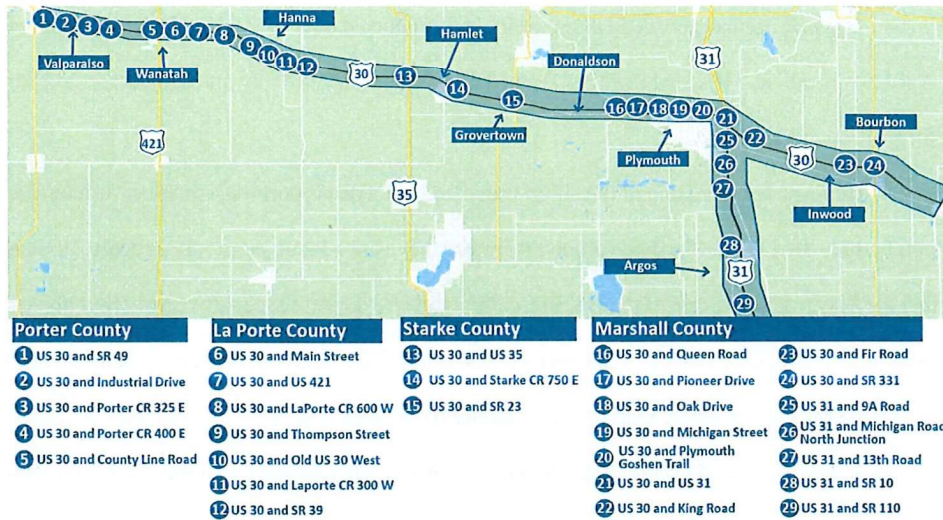
## Alternatives Screening Process



## Alternatives Screening Process







		US 30																								US 31				
	Primary Intersections																													
		SR 49	Industrial Dr.	CR 325 E	CR 400 E	County Line Rd.	Main St.	US 421	CR 600 W	Thompson St.	Old US 30 W	CR 300 W	SR 39	US 35	CR 750 E	SR 23	Queen Rd.	Pioneer Dr.	Oak Dr.	Michigan St.	Plymouth Goshen Trail	US 31	Ming Rd.	Fir Rd.	SR 331	9A Rd.	Michigan Rd. N. Junction	13 <sup>th</sup> Rd.	SR 10	SR 110
Primary Concepts	Existing Traffic Control																													
	Access Management																													
	Limit Access																													
	Add/Lengthen Turn Lanes																													
	Add/Extend Accel./Decel. Lanes																													
	Median Safety Improvements																													
	Convert To Interchange																													
	Add Crossroad Overpass/Underpass																													
	Signalized Intersection																													
	Partial Displaced Left Turn																													
	Boulevard Left Turn Intersection																													
	Restricted Crossing U-turn Intersection																													
	Quadrant Roadway Intersection																													
	Unsignalized Improvements																													
	Roundabout																													
	Reduced Conflict Intersection																													
	Interchange Project Already Planned																													
	No Intersection Alternatives																													

Read the report

View our handout

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Lackey explained that all the information is included in the level two report and each decision tree for each intersection can be reviewed. He encouraged everyone to reach out if they have any questions or comments they would like to provide while engaged with this study.

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Mayor Listenberger stated that the city had conducted a bit of work on their end and met the April 30<sup>th</sup> deadline. He stated that they teamed up with the entire county and submitted something for the Council's review.

Houin stated from one of the slides provided, that a disproportionate number of interchanges in this study area are in Marshall County, therefore they care a lot about the final report. He stated that the Mayor is a member of the US 30 Coalition who reviewed the report very thoroughly and submitted comments based upon their review. He stated that regarding Marshall County specifically, he and the Mayor met with County Commissioner Burroughs, who is the County Representative to the US 30 Coalition, and County Plan Director, Ty Adley. He explained that they reviewed some previous studies that were done within the county, the level two draft report, and they submitted comments based upon those reviews. He stated that they have been engaged in the process and focused on Plymouth and Marshall County, as well as took part in the wider review for US 30. He added that they are watching very closely and are eager to see what comes from that as the final verdict.

Mayor Listenberger stated after this is all said and done, he is hopeful that our State Legislators will divide this project up along the whole corridor instead of starting on one end of the State and working its way over. He hopes that we will start seeing improvements sooner than later instead of waiting for them to get from Fort Wayne to Plymouth.

Mayor Listenberger stated that last week was Public Service Recognition week and on Wednesday, nearly every City employee got together for a luncheon and had a great time.

City Attorney Houin introduced Ordinance No. 2024-2224, An Ordinance to Amend Ordinance No. 2023-2215R, The 2024 Salary Ordinance on second reading.

Council Members Ecker and Krathwohl moved and seconded to approve Ordinance No. 2024-2224, An Ordinance to Amend Ordinance No. 2023-2215R, The 2024 Salary Ordinance on second reading. The motion passed by roll call vote.

Councilmembers in Favor: Ecker, Krathwohl, Longanecker, Morrow, and Starr

Councilmembers Opposed: N/A

Councilmembers Absent: Culp and Milner

City Attorney Houin introduced Ordinance No. 2024-2224, An Ordinance to Amend Ordinance No. 2023-2215R, The 2024 Salary Ordinance on third reading.

Council Members Morrow and Starr moved and seconded to approve Ordinance No. 2024-2224, An Ordinance to Amend Ordinance No. 2023-2215R, The 2024 Salary Ordinance on third reading. The motion passed by roll call vote.

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Councilmembers in Favor: Ecker, Krathwohl, Longanecker, Morrow, and Starr

Councilmembers Opposed: N/A

Councilmembers Absent: Culp and Milner

City Attorney Houin presented CF-1's for tax abatements submitted as followed:

- CF-1 RP Zentis North America, LLC
- CF-1 PP Zentis North America, LLC
- CF-1 RP Tex-Tyler Corporation
- CF-1 PP Viking Paper Corporation
- CF-1 RP HP Plymouth LLC
- CF-1 RP Marshall County Life Center Inc.
- CF-1 PP American Containers 2013
- CF-1 RP American Containers 2014
- CF-1 RP American Containers 2017
- CF-1 PP American Containers 2017
- CF-1 PP American Containers 2018
- CF-1 RP American Containers 2023
- CF-1 PP American Containers 2023

Ecker asked Houin if they had been reviewed for compliance.

Houin replied that they are substantially compliant. He stated he mentioned before that he believes in the future that it would be good to provide a little more training on how to complete the forms. He shared that there were a few he questioned and pulled out to do a little more investigation and found that any of the questions were a result of confusion about the form. He stated the data appeared to be compliant.

Council Members Ecker and Starr moved and seconded to approve all CF-1's as presented.

The motion carried.

City Attorney Houin introduced PC 2024-05, Certified Proposal to Amend Zoning Ordinance Regarding Child Day Care Services.

Houin explained that this amendment to the zoning ordinance amends the definition of Child Day Care Services (In-Home) that is contained within the zoning ordinance. He expressed that this was entirely based upon new legislation that was passed this year by the Indiana General Assembly as they made some adjustments to the definition of a Child Care Home, which affects our definition of Child Day Care Services (In-Home) as they abut one another. He restated that this is entirely to



comply with new legislation and, it does not change any of the other applications within the zoning ordinance. He stated it received a unanimous favorable recommendation from the Plan Commission.

Council Members Starr and Krathwohl moved and seconded to approve PC 2024-05, Certified Proposal to Amend Zoning Ordinance Regarding Child Day Care Services as presented. The motion carried.

City Attorney Houin introduced PC 2024-06, Certified Proposal to Amend Zoning Ordinance Regarding Historic District Overlay.

Houin shared that this also received a unanimous favorable recommendation from the Plan Commission for an amendment to the zoning ordinance. He explained that this is the first recommendation that has come out of their Comprehensive Plan Advisory Committee, in specific, the subcommittee looking at the zoning ordinance. He commented that it is a rather simple change that changes the procedures for the Historic Neighborhood Overlay District. He explained that currently any building permit within the Historic Neighborhood Overlay District is required to go before the Technical Review Committee (TRC) for their review and approval. He also explained that it was found through practice that it had created both delay and complications as the TRC meets twice a month, only when they have something to consider. He stated as a practical matter, the Building Commissioner is already reviewing all those permits to ensure they comply with city code. The recommendation is, instead of requiring review by the TRC, to just allow the Building Commissioner to review those same permit applications to make sure they comply with the requirements in that overlay district. He stated that it retains the language that if the applicant is dissatisfied with the Building Commissioner's determination, or if the Building Commissioner is not comfortable in making the determination, it can be scheduled for a hearing before the Plan Commission and they would have final authority. He said it is basically a long description of saying we are striking the TRC from that section of the ordinance and replacing it with the Building Commissioner.

Ecker asked what the estimated timeline savings was.

Houin replied that it is hard to say as it may be up to two weeks depending upon the scheduling of the TRC meetings. He shared the example of an applicant who was looking to replace the front portion of their house, which is in the Historic Neighborhood Overlay District. He said that their contractor had scheduled to conduct the work while the family was on vacation and submitted the permit application the day after a TRC meeting. They were going to have to wait for the next meeting a couple of weeks later before they could even get approval to begin the work. He stated that was an example of a case where it caused unnecessary delay and hardship for both the

homeowners and the contractor. He explained that there is no real reason for it as the building commissioner is already reviewing the permit applications, and he is certainly capable of reviewing it for the Historic Neighborhood Overlay District requirements as well.

Mayor Listenberger commented that we have both a Historic Neighborhood Overlay District and a Historic District.

Houin explained that there are sections of the city that are registered historic districts. He stated that we often think of registered properties as individual historic properties, but Plymouth actually has three separate registered historic districts, South Michigan Street, North Michigan Street, and the Downtown area; which are much smaller than the Historic Neighborhood Overlay Districts. He stated that the national register does not create any restrictions upon development, whereas our overlay district does create some restrictions on the types of development and structures that can be built within that overlay district.

Plan Consultant Booker stated one of the things they may be doing in the future is looking at the overlay district and determining whether it is necessary. He explained that it covers almost all of Plymouth.

Houin stated the requirements are mainly form-based, depending upon the appearance of the structure. He stated that they may be looking at incorporating more form-based requirements throughout the zones, which would eliminate the need for an overlay district and simplify the zoning ordinance. He added that it is further down the road and will take some time to get to that point.

Ecker asked if the Building Commissioner had plenty of time to look it over and asked if he felt comfortable with the modification.

Building Commissioner Manuwal replied that after reviewing the historic overlay, he is comfortable with the modification.

Houin added that it was partially his recommendation.

Manuwal commented on the earlier example by stating that the gentleman came in and presented a 3D rendering, and he had to tell him sorry that he missed the meeting and that he would have to wait two weeks. He stated it was something to which he could have responded almost immediately.

Council Members Ecker and Morrow moved and seconded to approve PC 2024-06, Certified Proposal to Amend Zoning Ordinance Regarding Historic District Overlay as presented. The motion carried.

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Mayor Listenberger stated that the decision came from the Comprehensive Plan Implementation Team for Zoning and thanked them for all the work they do each month. He stated he sat in for the last meeting and found it very interesting and was very appreciative.

Houin stated that ONE Marshall County had not met since their last meeting but were scheduled to meet on Wednesday of that week. He stated there would be more updates to come after the meeting.

Kevin Berger of Easterday Construction stated, regarding the Riverside Commons ribbon cutting on May 23<sup>rd</sup> at 10:00 a.m., that he had invited everyone at the meeting via e-mail, but wanted to personally extend the invitation if they had time or were interested. He commented that it is a scattered site project both in Plymouth and in LaPaz and invited them to the LaPaz 12:00 p.m. ribbon cutting on the same day as well.

Ecker stated that Berger had allowed him to go through the project several times during the process. He stated that after each time seeing the progress come along, he believes it will fill the need for housing greatly so he appreciates the work of Berger's construction crews and project managers. He added it is definitely something to be proud of.

Houin informed the Council that the action items for the Comprehensive Plan were posted along the back of the council room. He stated that the idea is to have a visual tracking system and reminder, so as the advisory committee continues to meet regularly, they will have an electronic version that they will be reviewing, along with posted versions. He explained that this is a visual reminder of all the tasks that were set out to accomplish and the goals that are being worked towards. He shared that the other exciting news is that Mallory Magee would be starting in the Mayor's Office the day after the meeting as their Americorp Intern for the Summer. He explained that her primary duty would be coordinating the efforts of the Comprehensive Plan Advisory Committee and would be organizing and directing to ensure that the process moves forward.

Mayor Listenberger announced the Privilege of the Floor.

Jerry Haeck introduced himself as the person who was brought up a couple of weeks ago in reference to the Order to Take Action on 222 W. LaPorte Street. He stated, it was brought up that it was unsafe on his porch so he, himself poured a cap on it a week and a half ago with concrete mix. He explained that he spoke with the Building Commissioner and was told that what he did was only temporary. He expressed that it is not temporary and wanted to address it and give his side.

Mayor Listenberger stated that he did not expect Jerry to be at the meeting that evening, so he had not yet taken the time to look at it. He added that he could meet with him and take a look at it. He asked Manuwal if he had inspected it yet.



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Manuwal replied that he had inspected it prior to receiving a call from Haeck, regarding other matters, and informed him that it was only a temporary fix.

Haeck stated that the porch was cracked when he bought the home 17 years ago and said he just never got around to leveling it. He informed the Council that it is on grade and elevated with earth inside and said the ground settles with time and doesn't continually settle forever. He explained that it compacts enough for the slabs to provide a base where he can pour concrete on top and added that it is a procedure that has been done for a while.

Mayor Listenberger informed Haeck that they could look at it and asked if he had a lot of rentals around.

Haeck replied that he has 5 buildings with 14 apartments total.

Council Members Starr and Krathwohl moved and seconded to accept the following communications:

- Minutes of the Board of Public Works and Safety meeting of April 22, 2024
- May 13, 2024 Check Register
- 2024 Q1 Council Report – Baker Tilly
- March 5, 2024 Board of Zoning Appeals Minutes
- April 2, 2024 Plan Commission Minutes

The motion carried.

There being no further business to come before the Council, Council Members Longanecker and Ecker moved and seconded to adjourn, Mayor Listenberger declared the meeting adjourned at 7:08 p.m.

  
Lynn M. Gorski  
Clerk-Treasurer

APPROVED

  
Robert Listenberger, Mayor