

REGULAR SESSION, COMMON COUNCIL, JULY 13, 2020

Be it remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on July 13, 2020. The meeting was held in the Council Chambers, on the second floor of the City Building, 124 N. Michigan St., Plymouth, Indiana and was called to order at 6:37 p.m.

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

Senter presided for Council Members Greg Compton, Duane Culp, Don Ecker, Jeff Houin, Randy Longanecker and Shiloh Milner. As allowed by Governor Holcomb's Executive Order #20-04 and 20-09, Councilman Robert Listenberger attended the meeting virtually. City Attorney Sean Surrisi and Clerk-Treasurer Jeanine Xaver were also present.

Members Ecker and Culp moved and seconded to approve the minutes of the regular Common Council meeting on June 22, 2020 as presented. The motion carried.

City Attorney Surrisi presented Resolution 2020-908, A Resolution of the City of Plymouth Common Council Authorizing the Clerk-Treasurer to Transfer Funds from the Rainy Day Fund to the Unsafe Building Fund. Clerk-Treasurer Xaver said this was discussed at the last meeting and she needs a supporting resolution to complete the transfer.

Council Members Houin and Ecker moved and seconded to approve Resolution 2020-908, A Resolution of the City of Plymouth Common Council Authorizing the Clerk-Treasurer to Transfer Funds from the Rainy Day Fund to the Unsafe Building Fund. It passed by roll call vote.

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

Mayor Senter read the following proclamation:

Proclamation
City of Plymouth
July 13, 2020

WHEREAS,

Jim Ousnamer had dedicated his life to this community, and had demonstrated in many practical ways his deep and genuine love for the City of Plymouth and especially Plymouth's Oakhill Cemetery; Known by many as "Ozzy," Jim passed away on May 14, 2020; and

WHEREAS,

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Jim was hired on September 14, 1971 and worked at Oakhill 47 years, nine months and 16 days, retiring on June 14, 2019; and

WHEREAS,

Jim's father Virgil Ousnamer was Jim's predecessor as superintendent for ten years but had been affiliated and employed at Oakhill for 45 years. The Chapel, new office and shop was a dream of Virgil's and was built in 1975; and

WHEREAS,

As superintendent for 45 years Jim worked for six mayors. He has employed approximately 200 high school students working for him as well as 150 part-time summer adults to take care of the 72 sacred acres nestled on Plymouth's Southside; and

WHEREAS,

Jim's leadership and commitment to our community was renowned statewide and he had earned the respect of other cemetery superintendents and the affection of a host of area residents who were proud to call him "friend"; and

NOW, therefore, I, Mark Senter, by the virtue of the authority vested in me as Mayor, ask the Plymouth Common Council to waive the \$200 chapel fee from Jim's funeral on June 20, 2020. And with the many years of dedicated service that both Virgil and Jim have put into Oakhill Cemetery, I would like to ask the Common Council to rename the chapel to the OUSNAMER MEMORIAL CHAPEL in honor of these hard-working, devoted gentlemen.

Mark Senter, Mayor

Council Members Ecker and Longanecker moved and seconded to adopt the proclamation, including waiving the \$200 chapel use fee and renaming the chapel to the Ousnamer Memorial Chapel. The motion carried.

City Attorney Surrisi presented PC 2020-03, Certified Proposal to Amend the Zoning Ordinance for the City of Plymouth. Plan Consultant Ralph Booker reviewed the proposed updates to the farm-scale solar standards:

Article 13 – Definitions

G. . Farm-Scale Solar Energy System: A Solar Energy System that occupies 435,601square feet of panel area or more.

Article 6 –Solar Energy Standards

1. Setbacks

Add -

Farm-Scale Solar Energy Systems shall be setback 75' from all property lines and 250' from the nearest corner of residential structures. Interior project property lines don't have setback requirements.

3. Lot coverage:

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Lot coverage cannot exceed the impervious lot surface requirements.

The area covered by Ground Mounted Solar Energy Systems, measured by a rectangle encompassing the various system components, where the ground beneath is permeable or pervious, shall not be included in calculations for lot coverage or impervious cover.

Add - The Applicant shall plant a pollinator species with a mix approved by a local licensed landscape architect or equivalent. The Michiana Council of Governments or Minnesota State requirements for pollinator species for solar installations shall be referenced.

5. Additional Farm Scale Conditions:

Buffer Requirements:

- a. Shall have a 25' planted buffer along the following areas:
 1. along the perimeter of project area.
 2. along public roadways
 3. adjacent to residential lots within the 250' setback area.
 - a) The buffering shall be a minimum 3 row, 4 season tree stand with off-set spacing as to minimize the view of the proposed project.
 - b) Must be approved by the Marshall County Drainage Board and the system must be a minimum 75' away from any county ditch or tile.
- b. Must repair private Drainage Systems
- c. Must be reviewed by the Technical Review Committee
- d. Must meet floodplain regulations.
- e. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- f. Exterior lighting shall be limited to that required for safety and operational purposes and will not produce glare across lot lines onto properties not associated with the project and minimized for same property residences.
- g. The Applicant shall certify that the Applicant will comply with the Damage to Underground Facilities Law (Ind. Code 8-1-26) and accompanying regulations of the Indiana Utility Regulatory Commission, unless the applicant intends, and so states on the application that the system will not be connected to the electrical grid.
- h. A decommissioning agreement must be executed by the Applicant.
- i. A traffic management plan shall be approved by the Marshall County Highway Superintendent/ Marshall County Commissioners.
- j. Property Operation and Maintenance Plan A property operation and maintenance plan shall be submitted with the Special Use application.
- k. The facility shall have a perimeter security fence.
- l. Signage on the solar farm fencing shall display the facility name, address and emergency contact information.
- m. Must provide reasonable accessibility for emergency vehicles.

H. Abandonment and Decommissioning Requirements

1. Small-Scale, Medium-Scale, and Large-Scale removal requirements:

Removal Requirements – Any small, medium- or large-scale Ground Mounted Solar Energy System which has reached the end of its useful life or has been abandoned shall be removed [by the owner or operator]. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The

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owner or operator shall notify the Plymouth Plan Department by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a) Physical removal of all Solar Energy Systems, structures, and equipment from the site.
- b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Plymouth Planning Office Plan Consultant may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. Small-Scale, Medium-Scale, and Large-Scale abandonment:

Abandonment – Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Small-Scale, Medium-Scale or Large-Scale Ground-Mounted Solar Energy System shall be considered abandoned when it fails to operate for more than one year without the written consent of the Plymouth Plan Department. If the owner or operator of the Solar Energy System fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the City retains the right after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned Small-Scale, Medium-Scale, or Large-Scale Ground Mounted Solar Energy System at the owner/operator's expense. As a condition of Site Plan approval, the Applicant and property owner shall agree to allow entry to remove an abandoned or decommissioned installation.

3. Farm-Scale construction, decommissioning and removal requirements:

- a) Prior to the issuance of a building permit, a decommissioning plan must be approved by the Board of Zoning Appeals and recorded with the Marshall County Recorder, cross-referenced to the deed(s) to all associated project parcels. Once a project has not generated energy for 1 month the developer/owner shall notify the Plymouth Plan Commission Consultant. Once a facility has not generated power for 12 consecutive months, the system is to begin the process of decommissioning shall be undertaken in accordance with the aforementioned approved decommissioning plan shall be activated.
- b) The decommissioning plan will include, but is not limited to, the following:
 1. Lifetime of the project
 2. Timeline for construction, and general operation
 3. Decommissioning cost estimate, including salvage value of materials.
 4. Restoration and reclamation requirements shall adhere to the following:
 - i. restoration of the pre-construction surface grade and soil profile after removal of the structures, equipment, graveled areas and access roads.
 - ii. re-vegetation of restored soil areas with crops, native seed mixes, plant species suitable to the area.
 - iii. for any part of the Solar Energy System on leased property, landowner regarding leaving access roads, fences, gates or repurposed buildings in place

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or regarding restoration of agricultural crops or forest resource land. Any use remaining structures must be in conformance with all ordinances and regulations in effect at the time of decommissioning. Copies of said agreements must be provided as a part of the decommissioning plan whether made initially or at a later date pending approval of the Plymouth Plan Consultant or designee.

5. Bonds or financial assurance are required:

- i. Bond or financial assurance that will cover the reconstruction of public infrastructure due to construction activity related to the Solar Energy System installation that will be approved in association with the traffic management plan.
- ii. Bond or financial assurance that will cover damage to the drainage infrastructure that may be damaged during the construction process beginning once construction has been completed and is to last for 5 years once construction has been completed.
- iii. Bond or financial assurance that will cover the decommissioning of the Solar Energy System as described in the decommissioning plan.
- iv. Bonds and financial assurance shall be reevaluated every 3 years with contributions adjusting at that time to cover costs at the time of decommissioning.
- v. The amount of the Bonds or financial assurances must the plan may incorporate agreements with the approval of the Board of Public Works.

Council Members Houin and Milner moved and seconded to approve PC 2020-03, Certified Proposal to Amend the Zoning Ordinance for the City of Plymouth. It passed by roll call vote at 6:59 p.m.

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

Airport Manager Bill Sheley requested permission from the council to move forward with the capital expenditure of purchasing new classroom furniture for the Plymouth Municipal Airport. It has been budgeted for this year and will cost \$5,966.72. The furniture would be used in the classroom for the high school aviation program.

Council Members Ecker and Culp moved and seconded to approve the purchase of the classroom furniture as requested. The motion carried.

Sheley also discussed an additional appropriation from the Cumulative Capital Development Fund for \$48,000. He explained that a purchase order was written and approved late in 2019 for expenses related to the repaving of the parking lot and engineering work for the parallel taxiway

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project. That purchase order was accidentally deleted from the system. Xavier explained that there was a miscommunication and since the council did not approve the purchase order to be carried over into 2020, she cannot move forward with it. If the council is in agreeance to move forward, there will be an additional appropriation public hearing at the next council meeting. By general consensus, the council approved moving forward with the public hearing for the additional appropriation.

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

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

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

City Attorney Surrisi presented Resolution No. 2020-909, Resolution of the City of Plymouth Declaring Certain Real Estate to be Within an “Economic Revitalization Area” Pursuant to I.C. 6-1.1-12.1 et. seq. (The Solomon Development Group, LLC).

Kevin Berger, developer for this project, addressed the council. He was the developer for a similar housing development project that is being built in Culver and he has been part of the process for having this project, which does include a housing development in LaPaz, incorporated into the Marshall County Stellar Designation plan. The project will be called “Riverside Commons” and is in the Riverside Meadows subdivision at the corner of Baker Street and Richter Road. The Plymouth project will be 40 townhouses that will provide workforce housing. It is low-income housing funded by tax credits through the IHEDA (Indiana Housing & Community Development Authority). There are no subsidies. Rents are reduced through tax credits which helps make this a low-mortgage project. Berger said the project is estimated to cost about \$7.5 million with about a \$1.1 million

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permanent loan on the project. The tax credits are sold through syndicators in the market. He said in Culver's case, the tax credits were purchased at about \$0.83 on the \$1.00 and they are tax credits that come through over the next ten years. The IRS does require the project to be low-income housing for 15 years and IHCD requires the project to be low-income for 30 years, so in the end this will be low-income housing for 30 years. Rent will be based on the AMI (area median income) of Marshall County.

Brent Martin, chairman of the housing committee for the Stellar Communities program and architect for the project, voiced his support of the project. He said the Stellar housing committee realizes the necessity of adding workforce housing to Marshall County and Plymouth. The design of this development, as with the development in Culver, are designed to become condominiums/homes and there can be home ownership once the compliance period is over.

Ecker asked the proposed sizes of the townhouses. Martin said he believes there will be thirty 3-bedroom and ten 2-bedroom townhouses, so it is designed for family housing.

Compton asked if the Culver project received a tax abatement from the town for their project. Berger said there have been two workforce housing projects in Culver and the town offered 10-year, 100% abatements for both. He also had with him a resolution from the town of LaPaz which has granted a 10-year 100% abatement for their portion of the Stellar housing project.

Ecker asked Martin to expand on the idea that these townhouses can later be sold into homeownership. Martin said the townhouses will be built with firewalls between each unit which could serve as future property lines. After the affordability period, these can be converted into condominium-type ownership. The idea of having ownership commitment builds strong communities. Berger added that the affordability period will be 15-years and those living there would then have the opportunity to purchase at a reduced cost. Part of the process will include a homeowner education program to help renters learn the basics of homeownership.

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Council Members Houin and Longanecker moved and seconded to pass Resolution No. 2020-909, Resolution of the City of Plymouth Declaring Certain Real Estate to be Within an “Economic Revitalization Area” Pursuant to I.C. 6-1.1-12.1 et. seq. (The Solomon Development Group, LLC).

Houin said he was excited to see this housing development as part of the Stellar Communities application because there has long been talk of the need for this type of affordable housing in Plymouth. He did go to Culver and toured the development there, which is an impressive and high-quality development. He voiced his full support of this project in Plymouth.

City Attorney Surrisi noted that tax abatements are not typically allowed for residential projects, however there are exceptions; one of those is if the property is designated as an economic development target area by the local redevelopment commission. The second scenario is when an area is designated as a blighted residential area. Lastly, which is where this development falls, is if the project serves at least 20% of low to moderate income folks. The resolution references the state statute so that it is clear in the future that this is an eligible project for a tax abatement.

The resolution passed by roll call vote.

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

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

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

- Minutes of the Board of Public Works and Safety meeting of June 22, 2020
- Ball State University Article RE COVID-19 Effect of Indiana’s State & Local Taxes
- Minutes of the Board of Aviation Commissioners meeting of June 9, 2020
- Minutes of the Board of Zoning Appeals meeting of June 3, 2020
- Minutes of the Park Board meeting of June 1, 2020

The motion carried.

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There being no further business to come before the Council, Members Milner and Compton moved and seconded to adjourn the meeting. The meeting adjourned at 7:23 p.m.

Jeanine M. Xaver, IAMC, CMC
Clerk-Treasurer

APPROVED

Mark Senter, Mayor