

REGULAR SESSION, COMMON COUNCIL, March 28, 2022

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on March 28, 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 Shiloh Carothers Milner, Duane Culp, Greg Compton, Don Ecker Jr, Randy Longanecker, and Jeff Houin. Robert Listenberger was absent. City Attorney Surrisi and Clerk-Treasurer Gorski were present. The public was able to see and hear the meeting through Microsoft Teams.

Mayor Senter gave his State of the City Address.

To:

Members of the Common Council

Madam Clerk Treasurer Lynn Gorski

Members of the Media

Most importantly, The Citizens of Plymouth

Thank you for giving me the opportunity to once more address our citizens on the status of our city in which we live, work & play. The last two years have been like no other for this community; our state; our nation and the world! But there is one thing we can do...let us pay reverence to the 184 persons in Marshall County and the 22,000+ Hoosiers that have died during this tragic pandemic. How about a moment of silence...Thank you.

Some of those that have passed were our family members, best friends and a several community leaders and they all will be missed by many.

The Crossroads Stellar Committee is still going strong.

*Our slogan: **Great Hometowns: One Vision***

I still see downtown Plymouth an arts mecca with the likes of The Rees, Heartland Artists, and Wild Rose Moon, and the Mayor's Month of Music. For five years now there has been so much tireless work done at the Rees and they are now heavily into reconstruction. I got a tour last week and it is amazing! Plans are for a grand re-opening throughout the month of October. The Rees is already seeing reservations come through for future events. Thanks again to Randy Danielson, Donna Pontius, and the entire Rees committee for making this happen. Another great step in The Rees direction!

Other Stellar opportunities to see this year:

- *Greenway Trail Phase 3*
- *River Park Square Phase 2*
- ***RIVERSIDE COMMONS** has begun its buildout on the far east side of The City. Last year Marshall County Developer **Kevin Berger** applied for tax credits through the Indiana Housing and Community Development Authority. Riverside Commons was awarded the tax*

credits, and this could not have happened without Marshall County being a Stellar Community. The project brings 40 townhouses to the area of Baker and Richter Road just east of Riverside Intermediate School.

The northeast corner of Michigan & Jefferson Streets was acquired a year ago by the City of Plymouth to beautify the entrance to our downtown. It is no longer a Stellar project, but sometime in the future we hope to have what is being called the **Crossroads Plaza**. Five historic byways traverse Marshall County, with four of them (**Lincoln Highway, Michigan Road, Yellowstone Trail, and Dixie Highway**) converging at this intersection. The excavation has been delayed due to the fact that it was considered an historic building... But soon it will be a great addition commemorating the **Crossroads of Northern Indiana**.

Centennial Crossing is still going strong and they are currently working on two more 2-bedroom apartments complexes. 275 units which includes senior housing, single family dwellings, apartments, condominiums, and a clubhouse are part of the plan. And it is so good to see a local developer bring this forward. Thanks to Construction Management and Design for growing more housing in Plymouth.

One of the most important ribbon cuttings in the city's history just occurred two weeks ago when the grand opening for Saint Katherina Kasper Serenity Place on March 10th was officially opened. Six years ago, about eight of us went to a two-day seminar in Bloomington after applying for a very competitive grant for permanent supportive housing for the City of Plymouth. In 2019, the **Indiana Supportive Housing Institute Board** approved funding to create permanent supportive housing in Plymouth. **Garden Court Incorporated** was awarded over \$1.7 million that will go towards the new construction of 18 units on West Jefferson Street. If you will remember, Serenity Wilson lost her life in September 2015. This new facility, that will be operated by Garden Court Inc., and was named after Serenity. One of her grandmothers, Gina Williams, was there to witness the ribbon cutting. Currently The Bowen Center is taking applications for occupancy. Thanks to all involved for making this happen!

I look forward to working more with **Marshall County Economic Development Director Laura Walls**. We have already had a couple of plant tours together. Other than a slowdown when she got the virus, she has hit the ground running and that is truly appreciated. We have to keep reminding ourselves that retention of jobs and companies are just as important as getting "The Big One!" Here some great additions to Plymouth's workforce:

- **Complexus Medical Devices** (old 3M building) 3.12M investment / 6 jobs
- **Divert Incorporated** takes over the newly constructed commerce building at Pioneer and Jim Neu Drives... \$4.23M investment, 55 new jobs
- And something we will hear about later tonight **Holladay Properties**... \$3.3M investment / 85 jobs
- **Oasis Lifestyle** is expanding with a second building on North Pioneer Drive... \$12M investment / 44 jobs
- **PIDCO** is assisting in the expansion of an existing company that will be constructing a brand new 43,000 square foot building on one of their sites on Commerce Drive.

And we cannot forget about the new retail opportunities:

- **Planet Fitness** near Kroger's

- *Burkes Outlet Store* opens with a ribbon cutting this Thursday
- *Ollie's Bargain Outlet* (JC Penney's) opening soon
- Three new clothing stores downtown...*Lock & Key...Ella & Ava* and soon *Laura Mann's Butterfly Boutique*
- *Antojitos Honduran Restaurant* on N. Michigan St.
- *Always Images Photography Studio* in the same downtown block
- A new unique plant & coffee shop called *Ivy Terra* recently opened on Water Street north of Garro
- *The Royalty Hair Studio* on Laporte Street is open now
- And we can't forget the Ponderosa replacement: *Culver's Restaurant* on the far northside

We cannot ignore the thousands of utility flags all around The City. Even though *Surf Broadband* began digging last fall and worked throughout the winter, this afternoon we had the **official groundbreaking** at St. Michael's Church. And from what I understand, Plymouth residents will be able to jump on their new internet early this summer.

I must say that I love it when the Plymouth Common Council members take it upon themselves to see a problem and confront it head-on! With no pay raise in 2021 due to the many unknowns of our financial situation due to COVID, Councilman Don Ecker began looking at the numbers and spoke to the clerk-treasurer, City Attorney Sean Surrisi and I about trying to do something to change that by July 1st. We were able to give a 1.5 percent increase for the remainder of the year and a 3 percent increase beginning January 1st of this year.

As you know, we gave pay raises to our Police & Fire Departments in 2017. The main reason was for attraction and retention. I believe it worked. Councilman Ecker was the chairman of that committee and saw that we needed to take the next step five years later. He got Chief Holm involved and found a way to raise the volunteer pay from \$15 to \$20 per call out or what is now called a credit.

During the hiring process of a new firefighter, we interviewed two highly qualified candidates. After the interviews, Board of Works & Safety member Bill Walters asked Chief Holm if it was possible to hire both of the candidates and to get a step on our goal to begin expansion of the department. Chief Holm talked to Clerk-treasurer Gorski and the decision was made to hire both candidates.

Police Chief David Bacon finally attained his goal to begin a take-home squad car policy. It will be phased in and only officers that live in Marshall County will be able to take them home. It is a great step in the right direction for each officer to drive the same police vehicle daily and to have those cars parked in their neighborhoods.

Lastly, I would just like to thank each and every department head and elected official that makes this city go and grow.

- Our Clerk-Treasurer **Lynn Gorski**, Deputy Clerk **Kyle Williams** and all of their staff for handling the budget, billings and bond payments, all of the clerical needs and the many other entities that are wrapped up in that office...

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- *City Attorney Sean Surrisi for his steady economic development strategies and being involved in so many aspects of our Stellar and READI programs...*
- *Human Resources Director Jennifer Klingerman that is doing great in her new position. She holds a certificate in human resources management and now a bachelor's degree in business administration from Indiana Institute of Technology.*
- *Laura Mann for promoting The City in many, many ways*
- *Each department supervisor for bringing stable leadership without micromanagement...*
- *Thanks to the great employees of Plymouth. They all do an outstanding job and I hear nothing but praise while I am out and about in the city. I commend each and every one of you for a job well done and I know you will keep up the great work!*
- *The City Council for being so conscientious and always asking the right questions when we have a matter at hand...*
- *The many volunteer board & committee members that take a couple of hours a month to make proper decisions for the betterment of our community...*

THANK YOU!

Steven Justus from the Indiana Attorney General's Office wished to introduce himself and provide information about their work to better the State of Indiana.

- Indiana Unclaimed Funds
- Parents Bill of Rights by Indiana Attorney General Todd Rikita
- Unwanted Scam Callers
- Consumer Protection
- Data Breaches

Council Members Ecker and Compton moved and seconded to approve the minutes of the regular session of the Common Council on March 14, 2022, as presented. The motion carried.

Councilmen Ecker wished to add that he asked for a correction to be made to the minutes prior to the meeting which was corrected by the city office.

Please change the wording in the highlighted area to read per call verses per hour. Thank you.

Councilmen Ecker states that he wished to remind everyone that when they made the move to **\$15/hour about 5 years ago that there was a 12-year gap from when they went from \$12/hour to \$15/hour**. He states that they agreed as a council at that time that they were going to review this once every several years. He states that as everyone knows Covid had appeared out of nowhere and delayed the time it took to take a look at it. He states that he had spent a lot of time with the Fire Chief to work through this and he certainly has a lot of support for this particular proposal.

City Attorney Surrisi presented Ordinance No. 2022-2190, An Ordinance to Amend the Code of Ordinances of the City of Plymouth Concerning Volunteer Firefighters on second reading.

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

2022-2190, An Ordinance to Amend the Code of Ordinances of the City of Plymouth Concerning Volunteer Firefighters on second reading. The motion passed by roll call.

Councilmen in favor: Compton, Culp, Ecker, Houin, Longanecker, Milner

Councilmen opposed: None

Councilmen absent: Listenberger

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City Attorney Surrisi presented Ordinance No. 2022-2190, An Ordinance to Amend the Code of Ordinances of the City of Plymouth Concerning Volunteer Firefighters on third reading.

Council Members Houin and Culp moved and seconded to adopt Ordinance No. 2022-2190,

An Ordinance to Amend the Code of Ordinances of the City of Plymouth Concerning Volunteer

Firefighters on third reading. The motion passed by roll call.

Councilmen in favor: Compton, Culp, Ecker, Houin, Longanecker, Milner

Councilmen opposed: None

Councilmen absent: Listenberger

ORDINANCE NO. 2022-2190

AN ORDINANCE TO AMEND
THE CODE OF ORDINANCES OF THE CITY OF PLYMOUTH
CONCERNING
VOLUNTEER FIREFIGHTERS

Statement of Purpose and Intent

Volunteers play an important role in the City's firefighting and emergency services. In 2017, the City Administration undertook a review of volunteer firefighter compensation, made needed increases, and committed to review such compensation at regular intervals going forward. In 2022, the issue was reexamined. The purpose and intent of this ordinance is to effectuate the proposed additions and deletions to the City Code adopting a new system of nominal compensation for volunteer firefighters.

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

Section 1. Title III, entitled Administration, Chapter 33 entitled Departments, Boards, and Commissions, in the Code of Ordinances of the City of Plymouth shall be amended by making the following additions and deletions to §33.065(B) VOLUNTEER CLOTHING AND AUTOMOBILE ALLOWANCE, COMPENSATION:

(B) Each volunteer firefighter and volunteer EMT/paramedic shall be paid nominal compensation at the rate of \$15 per fire or regular Fire Department meeting attended during the year; earn credits for their service at the following rates:

Medical call with patient care and reporting: 2 credits;

Medical or fire call for up to the first 2 hours of call time: 1 credit;

Medical or fire call for the third hour of call time: ½ credit;

Medical or fire call for the fourth hour of call time and beyond: ½ credit;

Fire Department meeting: 1 credit.

A maximum of 2 credits may be earned by a volunteer for any single call or meeting. Volunteers shall be paid nominal compensation at the rate of \$20 per credit and \$10 per half credit. Such sums shall be paid each month, after the Clerk-Treasurer's receipt of a certified list from the Secretary and Chief of the Fire Department, noting the number of fires, medical calls, or meetings credits each member attended earned during the month.

Section 2. This Ordinance shall take full force and effect upon passage, due attestation and publication if required by law.

PASSED AND ADOPTED this 28th day of March, 2022.

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Mark Senter, Presiding Officer

ATTEST:

Lynn M. Gorski, Clerk-Treasurer

Presented by me to the Mayor of the City of Plymouth, Indiana on the 1st day of April, 2022, at 9:30 o'clock a.m.

Lynn M. Gorski, Clerk-Treasurer

Approved and signed by me this 1st day of April, 2022.

Mark Senter, Mayor

City Attorney Surrisi presented Ordinance No. 2022-2191R, An Ordinance to Amend

Ordinance No. 2021-2182, The 2022 Salary Ordinance on second reading.

Councilmen Houin requested the revision at the prior meeting with concern to the wording of "paramedic salary."

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

2191R, An Ordinance to Amend Ordinance No. 2021-2182, The 2022 Salary Ordinance on second reading. The motion passed by roll call.

Councilmen in favor: Compton, Culp, Ecker, Houin, Longanecker, Milner

Councilmen opposed: None

Councilmen absent: Listenberger

City Attorney Surrisi presented Ordinance No. 2022-2191R, An Ordinance to Amend

Ordinance No. 2021-2182, The 2022 Salary Ordinance on third reading.

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

2022-2191R, An Ordinance to Amend Ordinance No. 2021-2182, The 2022 Salary Ordinance on third reading. The motion passed by roll call.

Councilmen in favor: Compton, Culp, Ecker, Houin, Longanecker, Milner

Councilmen opposed: None

Councilmen absent: Listenberger

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ORDINANCE NO. 2022-2191R

AN ORDINANCE TO AMEND
ORDINANCE NO. 2021-2182, THE 2022 SALARY ORDINANCEStatement of Purpose and Intent

The purpose and intent of this ordinance is to effectuate an amendment to the 2022 salary ordinance to increase the Paramedic stipend.

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

Section 1. Within the provisions of Ordinance No. 2021-2182 addressing the FIRE DEPARTMENT, the provision regarding the Paramedic stipend shall be amended as follows:

A Paramedic's salary shall be increased by receive a stipend of \$2,500.08 \$5,000.16 annually; however, a Paramedic's the-certified salary shall be remain the same as a First Class Firefighter's.

PASSED AND ADOPTED this 28th day of March, 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 28th day of March, 2022, at 8:00 o'clock p. m.

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

Approved and signed by me this 28th day of March, 2022.

Mark Senter
Mark Senter, Mayor

The mayor states that he had started to think about all of the utility flags around the city and before long people will start mowing their yards so he called up Utility Superintendent Davidson in regards to their purpose. He stated that anyone with a pink utility flag in their yard that they would be able to pick up those flags.

City Attorney Surrisi presented the CF-1 for River Gate South LLC's tax abatement and was looking for the council's approval for that.

Council Members Ecker and Compton moved and seconded to approve the CF-1 for River Gate South LLC as presented. The motion carried.

Skipping over Resolution No. 2022-998 and it will be on the next meeting.

City Attorney Surrisi presented Resolution No. 2022-999, A 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. (HP Plymouth LLC.)

Laura Walls and Paul Phair were present to speak on the Resolution. Paul Phair is with Holladay Properties and Laura Walls is with the Marshall County Economic Development Commission (MCEDC.) Walls states that they are seeking a 10-year real estate property tax abatement but she wishes for Mr. Phair to state more about the property first.

Phair states that they are wanting to locate out on Miller Drive approximately a quarter mile to the west of Pioneer Drive near U.S. 30. He states that this is exclusively a new build to suite facility specifically for Renewal by Anderson. He states that they are a great organization and they have been working with them over the last several months to build a new facility. He states that he has people on Teams who would be willing to discuss more about the project. Phair wished to be clear that this project is under a triple net lease which means that Renewal is the one paying all of the operating expenses so while HP Plymouth is the applicant, the real beneficiary here is Renewal by Anderson since they are the ones using the property and paying the property tax bills. He adds that they are the ones making the investment and creating the jobs here.

Keith Hicks was present on Teams to discuss about Renewal by Anderson and what this location means to their operations. He states that he is the president of Renewal by Anderson Midwest. He states that his division is based out of Carmel, Indiana and they currently operate in three states which are Ohio, Indiana, and Tennessee. He states that specifically for the Northern Indiana market that it is currently based out of South Bend. They have been looking for a new long-term space in order to move their business forward in the next decade and believe that Plymouth is the best location for them not only for the type of city that it is but also the actual location being so close to Highway 30 and 31. He states that they are super excited for the opportunity to join the Plymouth Community and be a great community member. He states that once this facility is open they will be shutting down all of their operations in South Bend and will be relocating to Plymouth and plan to operate out of Plymouth. He states they will go as far east as the Ohio border, as far north as the Michigan border, as far west as the Illinois border, and as far south as Kokomo. He appreciates the opportunity to introduce himself and tell a little bit more about their operation.

Phair states the property site is about 6.4 acres and they plan to build a distribution facility that is approximately 25,420 square feet for use by Renewal by Anderson. He states this will serve as both a distribution facility and an office location. He says that 20% of this location is office space for their management team. He states their goal is to break ground in June of 2022 and they then plan to deliver the building somewhere between the end of January and beginning of February of 2023 to Renewal by Anderson. He states they are working on the design now of the facility and are looking to start building in the summer season.

Phair states that the total project cost of the building excluding land & development fees is \$3.43 Million. He says that currently the accessed value of the land is just over \$10,000 since it is just vacant farm ground. He states the current taxes for 2021 pay 2022 taxes is just over a \$1000. He

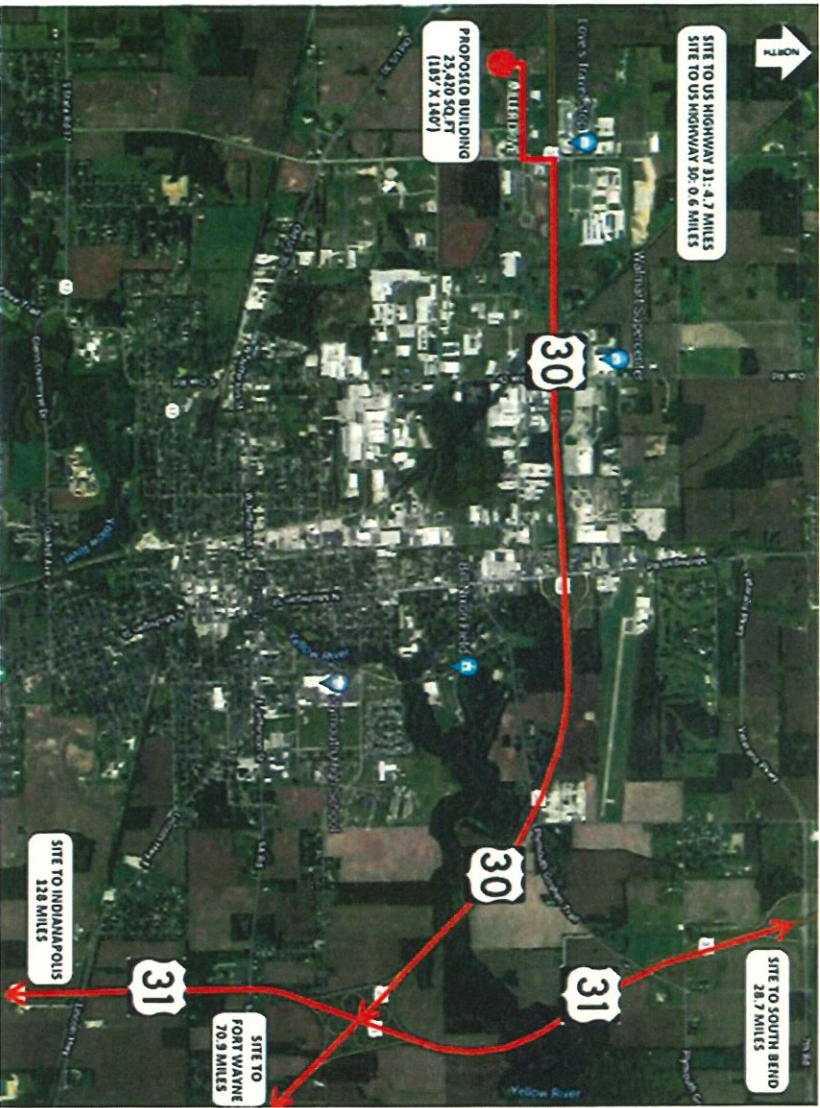
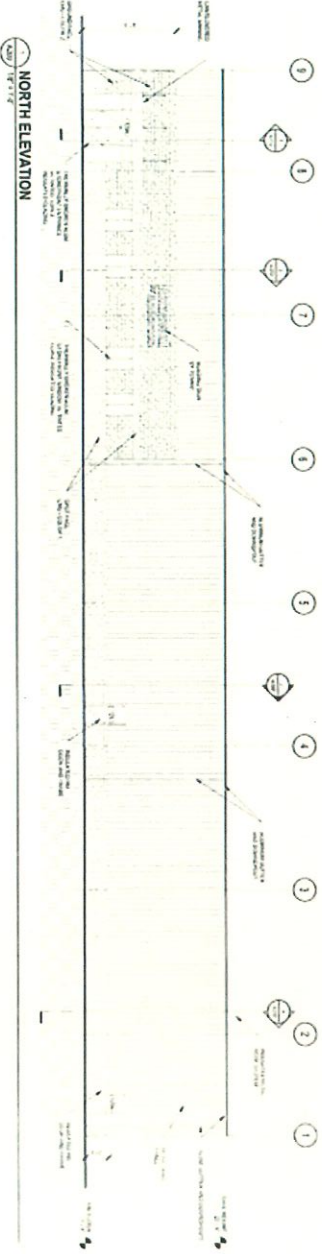
states during that period, Baker Tilly did a study to analyze what the tax revenues would be over that period of time. He states their analysis showed just under \$410,000 in taxes that would be paid during this period.

Hicks stated earlier that they plan to move all of their employees that are currently in the South Bend location down to Plymouth. He states that because they are building a brand-new facility, they plan to add another 10-15 jobs minimum. He states they were holding off on that because of the relocation and getting people out of Plymouth rather than South Bend. He states the wage scale is as follows.

Job Creation:	+/- 85 jobs (both new and relocation)
Wage Scale:	Warehouse: \$18 - \$22 per hour Ops Support: \$21 - \$24 per hour Measure Tech: \$26 - \$30 per hour Design Consultant: \$75,000 - \$100,000+ per year

He states that these are only 4 of the roles that they have but they actually have close to a dozen different roles that fit within there. Their entry level warehouse positions range from \$18-\$22 per hour based off of experience.

Phairs discusses the benefits of this site location via images provided below:



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Mayor Senter states this is great news and that when they first met with Holladay Properties in December, they all agreed that 10-15 jobs were wonderful and are excited to hear those 85 jobs will be coming to the City of Plymouth.

Councilmen Ecker appreciates them showing their projected wages because that is important and he believes that it is also important to talk about what benefits Renewal by Anderson will be offering to their employees.

Hicks states that benefits are an important part to their organization and he would say that 85-90% of their full-time employees across all of their locations receive full health benefits as well as a 401k program. He states that last year in 2021 their company made a 15% match to the 401k program for any additional contributions in which the employee made. They offer a program called Gratify which helps their employees pay back their college loans and also helps with their continued education. They also have a number of mental health services available to their employees and they are always looking to grow and expand their benefits package. He states that in this competitive market they are looking to retain employees for the long-term.

Walls would like to say that she is happy that Holladay Properties is coming to the Plymouth market because their real estate portfolio around the state is top notch. She states they are very well respected and are doing so many great projects around the state. Phair adds that his experience with working with the City of Plymouth has been great so far.

Council Members Houin and Compton moved and seconded to adopt Resolution No. 2022-999, A 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. (HP Plymouth LLC.) The motion passed by roll call.

Councilmen in favor: Compton, Culp, Ecker, Houin, Longanecker, Milner

Councilmen opposed: None

Councilmen absent: Listenberger

RESOLUTION NO. 2022-999

**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.
(HP PLYMOUTH, LLC)**

WHEREAS, the State of Indiana has provided for real property tax deductions for the rehabilitation or redevelopment of real property located in economic revitalization areas, as defined pursuant to Indiana Code § 6-1.1-12.1-1 *et seq.*; and,

WHEREAS, pursuant to Indiana Code § 6-1.1-12.1-2, the Common Council of the City of Plymouth may find that a particular area within the city is an economic revitalization area as contemplated by statute; and,

WHEREAS, HP Plymouth, LLC, has petitioned the Common Council to find a certain tract of real estate to be declared an economic revitalization area as defined because the parcel has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of character of occupancy, and other factors which have impaired values and prevented the normal development of the property and its use; and,

WHEREAS, the Common Council of the City of Plymouth, after examining the application of HP Plymouth, LLC, and after hearing evidence thereon has determined that the tract of real estate does in fact lie within the corporate limits of the City of Plymouth as described in the attached Exhibit "A", and the same should be designated an economic revitalization area in accordance with Indiana Code § 6-1.1-12.1-1 through and including Indiana Code § 6-1.1-12.1-6.

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

Section 1. After considering the evidence presented at a public meeting on March 28, 2022:

- a. the estimates of real property investment of \$3,430,000.00 is reasonable for projects of this nature; and,
- b. the estimated number of employment positions to be created of 85 with the investment is a reasonable projection; and,
- c. the estimated total compensation package of those individuals who will be employed within the economic revitalization area is reasonable; and,

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d. the totality of the capital investment is sufficient to justify declaring the designated real estate an economic revitalization area and thereby authorizing deductions in accordance with state law.

Section 2. The real estate described in the attached Exhibit "A" is real estate within the corporate limits of the City of Plymouth, Indiana, and is hereby declared to be an economic revitalization area as defined in Indiana Code § 6-1.1-12.1-1, *et. seq.*, and is therefore eligible for deduction from the assessed value of proposed real property improvements.

Section 3. The applicant's Statement of Benefits is hereby approved, subject to a confirmatory resolution, to be adopted by this Council after a public hearing.

Section 4. This declaratory resolution shall be submitted to a public hearing to be convened on the 11th day of April, 2022 at 6:30 p.m. (or immediately after the Board of Public Works and Safety meeting on the same date) in the Council Chambers, City Hall, 124 N. Michigan St. (Garro St. Entrance, Second Floor), as provided by law.

Section 5. The Common Council's designation as an economic revitalization area the real estate described in Exhibit "A" shall terminate after a public hearing held by the Common Council in accordance with applicable law, if the applicant fails to substantially complete the proposed development or create and maintain the level of employment related benefits described in the Statements of Benefits. HP Plymouth, LLC's City of Plymouth Application for Tax Abatement is incorporated herein by reference.

Section 6. The Clerk-Treasurer is hereby authorized and directed to make all necessary filings, to cause to be published all notices required by law, and to notify the appropriate officers of each taxing unit that has authority to levy property taxes in the geographical area within which the real estate described in Exhibit "A" is located, all as provided by state law.

PASSED AND ADOPTED by the Common Council this 28th day of March, 2022.

ATTEST:

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

Mark Senter
Mark Senter, Presiding Officer

EXHIBIT A

Parcel ID# 50-41-36-000-001.008-020

Parcel ID# 50-41-36-000-001.009-020



LEGAL DESCRIPTION OF THE REAL ESTATE

VAN VACTOR FARMS, INC. P U D PHASE VII LOTS 5 AND 6

DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 34 NORTH, RANGE 11 EAST, CITY OF PLYMOUTH, MARSHALL COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT A CAPPED 56" IRON REINFORCING ROD AT THE NORTHWEST CORNER OF LOT 11 IN VAN VACTOR FARMS, INC. P U D PHASE IV, ON THE SOUTH LINE OF SAID U.S. HIGHWAY NO. 30, THENCE SOUTH 0 DEGREES 50'35" WEST (RECORD BEARING) A DISTANCE OF 1141.06 FEET TO A CAPPED 56" IRON REINFORCING ROD AT THE SOUTHWEST CORNER OF LOT 11 IN SAID P U D, THENCE SOUTH 89 DEGREES 29'11" WEST, 1015.03 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER, THENCE NORTH 0 DEGREES 13'05" EAST ALONG SAID WEST QUARTER SECTION LINE A DISTANCE OF 1148.72 FEET TO A CAPPED 56" IRON REINFORCING ROD ON SAID SOUTH LINE OF U.S. HIGHWAY NO. 30, THENCE NORTH 89 DEGREES 55'31" EAST, 1027.52 FEET TO THE POINT OF BEGINNING, CONTAINING 26.84 ACRES, SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

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City Attorney Surrisi presented Ordinance No. 2022-2192, An Ordinance to Amend the Code of Ordinances of the City of Plymouth Concerning Adoption of Personnel Policy Reference on first reading.

Surrisi states that this will just implement a number of modifications to the employee handbook that the Human Resources Manager, Clerk-Treasurer, and himself had been in discussion about for a couple of months.

City Attorney Surrisi presented Ordinance No. 2022-2193, An Ordinance to Amend the Code of Ordinances of the City of Plymouth Concerning Alcoholic Beverages During the Blueberry Festival on first reading.

Councilmen Duane Culp wished to speak on the matter given he is the president of the Marshall County Blueberry Association. He states that in 2020, with Covid and everything else that was going on, the Marshall County Blueberry Festival did not make the money that people think they did. He states that they looked at different ways to be able to get things moving in a forward direction. He states that they had a meeting with the Park Board in 2020 and they talked about taking the alcoholic portion of the contract out with them knowing they were going to try and have beer garden so they removed it. He states that he did not realize there was an ordinance which prohibited alcohol in the park during blueberry. He states that this year he hopes to have a beer garden, which will be regulated within a fenced in area. He says that absolutely no-one will be able to leave the fenced in area during the consumption of any alcohol. The alcohol will be regulated and will not be allowed to go into the park. He states to ensure that, his security will have 2-4 people in that fenced in area at all times. He states that if anybody violates any of those rules that they have set out they will be removed from the park. He adds that if they are completely intoxicated that they will go to jail. He wants to show this board that they are able to control the situation and handle it accordingly. He adds that they are not after an out-of-control party.

Culp says that the gentleman he has been dealing with handles over 300 beer gardens just in northern Indiana. He states that he is willing to go to multiple festivals in the hopes of making the beer garden better. He believes that it will be a learning experience for all involved but he believes if they keep it safe and keep it corralled, they can prove to the city that they can keep this safe.

Mayor Senter states that he has been to the Pierogi Festival at least 4 times and that their beer garden is strictly confined and they have a lot of security there.

Councilmen Compton asks if he is asking for a permant change because he believes that we should try this out for one year and then make the decision from there.

Culp states that on his behalf that he was unaware that there was a city ordinance. He states that he has been in communication with the park board and knowing that they were going to do this he had get it passed through the Blueberry board. He then found out that this ordinance was there. He states that this would be a change and if it were to get out of control, then there would be no reason why they couldn't change it back.

Surrisi states that the way the ordinance is written is that it is for a blanket change.

Compton asks if it can be rewritten to be a one-year situation and reevaluate it next year.

Surrisi states that it could be a possibility if it unanimous.

Councilmen Ecker asks if Culp has a policy and procedures written up for this or not.

Culp states that it is to be written still. He says that he can't move forward on this until this is passed and that he could get with some people to write something up. He states that for a matter of fact their liability policy on this was already asked for and he could get that to the council.

Ecker requests the liability policy.

Houin states that because of the multiple layers to this that even if the council changes the ordinance that Culp would still need approval from the Parks department for the annual agreement with them. Surrisi states that as for the agreement with the Parks department and how it is written now is that there is no reference to alcohol in there so this ordinance change would not require Park Board approval since there is nothing in the contract that trigger that review.

Culp says that when they entered into discussion with the Parks Board that it was under a six-year contract and they are in the third year of it. He states that in 2020 he mentioned that he would like to have a beer garden so he would like to remove the alcohol portion of it. He says that this will be scrutinized, looked at, and if there is any opportunity in the clause of the contract to pull this and change it at any point in time.

Mayor Senter asks for clarity on if the Blueberry Board has already passed this or not. Culp says that they have. Mayor Senter also asks for clarity that he is the President of the Board so that everyone is aware. Culp agrees.

Compton asks what the basic reason for Culp is to want to do this. Culp says that without getting into finances they are not doing too well since during Covid they took a huge hit, almost a six-digit number, and to try to make that up with no money coming in is very hard. He explains that last year was a decent year and they made some up but he believes that it is getting rougher and rougher because the money they don't make. He explains that firework prices go up, carnival expenses go up, and everything is going up. He explains that if their booth space goes down then so

does their income. He wants to clarify that they are not broke but if they continue for 2-3 years without some type of money coming in, they will be in a bad position.

Compton wants to state that he doesn't have a problem with the beer garden at all and he likes the idea of the restrictions that he put on it. He states that his concern is that he doesn't believe that the beer garden is going to be the solution to financial difficulties. He says that it may not produce any additional income and he doesn't like the idea that adding a beer garden will solve another problem. He says that as the Blueberry Festival grows that sometimes you have to readjust your business plan to make money. He understands that Covid was a whole big blast of problems but going forward he believes that maybe they should reevaluate how to make money. He says that Culp shouldn't put all his betting on the beer garden saving the Blueberry Festival.

Culp states that his crew, which were in attendance, had sat down and looked at a lot of figures on what works and what doesn't. Culp assures Compton that it is profitable because the guy whom he is in contact with runs over 300 of these beer gardens. He is asking for a chance to prove himself.

Surrisi would like to add that there are a couple of revisions in the contract in which the topic of the conduct of the patrons are to present themselves reasonably and the Park reserves the right to remove anyone who causes issues and if there were any costs, they can be charged back to the Blueberry Festival.

Culp states that there are over 100 police officers from over 25 different agencies that are out there. He states that from all his patrons and from all his vendors that this festival is one of the safest ones. He believes that Chief Bacon would vouch for that since he does work hand in hand with their department. He states that they have people on the scene every day they are open and if there were problems, they have 30 police officers plus 2 from the City and by working together that it makes it safe.

Councilmen Longanecker asks how the Brewfest in River Park Square is regulated.

Mayor Senter states that our city is rather rare with allowing alcohol in their parks. He says that you can not sell it or anything like that but the Brewfest every year in June is regulated as well in a different manor.

Surrisi explains that the Brewfest is an annual contract the Park and the Brewfest enter into and gets approved sometime usually in the Spring while the Blueberry Contract is a 5-year contract that they renew on a rolling cycle. He states that every year Brewfest comes to the park and is

successful and never has any problems. He adds that they provide their certificate of insurance and they get approval from the Police Chief and the Alcoholic Beverage Commission.

Longanecker asks if there is an Ordinance for that as well. Surrisi explains that there is not and this Ordinance specifically only says only on the week of Blueberry where the Marshall County Blueberry Festival has control of it to not have any alcohol.

Rick Vanceza the Vice President of the Blueberry Festival came up to the podium to share his input on the Ordinance. He states that they are always trying to come up with a good gameplan on how to make the Marshall County Blueberry Festival a success. He states that it not only helps the Blueberry Festival but it helps our community. He had brought up a book before the board which had 199 people who wrote in it expressing great compliments about the Blueberry Festival. He states that they are trying to make it a success for upcoming generations here in Plymouth. He states that if the council gives them this chance and opportunity to prove themselves in this regard that he will personally make a book and set it on the ticket booth at the beer garden.

Mayor Senter wished to remind everyone that this festival is the largest 4-day festival in the State of Indiana. He adds the only larger festival is the Parke County Covered Bridge Festival but their festival is 10 days long.

Bill Walters who was the former president of the Marshall County Blueberry Festival for a couple of festivals. He was also privileged to be a member of the Indiana State Festivals Association. He states that the Indiana State Festivals Association is an organization in which coordinates all of the festivals in the state. He says that the people in this association look at the Blueberry Festival as the premiere festival in Indiana. He states that one of the things his crew started in the Blueberry Festival was recycling and hardly any festival in Indiana had done that before and now several do. He states many festivals in Indiana look at the Blueberry Festival as a model that they would like to follow and Walters was always very proud to be a part of both of these because of the reputation that they have. He states that from his experience as president of the Blueberry Festival, and from his experience with the Festival Association that if the Blueberry Festival plans to do something they are going to do it right. He says if there is going to be a problem that it is going to be handled. He says that another area in which the Blueberry Festival shines is security. He says that very few have the security staff that the Blueberry does. He states how amazed he was himself with how many officers from so many different departments were here helping out. He can assure the council that if this festival was run like it was when he was President that it will be safe and it won't be a disgrace to the community.

City Attorney Surrisi updated on the Stellar Community stating there is a subcommittee for Crossroads. Councilmen Ecker is on that subcommittee working on evaluation of some proposals for Crossroads engaging a consultant to help all the communities with READI grant applications.

Ecker adds that their next meeting is April 6, 2022 in the morning.

Surrisi says that they have received the OCRA funding approval for the River Park Square Phase 2 project. He states they are looking forward to continuing with Laporte Construction on that project. He states they are still trying to get a contract finalized with Troyer Group for the Greenway Trails Phase 3 design. He adds that there is a meeting later this week in which MACOG has convened with all communities within Stellar regarding the status for all the projects within Stellar. He says for the Laporte Street Footbridge project that the notice to proceed for that has been approved today.

Brent Martin and Kevin Berger wished to speak on a drainage issue. Martin starts off by explaining that the city agreed to several things in order to have their application favorably reviewed by IHCD and ultimately rewarded the tax credits. He states that amongst those things is existing alleys on the west side of the site and on the north side of the site. He clarifies that he is talking about the corner of Baker and Richter where the Riverside Commons is going to be built. He says that the city had agreed to the extent that work needed to be done in those alleys and that they were public alleys and that would be on the City of Plymouth. He states what they tried to do was to avoid doing a lot of utility work in those alleys since if they did that it would tear them all up and there would be repaving and stuff of the sort at the city's expense.

Martin explains that there is a lot going on there, an existing sewer line, a new water line, and there is also based on their drainage review the consulting engineer for the city wished to install a storm line. Martin says that he doesn't believe much of anyone in attendance knew anything about the 10-foot separation removal. He states that water lines have to be physically separate from sewer lines by 10-feet and by the time all of that is put together on the South Side of the alley that the water line would have to be installed in the pavement of the alley and completely tear it all up. He explains that they are wanting to ask from the Council is to run a swale along that alley so they can drain the water along that swale and into an inlet so they can avoid pipe altogether and put the water line where they would need it to be and avoid demoing the alley. He explains that it saves the developer's some cost and saves the city some significant cost.

Berger explains that from the beginning that they wished to do as little damage to the alley as possible as to avoid putting an unnecessary cost on the city. He explains that it is the city's consultant trying to push things into the alley.

Surrisi explains that both the Street Superintendent and the Utility Superintendent have looked into this with more concern about it and asked for their input.

Utility Superintendent Davidson states that moving it into the alley would cost the city a considerable amount of money restoring the alley.

Councilmen Compton asks if this is a storm sewer versus a swale.

They agree and Martin explains that they are retaining the water on the property and controlling it. He explains that the consultant would like to put it in a pipe and they would have a storm inlet at basically each driveway that goes onto the alley collecting all that water as opposed to a swale that runs along the edge and eventually goes into an inlet. He says that ultimately it all goes into Richter Road and then goes into a big storm basin that sits out at the north-east corner of the entire development and ultimately that water goes out to a gigantic basin out by the Yellow River which picks up a bunch of water from all of the development in that area.

Surrisi explains that three weeks ago during a conference call with their consultant with Lochmueller Group asking what the risk would be and if it would cause a big drainage problem or not. Surrisi explains that they said no and that it was a very minimal risk and if there were to be any problems it would be a bit of puddling on the drive entrances of the developer's property rather than in the alley. He adds that as Davidson explained with other neighborhoods in the city that the stormwater system has a lot of capacity there and could absorb more.

Davidson explains that it is one of the better areas that the city has with adequate draining basins. He thinks there was some needed calculations to be shown for future projects so they can consistently inventory the amount of water going into the retention basins and things of the sort. He doesn't believe anyone would be opposed to trying to keep the inventory of waters going into the basins in accurate amounts as to not overload it 20 years down the road.

Both Berger and Martin say that those have already been provided.

Surrisi doesn't know if this is something the council wished to act upon now but it is a joint proposal that the city had evaluated enough as not too large of a risk to city infrastructure or future development. He says that the city's sole interest would be in not having to immediately shell out money for alley repairs and he thinks by approving this variance from the stormwater standards of the swale that it would be mutually beneficial.

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Compton asks for clarification on what a swale is, he asks if it is similar to a gully. Martin agrees that it would be like a very shallow gully. He explains that the turf on the side of the alley goes down slightly and then comes back up slightly. He explains that along that bottom edge there is a pitch so that it drains. He adds that it is all turf and will just look like a person's lawn when it is all done. He explains that it isn't like a gully or a ditch.

Compton asks why you can't just put the drainage pipe beside the alley.

Martin explains that if he does that then he would need that 10-foot separation rule for his water pipe.

Ecker asks for clarification on if the swale will be running from the south and then to the east.

Martin explains that the swale would run directly east and then would go into a small low area where there is an inlet on-site.

Ecker says that he would like to see the property since he is a visual guy.

Martin says that would be alright.

Howin says they were planning on giving this presentation tonight anyhow.

Martin wasn't sure if it was on the agenda or not. It wasn't.

Martin says that timing is an issue with construction. Ecker, Martin and Berger discussed times to meet there.

Berger states that they wanted that control piece so they didn't get everything pushed into the alley but now they are to the point where the consultant who doesn't know the property and doesn't know anything about Plymouth aside from plans that are sent to him says that the ordinance says this. He is asking for the board's leniency in the matter of complying with the ordinance but they just wish to do it a different way. He says that engineers like pipes and they want to put it into a pipe.

Compton asks if water will be sitting there or not making it a mosquito issue.

Both Berger and Martin state that it will not and there are plenty of swales already around the city. Berger explains that most people have swales and that anytime your ground gets a little bit of depression with some slope on it, that is a swale. Berger assures that it will be taken care of. He says that one of the comments was that the water would pond on the driveways and explains that is his problem and the developments problem, not the city's problem.

Martin explains that they are discussing four driveways that are about 22-feet square.

Berger explains that when Rick Gaul was here that he gave them the amount of outlet for that site and explains that they have met that.

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Mayor Senter believes that they know what they are talking about.

Councilman Longanecker believes that with his construction background that they also know what they are talking about and makes a motion.

Councilman Houin wants to confirm that the plan is to put the swale on the north side.

Martin states that it is on the south side of the alley.

Compton asks Davidson if this was his recommendation to use the swale.

Davidson says that it can get very complicated in such a very small site where there is a lot going on. He believes that everything has been resolved with the exception of some calculations that show what actually is going to be outlet into the existing ponds and things like that.

Compton asks what Mr. Gaul would have said.

Davidson responds by saying that Mr. Gaul was extremely black and white and would have taken it to the Board.

Surisi explains that late last year right around the time Mr. Gaul left that Hoosier Old Wheels Trail through Centennial Park had a strict adherence to the ordinance with what it required. He explains that the Troyer Group's recommendation was that it all didn't seem to necessary and any property within hundreds of yards was city property so it wouldn't impact other areas so strict adherence didn't make sense.

Councilman Longanecker and Culp moved and seconded to approve the request as presented. The motion passed by roll call vote.

Councilmen in favor: Compton, Culp, Ecker, Houin, Longanecker, Milner

Councilmen opposed: None

Councilmen absent: Listenberger

City Attorney Surisi started up the discussion of IT Services for the City of Plymouth. He states that the city has been looking to engage an IT consultant and he is proposing to move forward with PC Source to provide service for all the departments except for Utilities who wish to continue with the services that they currently have with Larry Hatcher. He states that PC Source has currently worked with the Police and Fire Departments for many years and has done some work recently with updating computers at the Street Department. He states that the proposal is \$6900 monthly for comprehensive service and then a \$300 monthly fee for off site server usage. He believes that it would be great to get this in place for the upcoming renewal for liability insurance that would prepare a questionnaire for cyber coverage that keeps getting more stringent.

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Surtisi states that he would be happy to answer any questions and knows that there has been some discussion about the fee and how it was applied within the city. He states that they have looked at how to divide it amongst the various departments and when doing that based on the number of computer assets at each department that were identified in the inventory of which the Clerk-Treasurer's office, Police Department, and Fire Department had more than a lot of the others so their share of the overall pie was going to be more. He adds that in particular the police and fire would have had to pay more than they currently pay for the service. He states that he had provided the Council with an email over the weekend that PC Source had provided that justifies where they are with that. He states that looking at this as an overall service for the city versus what it would look like when it breaks down for each department that it looks different and he can understand Police saying asking why they have to pay more for essentially what they had before. He states that when you look at it as a whole then perhaps it doesn't look like that. He states that he doesn't have too many examples of services that the city provides that aren't divided among the departments. He states that the couple that he is aware of are the KnowB4 that the Utilities Department pays for that advises Departments in being more aware of Phishing Scams.

He states that it isn't exactly an apples-to-apples comparison but he would offer up his position as one type of example of even though he is the law departments own Department that he is more of a service to other departments. He states that he knows that he doesn't produce anything himself like the water department or the fire department which do individual tasks but he is more so a support for all of those other departments. He states that Utilities pays a big chunk of his salary as a convenience because they are able to fund that and none of the other departments in which he provides services to provide a proportionate share towards his salary. He states that he spends about 1% of his time with the cemetery so if they had to pay a bill for him then that would probably be a shock to them but since the mayor gets a majority of his time then if he would have to pay a bill for him then that wouldn't be too large of an amount. He states that he offers up these examples of if you look at it as a whole versus trying to break it down what it might mean.

Mayor Senter asks what the Police Chief pays currently versus what it will be.

Police Chief Bacon says that what he pays now and what it has been for a couple years is \$7500 per year.

Clerk-Treasurer Gorski states that if the bill that was turned in today has been four months so times three is \$7800 so that would make it \$10,300.

Councilmen Culp asks Bacon who takes care of the MDT's.

Bacon says that they carry an extended warranty for those and they do not handle their MDT's. He says that it isn't like they would but they haven't even encountered problems with those. He adds that they handle their servers and all of the work stations at the department.

Culp asks if they would have access to their stuff that they shouldn't on the servers.

Bacon says that they would not.

Councilmen Compton asks if the IT Committee made a recommendation yet.

Surrisi states that they haven't and they really focused in on PC Source because that is what they were hearing from the department staff that had an opinion on that. He states that both of the Chiefs were completely happy with what they had and would be completely comfortable with staying with PC Source if the city were to pick a different consultant. He states with that level of interest and some of the other people having experience with PC Source that they focused in on them rather than upset the apple cart.

Councilmen Houin states from his understanding is that at the last IT committee meeting was that someone was going to reach out to the other consultants they met with to try to get a comparison to what PC Source was proposing. He says that they all agree that PC Source is certainly very competent and as a whole are happy with the services that they are providing but none of the Council had a frame of reference to evaluate their proposal and he was under the impression that Surrisi was going to reach out to the others to get a comparison and see what their recommendation were.

Surrisi says that was discussed when they had that meeting and following that there seemed to be a little more urgency to. He adds that there was an insurance committee meeting and there was a little bit more urgency to try to get a solution in place.

Houin asks what prompted the urgency because this is something that he and the others have been advocating for years. He states that he has asked the mayor every year to incorporate this into the budget and it has not happened until just this last year when there was issue within the city offices and now suddenly it is a burning priority so what changed.

Surrisi states that in part it had our eyes opened that it was a burning priority and he believes that they have had a lot in the last year that has kind of elevated actual experiences internally and nationwide events that the utilities department has shared with the city about other nationwide events and even some items that the city's insurance consultants shared with them.

Compton says that he thinks they agree with all of that with the cyber protection and he thinks it is something that the city needs, and we needed it yesterday.

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Compton suggests that the IT committee reconvenes as soon as possible and make a recommendation.

Councilwoman Milner would like to compare apples to apples and she fully and absolutely respects Police Chief Bacon and Fire Chief Holm but she doesn't believe that the Council can make an educated decision on this until they see all three of the consultant's proposals before the Council.

Houin states that another thing that was discussed was that the water department was going to continue to use the services of their internal employee. He states that they discussed the possibility of using different companies to provide security to police and fire department into the rest of the city and until they get information back from the other consultants that they have met with then they really don't know if that is an option or how it would look. He believes that the city definitely needs more information and have that reviewed by the IT committee before any decision is made.

Councilmen Ecker states that he just wants to be sure that the city is getting the best value for what they are willing to spend. He believes that the thoughts of Compton, Houin, and Milner are right. He says that PC Source may actually be the best value as well.

Houin clarifies that this is nothing against PC Source and he was impressed with them but you can't make a decision without having all of the information.

Council Members Compton and Milner moved and seconded to table the IT Discussions until the IT Committee has reconvened and makes a recommendation. The motion to table was passed by roll call.

Councilmen in favor: Compton, Culp, Ecker, Houin, Longanecker, Milner

Councilmen opposed: None

Councilmen absent: Listenberger

Utility Superintendent Davidson would like to clarify on pink utility flags. He doesn't want any misunderstanding just because this isn't a blanket decision throughout the city. He states that this is solely related to the Surf Broadband Expansion and what the pink flags indicate is that is where the conduit was actually installed and they put the pink flags there so the city can log those and verify that they were put in the right location and that their underground work is complete. He states that he panicked a little when the mayor told everyone that they can just start pulling flags everywhere.

Councilmen Longanecker asks if there is a time frame for the pink flags so the city can GPS locate them still. Davidson says that there is no time frame and that as soon as they are putting them down that his crew is following behind them.

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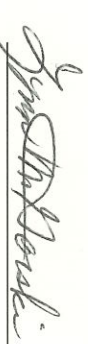
Davidson says in defense of the mayor that everyone is who has these flags in their yard is wanting to get their yard cleaned up and mowed. He adds some flags have been out since September and it is a difficult call and this probably took Surf Broadband by surprise because the city needs some form of method to check that the work is being completed correctly.

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

- Minutes of the Board of Public Works and Safety meeting of March 14, 2022
- March 22, 2022 Technical Review Committee Meeting Notes
- March 28, 2022 Check Register

The motion carried.

There being no further business to come before the Council, Council Members Longanecker and Milner moved and seconded to adjourn, Mayor Senter declared the meeting adjourned at 8:02 p.m.


Lynn M. Gorski
Clerk-Treasurer

APPROVED


Mark Senter, Mayor